

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-100750-001 DT

04/08/2013

COMMISSIONER LISA ANN VANDENBERG

CLERK OF THE COURT  
K. Johnson  
Deputy

STATE OF ARIZONA

TIFFANY LEIGH BRADY

v.

JOSEPH PAUL SPANO (001)

JONATHAN A DESSAULES

COMPREHENSIVE PRETRIAL CONFERENCE/TRIAL ORDERS

9:12 a.m.

Courtroom CCB 1003

State's Attorney: Tiffany Brady  
Defendant's Attorney: Molly Haas  
Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

This is the time set for Comprehensive Pretrial Conference.

Status of the case is discussed.

Comprehensive Pretrial Statement:

A. Status of Case: A plea offer was made. The offer expires on April 22, 2013. A settlement conference was not held. A Donald advisement was not made.

B. Status of Disclosure: Disclosure is completed.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-100750-001 DT

04/08/2013

C. The number of days for trial is expected to be 5-7.

D. The number of witnesses (combined for both sides) is expected to be 35. The number of out of state witnesses is expected to be 5. The number of expert witnesses is expected to be 3.

E. Status of the interviews: The number of interviews completed is 0. The number of interviews left to complete is all. The number of depositions required is none.

F. An interpreter is not required for this trial.

G. The number of jurors required for this trial is 8. The number of requested alternates is 2.

H. The State is requesting an aggravating factors trial to the jury.

I. Counsel has not submitted special jury instructions.

J. Counsel has not requested a lesser-included offense.

K. A substantive motion is not anticipated by one or more of the parties.

L. A motion in limine is not anticipated by one or more of the parties.

IT IS ORDERED affirming Final Trial Management Conference (FTMC) on **June 11, 2013, at 8:30 a.m.** before Judge Chavez.

IT IS FURTHER ORDERED affirming the Firm Trial Date of **June 17, 2013, at 8:00 a.m.** before the Master Calendar Assignment Judge in Courtroom 5B in the South Court Tower. All subpoenaed witnesses are to report to Courtroom 5B in the South Court Tower for trial and will be directed to the trial court from there.

IT IS FURTHER ORDERED that all interviews be completed prior to the FTMC.

IT IS FURTHER ORDERED that the Joint Pretrial Statement (JPTS) is due in the case management division by 5:00 p.m., five (5) judicial days before the FTMC.

IT IS FURTHER ORDERED with the JPTS, Counsel shall deliver to the case management division, copies of the following:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-100750-001 DT

04/08/2013

A. A jointly-completed time and witness estimate list. The Court will use the list to predict the length of the trial for the jurors and to direct Counsel to follow the trial time limits established. Any time limitation set will be reasonable presumptive limits subject to modification upon a showing of good cause.

B. A joint set of agreed upon preliminary and final jury instructions, including Preliminary Criminal RAJI or standard RAJI.

C. Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993).

D. Proposed Voir Dire questions which the Court will give. In jury trial cases the parties shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

E. Any juror notebooks. The Court encourages use of juror notebooks in appropriate cases. Stipulating the contents into evidence is necessary. Key exhibits may be included, along with diagrams, photographs, and timelines.

IT IS FURTHER ORDERED that any disclosure and/or discovery shall be completed no later than seven (7) days prior to trial. Any party seeking further disclosure and/or discovery after the discovery deadline shall seek leave of the Court by motion supported by affidavit to extend the time for disclosure and/or discovery. Parties may extend the deadline by written stipulation which waives any objections to the late disclosure and/or discovery.

#### MOTIONS IN LIMINE

Any motions in limine shall be filed thirty (30) days before the FTMC and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court will rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument will be heard at the morning of the FTMC.

#### PRETRIAL MOTIONS

All pretrial motions must be filed in writing twenty (20) days before the FTMC. All motions must comply with Rule 35.1 including setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-100750-001 DT

04/08/2013

evidentiary hearing. See: Rule 16.1[c] Rule 16.2 [b]; State v. Anaya 170 Ariz. 436, 443 (1991); State v. Wilson 164 Ariz. 406, 407 (1990) and State v. Alvarado 121 Ariz. 485, 487 (1979).

All pretrial motions shall be filed with this division.

The Court will hear and rule upon objections at the FTMC. The rulings will be stated on the record, using exhibit numbers. All objections to known exhibits and witnesses must be made before or during the FTMC or will be deemed to have been waived.

IT IS FURTHER ORDERED that counsel, at the FTMC, shall be prepared to discuss:

A. Time limits in voir dire, opening statements, examination of witnesses and closing arguments.

B. Stipulations for the foundation and authenticity of exhibits.

C. Jury instructions (preliminary and final), juror notebooks (Counsel shall bring any proposed jury notebooks to the conference), mini-opening statements and voir dire.

D. Any special scheduling or equipment issues.

E. Status of settlement of the case.

**EXPEDITED DISCOVERY**

If there are any issues as to the disclosure required under Rule 15, the parties shall attempt to resolve the issue under Rule 15.7 (b). After personal consultation, the party seeking relief shall file a written motion setting forth the issue and requested relief. This motion, the opposing parties' response, and any reply shall be filed with this division.

All parties shall comply with Rule 15 disclosure orders. Failure to comply could result in sanctions which could include preclusion of witnesses, monetary fines, or any other sanction which is deemed appropriate.

**FAILURE TO APPEAR**

A defendant's failure to appear at any final trial management conference, trial, evidentiary hearing, or any hearing set before the court may result in a bench warrant being issued for his or her arrest and the FTMC, trial, evidentiary hearing or any hearing set before the court may be conducted in the defendant's absence.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-100750-001 DT

04/08/2013

CONTINUANCE OF TRIAL

The trial date shall not be continued unless a written motion to continue is filed at least five days before trial. A continuance will not be granted unless the motion shows that extraordinary circumstances exist. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto).

INTERPRETER

It is the responsibility of counsel to notify the court before which a hearing will be held 48 hours in advance of any hearing needing an interpreter for a victim or witness (10 business days for any language other than Spanish).

IT IS FURTHER ORDERED affirming prior release orders.

LAST DAY: July 16, 2013.

9:13 a.m Matter concludes.