

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

01/23/2015

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
D. McGraw
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

MINUTE ENTRY

1:33 p.m. This is the time set for Status Conference relating to the consolidated Motions to Strike the Notice of Intent to Seek Death Penalty.

Courtroom 5B South Court Tower

State's Attorney: Juan Martinez
Defendant's Attorney: Kirk Nurmi and Jennifer Willmott
Defendant: Present

Court Reporter, Laura Ashbrook, is present.

A record of the proceeding is also made by audio and/or videotape.

Discussion is held regarding preliminary and procedural matters.

Gary Bevilacqua, counsel for Macario Lopez, Jr. CR2011-007597-001, advises the Court that the data intended to support the request for an Evidentiary Hearing as part of the Motion to Strike the Notice of Intent to Seek Death Penalty will not be ready until the end of March.

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The Court admonishes Mr. Bevilacqua for not previously notifying the Court that the materials were not ready, which will result in the continuance of today's proceeding. Numerous in-custody defendants have thus been unnecessarily transported for what amounts to a scheduling conference.

The Court further reminds all Defense counsel that, if their respective Defendant's presence was waived, in accordance with the Court's minute entry dated January 5, 2015, a Waiver of Presence applicable to today's proceeding was to be filed on or before January 16 and e-mailed to this Division. The Court's judicial assistant e-mailed all counsel, copying all counsel on the e-mail, regarding the lack of Waivers of Presence and, to the extent that a Waiver of Presence had not previously been filed, only one additional attorney responded.

Susan Corey, counsel for Jason Noonkester CR2011-138281-001, addresses the Court regarding the expected timeframe for the expert to finish her work and to have the required materials compiled.

Discussion is held regarding scheduling issues.

IT IS ORDERED that the Defense shall have until **March 20, 2015**, in which to file a Motion for an Evidentiary Hearing and to produce any data that the Defense believes would support its argument that an Evidentiary Hearing is appropriate and/or supports the factual basis for the Motion for an Evidentiary Hearing. The Defense is to provide a copy of the Motion and a copy of all of the data to the Court and to each counsel of record for the State.

IT IS FURTHER ORDERED that the State shall have until **April 10, 2015**, in which to file a Response to the Motion for an Evidentiary Hearing.

IT IS FURTHER ORDERED setting Hearing for **April 24, 2015, at 1:30 p.m.** in this Division on the Defendants' Motions for Evidentiary Hearing. Unless a formal Waiver of Presence is filed, each Defendant will be transported for this Hearing.

IT IS FURTHER ORDERED setting Oral Argument on **May 8, 2015, at 1:30 p.m.** on the Defendants' Motions to Strike Notice of Intent to Seek Death Penalty. Unless a formal Waiver of Presence is filed, each Defendant will be transported for the Oral Argument.

Any Waiver of Presence applicable to the Hearing on April 24, 2015, or the Oral Argument on May 8, 2015, must be filed on or before April 10, 2015, and must be emailed to this Division.

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IT IS ORDERED vacating Oral Argument set for February 6, 2015, at 1:30 p.m. in this Division.

2:03 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.