

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-136467-001 DT

01/22/2010

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

DANIELLE HARRIS

v.

JOHNATHAN RICHARD HOCK (001)

BRUCE E BLUMBERG

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

9:31 a.m.

State's Attorney:	Danielle Harris
Defendant's Attorney:	Bruce Blumberg
Defendant:	Present
Court Reporter:	Kim McAndrews

This is the time set for oral argument on defense motion for probable cause and complex case management conference.

Court and counsel discuss matters and the motion is argued.

IT IS ORDERED taking the matter under advisement.

IT IS FURTHER ORDERED affirming trial on 8/2/10 at 8:00 a.m. before Judge Ryan.

IT IS FURTHER ORDERED affirming pretrial conference on 6/29/10 at 8:30 a.m. before Judge Martin.

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IT IS FURTHER ORDERED affirming prior custody orders.

LAST DAY REMAINS: 9/3/10

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

10:04 a.m. Matter concludes.

Later:

After review of the video (CD) (which the court viewed prior to the argument) of approximately five minutes, and on which there is no sexual activity constituting a crime, the defendant's motion to remand, the state's response and the transcript of the 11/9/09 grand jury proceeding,

IT IS ORDERED granting the motion to remand.

By way of explanation the statement by the detective that there was sexual activity on the five-minute video was erroneous and rang the bell that could not be un-rung, even though the detective almost immediately described what was on it. The state at the argument conceded the five-minute segment did not display sexual activity by the defendant. Moreover, because the issue whether Miss Emily Spencer, (a witness and not the alleged victim who is HC), is in fact the stepdaughter or daughter of defendant's stepdad and that she resides with him or did at one time, is hotly disputed it should not be told to the grand jury (ie: defendant's mother who was present advises both assertions are false and that Emily Spencer's dad is Dan Spencer and not Kirk Cummings to whom defendant's mother is married and who is defendant's stepdad).

The court sees no problem in advising the grand jury that Ms. Emily Spencer's testimony was produced by the defendant. Maybe the state should let the grand jury view the five-minute segment.

The court also understands the event was approximately 30 minutes long and sexual activity may very well have been displayed by defendant on that part of the tape which has not been preserved. The state has three witnesses (BA, BE and JR) saying as much and the testimony concerning these witnesses' statements was in all respects proper or at least the defendant is not arguing that anything was wrong with the presentation of their testimony.