

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

07/30/2012

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
V. Morales
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE
JENNIFER L WILLMOTT

TRIAL MINUTE ENTRY
DAY 22

Defendant's Exhibit 304 is marked for identification.

Courtroom 5C - South Court Tower

State's Attorney: Aaron Harder and Thomas McDermott
Defendant's Attorney: Robyn Varcoe
Knapp Counsel: Jennifer Willmott
Defendant: Present

Court Reporter, Janell Rose, is present.

A record of the proceeding is also made by audio and/or videotape.

11:59 a.m. Trial to jury continues from July 26, 2012.

LET THE RECORD REFLECT the State's case agent, Jeffrey Schuh, is present and seated at State's counsel table.

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The jury is not present.

Court and counsel discuss scheduling of witnesses.

Discussion is held regarding order to show cause of Kelli Hamrick.

Kelli Hamrick having not been served by subpoena; Defense counsel contacted Kelli Hamrick's Probation Officer and counsel for Kelli Hamrick, and the parties have not been able to contact Ms. Hamrick; therefore,

IT IS ORDERED vacating the Order to Show Cause Hearing as the Court does not find Kelli Hamrick has been noticed.

Further discussion is held regarding serving a subpoena for Kelli Hamrick.

Counsel is directed to contact Lisa Posada to determine Lisa Posada's availability for Monday, August 6, 2012 as the Court intends to issue another Order to Show Cause on said date. This will allow the State an opportunity to serve Kelli Hamrick with the Order to show Cause. In the event the State is not able to serve Kelli Hamrick, the Court will consider issuing a Material Witness Warrant.

Discussion is held regarding Michael Jakscht's voluntariness to waive his attorney client privilege as this right was waived in this same cause number, at previous trial.

The Court addresses the Defendant and Scott Maasen regarding this issue and informs Scott Maasen to continue to testify in this hearing pursuant to previous waiver entered.

(11:08 a.m.) The jury is present.

Defendant's case continues:

Scott Maasen is sworn and testifies.

(11:20 a.m.) A bench conference is held between the Court and counsel, on the record, outside of the hearing of the jury.

Scott Maasen continues to testify.

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The Court receives a question from the jury; same is discussed between the Court and counsel and asked of the witness.

FILED: Juror Question form (97)

The witness is excused.

Forrest Barton is sworn and testifies.

(11:58 a.m.) The jury is excused.

Court addresses counsel discuss jury question number 96.

12:00 p.m. Court stands at recess.

Defendant's Exhibits 305 through 314 are marked for identification.

1:35 p.m. Court reconvenes with respective counsel and the Defendant present. The jury is present.

Court Reporter, Janell Rose, is present.

A record of the proceeding is also made by audio and/or videotape.

LET THE RECORD REFLECT the State's case agent, Jeffrey Schuh, is present and seated at State's counsel table.

Defendant's Exhibit 304 is received in evidence.

Forrest Barton resumes the stand and testifies further.

State's Exhibits 315 and 316 are marked for identification.

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

FILED: Juror Question forms (98 and 99)

The witness is excused.

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Alan Coulter is sworn and testifies.

(2:59 p.m.) The jury is excused from the courtroom. Court remains in session.

Discussion is held regarding Rule of Exclusion of Witness.

3:03 p.m. Court stands at recess.

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

Counsel makes a record regarding Defendant's Exhibit 305, Power Point.

(3:24 p.m.) The jury is present.

Alan Coulter resumes the stand and testifies further.

Defendant's Exhibit 305, marked for demonstrative purposes only, is presented to the jury.

Defendant's Exhibits 309 and 312 are received in evidence.

(4:29 p.m.) The jury is excused from the courtroom. Court remains in session.

Discussion is held regarding scheduling.

Further discussion is held regarding Rule of Exclusion of Witness.

4:33 p.m. Court stands in recess until Tuesday, July 31, 2012 at 10:30 a.m. in this division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.