

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. DEBORAH BERNINI

CASE NO. CR20141168-001

COURT REPORTER: Martin Bouley
Courtroom - 575

DATE: May 28, 2015

STATE OF ARIZONA

M Elizabeth Farkas, Esq. counsel for State

VS.

GN (-001)
Defendant

Jacob M Amaru, Esq. counsel for Defendant

MINUTE ENTRY

JURY TRIAL - DAY TWO - FINAL DAY

10:10 a.m. In the absence of the jury:

Defendant present, in custody. Detective Sergeant Bryce Gardner is seated at the State's table.

State's exhibit 55, being copy of plea agreement as to Selina G, CR20141168-002, is identified. On inquiry of the Court, the defendant states that, after speaking with defense counsel, he has made a decision not to testify.

The Court and counsel address a written question from the jury which was received this morning.

The Court and counsel settle final jury instructions and as to the form of verdict.

The State rests subject to a final review of the exhibits, a possible rebuttal witness and the Court reading a stipulation, previously identified as State's exhibit 11, to the jury.

Mr. Amaru requests that the Court not allow the State to reopen its case following his Rule 20 motion. If the Court is considering that possibility, he wishes to reserve his Rule 20 motion.

The Court notes that case law allows the State to reopen or the Court is to consider it.

Mr. Amaru agrees to reserve his Rule 20 motion.

Mr. Amaru advises that following the interview of witness Selina G yesterday, the State has indicated a desire to use portions of her interview transcript and possibly play portions of her audio interview. He has no objection; however, there are portions which include disagreement between counsel as part of the audio. He has discussed this with Ms. Farkas and she indicated she would not include those portions in playing the audio to the jury.

Ms. Farkas agrees.

Linda McCormick
Deputy Clerk

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On request, Ms. Farkas is given leave to listen to the CD during the noon hour which was identified and admitted on May 27, 2015, as State's exhibit 54-A.

State's exhibit 56, being DVD-R marked "Selina G. w/Det. Gardner", is identified.

Mr. Amaru agrees to reserve his Rule 20 motion until after the testimony of Selina G.

10:22 a.m. In the presence of the jury:

The Court reads to the jury the stipulation previously identified and admitted as State's exhibit 11.

The State rests subject to a review of the exhibits.

In the absence of the jury:

Mr. Amaru makes a Rule 20 motion, submitting a written motion for same, and argues to the Court.

Ms. Farkas argues the State's position.

THE COURT FINDS no substantial evidence from which the jury could convict the defendant of the count charged in the Indictment.

Pursuant to the defense motion filed and argued under Rule 20,

IT IS ORDERED that the motion is granted, the case is dismissed and the defendant shall be released from custody as to this cause number.

In the presence of the jury:

The Court informs the jurors that the case has been dismissed.

10:44 a.m. The jury is dismissed with the thanks of the Court.

In the absence of the jury:

IT IS ORDERED that all exhibits be released to respective counsel with the exception that State's Exhibits 14 and 15 shall be released to the arresting agency.

Release Order signed.

Stipulation and/or Order re Release of Exhibits signed.

10:45 a.m. Court is adjourned.

FILED IN COURT: Jury List; Jury Questions Submitted During Trial; Rule 20 Motion; Release Order;

cc: Hon. Deborah Bernini
Jacob M Amaru, Esq.
M Elizabeth Farkas, Esq.
Clerk of Court - Criminal Unit
Clerk of Court – Exhibits (Judgment of Acquittal granted; case dismissed)
Clerk of Court - Imaging Unit
Pretrial Services

Linda McCormick
Deputy Clerk