

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR 1989-012631

08/01/2013

HON. ROSA MROZ

CLERK OF THE COURT  
J. Matlack  
Deputy

STATE OF ARIZONA

VINCE H IMBORDINO  
JOSEPH I VIGIL

v.

DEBRA JEAN MILKE (A)

MICHAEL D KIMERER  
LORI L VOEPEL

CAPITAL CASE MANAGER  
EXHIBITS-SCT

SIMPSON HEARING CONTINUED/  
RE: DEFENDANT'S MOTION TO SET BAIL

1:38 p.m.

Courtroom 7D - SCT

State's Attorney: Vince Imbordino  
Defendant's Attorney: Michael Kimerer & Lori Voepel  
Defendant: Present

Court Reporter, Leisel Baker, is present.

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

Court advises parties that the Court found out about the Defendant's Motion to Disqualify Maricopa County Attorney's Office as Prosecuting Agency in This Case from reading it on azcentral.com on July 31, 2013, and notes that the story in azcentral.com was posted at 5:02

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p.m. The actual Motion was not filed with the Court until 7:32 p.m. The Court admonishes the parties that this case will be tried in the courtroom and not in the media. The Court gives a warning that if the parties are going to continue to try the case in the media, the Court is inclined to issue a gag order to the attorneys in order to preserve the fairness of the trial process.

Discussion held regarding the *Simpson* hearing set for today. Defense is not willing to waive any conflict as stated in their Motion to Disqualify MCAO to proceed with the hearing. Accordingly, the *Simpson* hearing cannot be held until the Motion to Disqualify MCAO is resolved.

The Court advises the parties that it has already read all of the materials provided. Preliminarily, the Court finds that (1) the original trial held in 1990 does not take the place of a *Simpson* hearing because a lot has transpired between 1990 and today; (2) a *Simpson* hearing is necessary; (3) the Court is inclined to review the documents and transcripts as the evidence for the *Simpson* hearing rather than take live testimony; (3) the Ninth Circuit opinion in this case is the law of the case; and (4) the determination to be made in the *Simpson* hearing is inextricably intertwined with the issues that will be addressed at the evidentiary hearing on the Defendant's Motion to Suppress Confession. Accordingly,

**IT IS ORDERED** that the *Simpson* hearing shall take place on **August 30, 2013 at 9:00 a.m.**, to be heard in conjunction with the Evidentiary Hearing on Defendant's Motion to Suppress Confession. The parties are to reserve September 3, 2013 and September 4, 2013, from 1:30 p.m. to 4:30 p.m. to conclude the Evidentiary Hearing and *Simpson* Hearing.

**IT IS FURTHER ORDERED** that if there are transcripts that the parties want this Court to review, that they try to designate the relevant page numbers for the Court to consider and deliver these documents in advance of the August 30, 2013 date.

Discussion held with respect to the Defendant's Motion to Disqualify MCAO.

**IT IS ORDERED** that a Response shall be filed by **August 12, 2013.**

**IT IS FURTHER ORDERED** that a Reply shall be filed by **August 21, 2013.**

**IT IS FURTHER ORDERED** setting Oral Argument on the Defendant's Motion to Disqualify MCAO for **August 23, 2013 at 3 p.m.** If Mr. Imbordino has a conflict with this schedule, he shall immediately notify the Court. The back-up date for the Oral Argument is August 22, 2013 at 11:00 a.m.

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Discussion held regarding what is left to be done in the case. The State plans to file a Motion to obtain DNA samples from the Defendant, defendant Scott and defendant Styers. The State represents that counsel for defendant Scott does not object and that counsel for defendant Styers does object. The defense states it will not stipulate to the request.

**IT IS ORDERED** that the defense shall file a Response within 7 calendar days from the time the State files the Motion to obtain DNA samples stating their position. If they do not object, they can simply notify the Court via email to this division's judicial assistant, Sandra Nageotte, at [nageottes@superiorcourt.maricopa.gov](mailto:nageottes@superiorcourt.maricopa.gov).

Discussion held regarding the disclosure of witnesses.

**IT IS ORDERED** that the State shall disclose the specific witnesses it plans to call at the trial by **August 23, 2013**, and designate which of the three phases of the trial the State intends to call each witness.

**IT IS FURTHER ORDERED** that the defense shall disclose the specific witnesses it plans to call at the trial by **September 6, 2013**, and designate which of the three phases of the trial the State intends to call each witness.

**IT IS FURTHER ORDERED** that all interviews shall be completed by **September 20, 2013**.

The Court will provide a basic jury questionnaire to the parties by September 13, 2013.

**IT IS ORDERED** that the parties shall submit their proposed amendments to the Court's jury questionnaire by **September 20, 2013**.

**IT IS FURTHER ORDERED** that the parties shall reserve the entire week of **September 23, 2013** to finalize any pending issues in preparation of the trial.

Discussion held regarding the State's Motion to Release Exhibit. No objection by the Defense.

Based on the State's Motion and good cause appearing,

**IT IS ORDERED** that the Clerk's Office temporarily release the following exhibit(s) to Detective Michael Meislich (Maricopa County Attorney's Office) and return on completion of testing:

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1. Date of hearing: **1/14/91**  
Exhibit Number(s): **#103-105; #111; #114-119; #124-125; #127**
2. Date of hearing: **10/15/90**  
Exhibit Number(s): **#125-126; #171**

All in accordance with the formal written Order signed by the Court.

FILED: State's Motion to Release Exhibit; Order.

The defense requests that the Court order MCSO to allow the Defendant to have at least a weekly telephonic contact with her mother who is ill with cancer. The Court instructs the defense to contact MCSO's attorney, Joe Vigil, to work out any issues. If there is no resolution by **August 5, 2013**, the defense may initiate a telephonic conference with the Court and Mr. Vigil for the Court's intervention in this matter.

**IT IS ORDERED** affirming the Final Trial Management Conference date of *September 23, 2013 at 8:30 a.m.* and the Trial date of *September 30, 2013 at 8:30 a.m.* in this division.

**IT IS FURTHER ORDERED** that no time be excluded. LAST DAY REMAINS: October 7, 2013.

**IT IS FURTHER ORDERED** affirming prior custody orders.

2:10 p.m. Matter concludes.

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.