

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-123572-001 DT

05/24/2010

COMMISSIONER BRIAN S. REES

CLERK OF THE COURT  
S. Fromm  
Deputy

STATE OF ARIZONA

HEATHER L WICHT

v.

GARY THOMAS KELLEY (001)

CCC PUBLIC DEFENDER-

Custody Status: Jail / \$750,000 Appearance Bond

VICTIM SERVICES DIV-CA-CCC

NOT GUILTY ARRAIGNMENT

10:06 a.m.

Courtroom ECB 813

State's Attorney: Jo Ann Sakato on behalf of Ken Vick  
Defendant's Attorney: Davina Godley  
Defendant: Present

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

Let the record reflect that the Defendant enters a plea of not guilty to all charges.

The State has failed to comply with Rule 15.1(a), and as a sanction for the failure to comply, the Court shall impose the following deadlines:

IT IS ORDERED that the State comply with Rule 15.1(a) within 5 business days.

Defense counsel waives formal reading of the charge(s).

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IT IS ORDERED affirming appointment of counsel.

IT IS ORDERED affirming existing terms and conditions of release.

Counsel for the State advises the Court that the assault victim and next-of-kin of the other victim are present in court, accompanied by a Victim's Advocate, and have been advised of the next court date. They have also been advised they have the right to address the court regarding release conditions but have declined to exercise that right at this time.

LET THE RECORD REFLECT the Court acknowledges the presence of the victims, and that they have also been advised of the next court date and are being assisted by the Victim's Advocate.

In preparation for the Initial Pretrial Conference (IPTC), the parties shall do the following:

1. The defense attorney shall conduct a conflicts check within the office to determine whether a conflict exists. If a conflict exists, counsel shall staff the conflict with the appropriate supervisor, and counsel shall file the appropriate Motion to Withdraw so new counsel can appear at the Initial Pretrial Conference.
2. Motions to Modify Release Conditions shall be heard at the Initial Pretrial Conference. Motions shall be filed with the assigned Commissioner not later than 10 days prior to the Initial Pretrial Conference.
3. If a plea agreement is extended by the State, the State shall extend the plea not later than 10 days before the Initial Pretrial Conference. Defense Counsel shall make reasonable efforts to present the plea to in custody defendants before the Initial Pretrial Conference.
4. Motion for Rule 11 Evaluations shall be heard at the Initial Pretrial Conference. Motions shall be filed with the assigned Commissioner not less than 10 days before the Initial Pretrial Conference.
5. Defense Counsel shall prepare and file a List of Specific Items of Discovery required under Rule 15.1 (b), but which were not disclosed. See Rule 15.2(e). Such list shall be filed with the assigned Commissioner not less than 5 days before the Initial Pretrial Conference.
6. All electronic media (audio tapes, CD's, etc.) or documents which require language translation shall be submitted to the Court Interpretation and Translation Department (CITS) on or before the IPTC hearing date.

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ANY MOTION TO MODIFY RELEASE CONDITIONS, OR RULE 11 MOTIONS NOT FILED BEFORE THE INITIAL PRETRIAL CONFERENCE WILL BE HEARD AT THE COMPREHENSIVE PRETRIAL CONFERENCE BEFORE THE DESIGNATED MASTER CALENDAR JUDICIAL OFFICER. ALL MOTIONS SHALL BE IN WRITING WITH SPECIFIC FACTS TO SUPPORT THE MOTIONS.

This case is assigned to the Master Calendar.

IT IS FURTHER ORDERED setting Initial Pretrial Conference for July 7, 2010 at 8:15 a.m. before Commissioner Spencer.

IT IS ORDERED that the Defendant shall contact and meet with his/her attorney in person no later than three weeks from this date, for the purpose of preparing for the Initial Pretrial Conference.

NOTICE TO DEFENDANTS:

Failure to comply with the above orders may result in revocation of Defendant's release from custody and/or the imposition of other sanctions.

The Defendant may be tried in his/her absence if he/she fails to appear for trial.

LAST DAY: 10/21/2010.

10:08 a.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED that if or when the Defendant is released in this matter, the Defendant shall submit to DNA testing within 5 days of release at the arresting agency. Failure to comply with this order can result in the Defendant's release being revoked.