

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-153488-001 SE

07/30/2009

JUDGE PRO TEM STEVEN K. HOLDING

CLERK OF THE COURT
P. M. Espinoza
Deputy

STATE OF ARIZONA

SEAN KELLY

v.

SHANNON L PALMER (001)
DOB: 12/13/1969
Booking No.: P454891

DAVID LOCKHART
COMM. ARNOLD
COMPETENCY EVALUATION
PROGRAM / CORRECTIONAL
HEALTH SERVICES
CORRECTIONAL HEALTH SERVICES
COURT ADMIN-CRIMINAL-CCC
COURT FORENSIC SERVICES UNIT
D & C MATERIALS-CSC
VICTIM SERVICES DIV-CA-SE
ROGER MARTIG PH D
7217 NORTH 23RD STREET
PHOENIX AZ 85020
GWEN LEVITT D O
3104 EAST CAMELBACK ROAD
BOX 856
PHOENIX AZ 85051

HEARING - RULE 11 - NOTICE OF APPOINTMENT
(Third Expert Appointed)

3:06 p.m.

Courtroom CCB-1303

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State's Attorney: Juli Warzynski
Defendant's Attorney: David Lockhart, Not Present
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 the Initial Rule 11 Competency Hearing.

The Court having been informed that the experts' opinions are split in this matter,

The Court is unable to locate defense counsel, and on the Court's own motion,

IT IS ORDERED appointing Dr. Roger Martig to conduct a third evaluation of the above named defendant pursuant to Arizona Rules of Criminal Procedure 11.3 and A.R.S. § 13-4509.

Discussion is held.

The Defendant is charged with the crime(s) of: Count 1: Criminal Trespass, Critical Public Service Facility, a class 6 felony, Count 2: Disorderly Conduct, a class 1 misdemeanor and Count 3: Criminal Damage, a class 4 felony, committed on or about 08/25/08.

The Defendant is represented by: David Lockhart, (602) 424-6105.

The Defendant is in custody and housed at the Lower Buckeye Facility and the booking number is P454891.

IT IS ORDERED that counsel for the defendant shall provide the above-named expert with all police reports, charging documents, the competency screening evaluation report, and all other available medical, mental health and criminal history records within three judicial days of this date.

It appearing to the Court that both Dr. Mogrovejo and Dr. Gwen Levitt did not consider the prior restoration reports from the previous Rule 11 proceedings,

IT IS ORDERED that Dr. Luz Mogrovejo and Dr. Gwen Levitt are directed to review and assess the prior Rule 11 reports and provide the Court with supplemental reports indicating whether or not their opinions have changed prior to the next court date.

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IT IS ORDERED directing the Clerk of the Court to unseal all medical records and reports previously sealed in CR 2003-040832-001 SE & CR 2008-153488-001 SE and make said reports available to the above-appointed evaluating doctors, defense counsel, or their authorized representatives for review and copying.

Upon completion of the above,

IT IS FURTHER ORDERED directing the Clerk of the Court to reseat the above-referenced records. These records shall be treated as confidential in accordance with Rules 11 and 11.8.

IT IS FURTHER ORDERED that the experts submit their **signed original** and supplemental reports to the Superior Court Forensic Unit no later than **08/20/09**.

IT IS FURTHER ORDERED that a competency hearing is set before Judge Pro Tem Steven Holding on **August 27, 2009 at 1:30 p.m.** in courtroom #1303 of the Central Court Building at 201 W. Jefferson, Phoenix, AZ.

IT IS FURTHER ORDERED that defense counsel is directed to be present, and if fails to appear or is untimely, the Court will consider Rule 33.1 of the Rules of Criminal Procedure.

IT IS FURTHER ORDERED that Correctional Health Services permit the mental health expert(s) to view the Defendant's medical file retained in the Maricopa County Jail.

The Court endorses Commissioner Arnold on the court's minute entry noting that the Defendant has an active Title 36 matter under MH 2008-002148.

The Court notes that it has previously been reported that the Defendant is enrolled with **People of Color Network (POCN)**.

IT IS ORDERED affirming prior custody orders.

3:09 p.m. Matter concludes.