

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-123572-001 DT

02/02/2011

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT
B. Kredit
Deputy

STATE OF ARIZONA

HEATHER L WICHT

v.

GARY THOMAS KELLEY (001)

ROBERT SHAWN DITSWORTH

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY FIVE

State's Attorney:	Heather Wicht
Defendant's Attorney:	Robert Ditsworth, Lina Garcia
Defendant:	Present
Court Reporter:	Amy Stewart

1:44 p.m. Trial to Jury continues from February 1, 2011.

The jury is present.

State's exhibit 173 is marked for identification.

Kyle Mueller is sworn and testifies.

State's exhibit 7 is received in evidence.

Dr. Vladimir Shvarts is sworn and testifies.

State rests.

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2:27 p.m. The jury is excused from the courtroom and court remains in session.

Counsel for the Defendant moves for a judgment of acquittal pursuant to Rule 20.

Argument is presented.

IT IS ORDERED denying the Defendant's Motion for Directed Verdict.

Verdict forms and final jury instructions are discussed.

State's motion to preclude irrelevant testimony by Jose Varela and request for offer of proof is argued to the Court.

IT IS ORDERED precluding any mention of SB1070 during Jose Varela's testimony, but the Court will allow impeachment questions about Antonio Varela's statements during his testimony.

2:37 p.m. The jury is returned to the courtroom.

Defendant's case:

Jose Varela is sworn and testifies.

Jury question 23 is reviewed by Court and counsel and asked of the witness if deemed appropriate.

FILED: Jury question

Gabriella Sikes is resworn and testifies further.

Jesus Chichil is sworn and testifies.

Jury question 24 is reviewed by Court and counsel and asked of the witness if deemed appropriate.

FILED: Jury question

Christopher Jones is sworn and testifies.

2:57 p.m. The jury is reminded of the admonition and court stands at recess.

3:16 p.m. Court reconvenes with Defendant and respective counsel present.

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Gary Kelley is sworn and testifies.

3:52 p.m. The jury is reminded of the admonition and excused from the courtroom.
Court remains in session.

Discussion is held.

State's exhibit 173 is received in evidence by stipulation.

3:59 p.m. Court stands at recess until **February 3, 2011 at 10:30 a.m.**

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