

SEP 11 2008

FILED  
PATRICIA A. NOLAND  
CLERK, SUPERIOR COURT  
September 10, 2008 (3:22 p.m.)  
By: C. Berens

ARIZONA SUPERIOR COURT, PIMA COUNTY

JUDGE: HON. CLARK MUNGER

CASE NO. **CR20081825**

COURT REPORTER: Cheryl Austin  
Courtroom: 386

DATE: September 10, 2008

STATE OF ARIZONA

Elias Damianakos

VS.

AE

Jacob Amaru

---

### MINUTE ENTRY

---

#### JURY TRIAL - DAY TWO:

10:30 a.m. Defendant present, out of custody.

#### OUT OF THE PRESENCE OF THE JURY:

Mr. Damianakos informs the Court that the State has completed its case.

Mr. Amaru makes a Rule 20 motion as to Count Two.

Counsel argue to the Court.

IT IS ORDERED that defendant's Rule 20 motion is GRANTED as to Count Two: Possession of Burglary Tools, and Count Two is DISMISSED.

Mr. Amaru makes a Rule 20 motion as to Count One and argues to the Court.

THE COURT FINDS that substantial evidence exists for a jury to consider Count One.

IT IS THEREFORE ORDERED that defendant's Rule 20 motion is DENIED as to Count One: Burglary in the Third Degree.

The Court and counsel discuss whether the State may continue to refer to the fact that defendant possessed tools at the time of the alleged offense.

The Court directs Mr. Damianakos to refrain from referencing the tools.

The Court and counsel discuss the manner in which the jury should be informed regarding the dismissal of Count Two.

C. Berens  
Deputy Clerk

MINUTE ENTRY

Page: 3

Date: September 10, 2008

Case No: CR20081825

---

The Court further instructs the jury on the rules they must follow in deciding this case, a copy of which is furnished to each for their use during deliberations.

Counsel make closing arguments to the jury.

The Court reads the form of verdict to the jury.

The Court directs the clerk to select the alternate juror.

Juror #2 is selected as the alternate by lot and is excused with the thanks of the Court.

IT IS ORDERED that all exhibits admitted into evidence be released to the jury during deliberations, with the exception of State's Exhibits 13 and 14, previously identified.

2:15 p.m. The jury retires to consider its verdicts under the charge of the bailiff, Richard Beck, who was first duly sworn for that purpose.

IT IS ORDERED that any exhibits not admitted at trial shall be released to respective counsel or a representative of counsel.

Court stands at recess.

2:55 p.m. Defendant present, out of custody. Same counsel present. Cheryl reporting.

IN THE PRESENCE OF THE JURY:

3:00 p.m. The jury announces through its presiding juror that they have reached a verdict in this case.

The Court directs the clerk to read the verdict, finding defendant AE

NOT GUILTY of the offense of Burglary in the Third Degree as alleged in Count One of the Indictment.

Counsel decline to have the jury polled.

3:05 p.m. The jury is excused with the thanks of the Court.

IT IS ORDERED entering a judgment of acquittal as to Count One.

IT IS FURTHER ORDERED that defendant be released from custody as to this cause number

C. Berens  
Deputy Clerk

9-9-08