

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

04/13/2011

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

APO-PLEAS-CCC  
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY  
DAY SIX – VERDICT/  
AGGRAVATION HEARING

State's Attorney:	Heather Wicht, Jessi Wade
Defendant's Attorney:	Robert Ditsworth, Will Petersen
Defendant:	Present
Court Reporter:	Jovanna Roman

2:58 p.m. Trial to Jury continues from April 12, 2011.

The jury is all present in the jury box and by their Foreperson return into Court their verdict, which is read and recorded by the Clerk and is as follows:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

04/13/2011

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find find the Defendant as to Count 1: Second Degree Murder:

\_\_\_\_\_ Not Guilty

\_\_\_X\_\_\_ Guilty

We further find the offense is:

\_\_\_\_\_ Non Dangerous

\_\_\_X\_\_\_ Dangerous

Signed,

Foreperson

We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant as to Count 2: Aggravated Assault:

\_\_\_\_\_ Not Guilty

\_\_\_X\_\_\_ Guilty

We further find the offense is:

\_\_\_\_\_ Non Dangerous

\_\_\_X\_\_\_ Dangerous

Signed,

Foreperson”

The jurors reply that these are their true verdicts.

The jury is polled at the request of counsel for the Defendant. Each juror replies that these are his/her true verdicts.

FILED: Verdicts

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

04/13/2011

3:01 p.m. The jury is advised that an Aggravation Hearing will proceed at this time. The jury is excused briefly from the courtroom.

Instructions are settled and verdicts are prepared.

3:09 p.m. Jury is present.

Aggravation hearing proceeds at this time.

State's case:

Jesusita Mendoza is sworn and testifies.

Antonio Varela is sworn and testifies.

State rests.

Defense rests.

Closing arguments are presented.

3:38 p.m. The jury retires in charge of sworn bailiffs to consider their verdicts.

IT IS ORDERED that a presentence report be prepared in this matter.

IT IS FURTHER ORDERED setting sentencing on **May 13, 2011 at 8:45 a.m.** in this division.

IT IS FURTHER ORDERED that Defendant be held non-bondable pending sentencing.

3:42 p.m. Court stands at recess.

3:50 p.m. Court reconvenes with Defendant and respective counsel present.

Court reporter, Jovanna Roman, is present.

The jury is all present in the jury box and by their Foreperson return into Court their verdict, which is read and recorded by the Clerk and is as follows:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

04/13/2011

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find find the Defendant as to Count 1: Second Degree Murder, the following (check only one per allegation):

Proven	Not Proven	Aggravating circumstance(s).
X		1. The offense caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim’s immediate family.
	X	2. The offense involved evidence that the defendant committed the crime out of malice toward the victim because of the victim’s race, color and/or national origin.

Signed,

Foreperson

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find find the Defendant as to Count 2: Aggravated Assault, the following (check only one per allegation):

Proven	Not Proven	Aggravating circumstance(s).
X		1. The offense caused physical, emotional or financial harm to the victim or, if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim’s immediate family.
	X	2. The offense involved evidence that the defendant committed the crime out of malice toward the victim because of the victim’s race, color and/or national origin.

Signed,

Foreperson”

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

04/13/2011

3:52 p.m. The jury is thanked by the Court and excused from further consideration of this cause. Court stands at recess.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.