

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/16/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
K. Johnson
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE
JENNIFER L WILLMOTT

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 8

State's Attorney:	Thomas McDermott and Aaron Harder
Defendant's Attorney:	Robyn Varcoe and Jennifer Willmott
Defendant:	Not Present (Presence waived)
Court Reporter:	Debbie Croci

10:39 a.m. Trial to a jury continues from June 15, 2011. The jury is not present.

Case Agent, Jeffery Schuh, is present and seated behind State's counsel's table.

Arguments are heard regarding the substance of Detective Campbell's testimony.

The Court reviews the Defendant's Memorandum to the Court.

For the reasons set forth on the record,

THE COURT FINDS that the State may elicit the fact that the Defendant denied or no longer wished to participate in the tests.

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IT IS ORDERED precluding, at this time, testimony that the Defendant contacted a lawyer or that refusal to participate was made through a lawyer.

IT IS FURTHER ORDERED permitting Detective Campbell to testify regarding the Defendant's lack of cooperation and physical testing.

11:01 a.m. The court stands at recess.

11:05 a.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Debbie Croci, is present.

Case agent, Jeffery Schuh, is present and seated behind State's counsel's table.

Both sides announce ready.

11:07 a.m. The jury is present.

The State's case continues.

Terry Lauritsen is sworn and testifies.

State's exhibits # 229 through 233 are received in evidence.

The Court receives questions from the jury; same are discussed between the Court and counsel and asked of the witness.

FILED: Juror Question forms (#39 and 40)

The witness is excused.

Detective Brett Campbell is sworn and testifies.

11:57 a.m. The jury is reminded of previous admonitions and is excused from the courtroom.

Discussion is held regarding a legal issue regarding Detective Campbell's testimony.

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11:59 a.m. The court stands at recess.

1:32 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Debbi Croci, is present.

The State's case agent, Jeffery Schuh, is present and seated behind State's counsel's table.

Both sides announce ready.

1:34 p.m. The jury is present.

Detective Brett Campbell resumes the stand and testifies further.

The witness makes an in-court identification of the Defendant.

State's exhibit 432 is received in evidence.

3:01 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. The court stands at recess.

3:22 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Debbie Croci, is present.

The State's case agent, Jeffery Schuh, is present and seated behind State's counsel's table.

Both sides announce ready.

3:25 p.m. The jury is present.

Detective Brett Campbell resumes the stand and testifies further.

A bench conference is conducted off the record between the Court and counsel.

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4:37 p.m. The jury is reminded of previous admonitions and is excused from the courtroom until 10:30 a.m. on June 20, 2011. Court remains in session.

Discussion is held regarding scheduling and legal issues.

4:44 p.m. The court stands at recess until **June 20, 2011, at 10:30 a.m.**

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.