

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2013-002591-001 DT

09/28/2015

HON. ROLAND J. STEINLE

CLERK OF THE COURT  
A. Chee  
Deputy

STATE OF ARIZONA

EDWARD G PAINE

v.

CHRISTOPHER W CHEVALIER (001)

JOCQUESE L BLACKWELL

MINUTE ENTRY

10:07 a.m.

Courtroom CCB 1301

State's Attorney: as stated as above  
Defendant's Attorney: as stated as above  
Defendant: Present

Court Reporter, Karen Bolton, is present.

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

LET THE RECORD REFLECT that the next of kin, Angelina Blaze, appears telephonically.

This is the time set for Hearing on pending motions.

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The Court heard argument on the various motions and made a record on each. This will summarize the rulings:

IT IS ORDERED denying the Motion to Reconsider the Motion to Preclude Evidence of the Urine Screen.

THE COURT FINDS that Mr. Chester Flaxmayer has not complied with prior court orders to produce a report of his findings. If a report is disclosed, the trial judge can analyze under Rule 15.6 whether to allow Mr. Chester Flaxmayer to testify after the trial court has analyzed the opinions of Mr. Flaxmayer and the other factors in *State v. Meza* 203 Ariz. 50 (App 2002).

IT IS ORDERED denying the Defense Motion to Appoint Experts.

IT IS ORDERED denying the Defense Motion in Limine to Preclude the State's Expert from testifying on tire/scuff marks.

IT IS ORDERED denying the Motion to Disqualify the Maricopa County Attorney's Office.

For the reason set forth in the State's Response,

IT IS ORDERED denying the Motion to Dismiss for Prosecutorial Misconduct.

The prior ruling on the Motion for Jury Instruction on Superseding Cause/Intervening Cause is reaffirmed. The trial Court can determine if such an instruction is warranted.

IT IS ORDERED denying the Defendant's Motion in Limine RE: Medical Examiner's Report requesting the Court to compel the State to disclose the entire Medical Examiner's Report which included the entire Medical Examiner's Toxicology Report.

IT IS ORDERED affirming the Firm Trial Date of September 22, 2015 at 8:00 a.m. before the Master Calendar.

IT IS ORDERED affirming prior release orders.

LAST DAY REMAINS: 10/2/2015.

10:47 a.m. Matter concludes.

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**TRIAL MANAGEMENT ORDERS**

IT IS ORDERED that the Joint Pretrial Statement (JPTS) is due in this division by 5:00 p.m., five (5) judicial days before the TMC which was set in the trial setting order or trial, if no TMC is set. The Trial Management Conference shall be heard the morning of trial unless counsel requests an earlier date.

If the State and/or Defense wish to offer Expert evidence, the proponent of the evidence shall provide the name and address, the subject matter on which the expert is expected to testify, a summary of the facts and opinions to which the expert is expected to testify.

Request to extend the deadline set this date must be done pursuant to Rule 15.6(d). Failure to request an extension may result in the preclusion of the evidence.

IT IS FURTHER ORDERED that any disclosure and/or discovery shall be completed no later than seven (7) days prior to trial. Any party seeking further disclosure and/or discovery after the discovery deadline shall seek leave of the Court by motion supported by affidavit to extend the time for disclosure and/or discovery. Parties may extend the deadline by written stipulation which waives any objections to the late disclosure and/or discovery.

IT IS FURTHER ORDERED with the JPTS, Counsel shall deliver to this division, copies of the following:

- A. A jointly-completed time and witness estimate list. The Court will use the list to predict the length of the trial for the jurors and to direct Counsel to follow the trial time limits established. Any time limitation set will be reasonable presumptive limits subject to modification upon a showing of good cause.
- B. A joint set of agreed-upon preliminary and final jury instructions. This does not include Preliminary Criminal RAJI or Standard Criminal RAJI which the Court will give without request.
- C. Separate sets of requested instructions that have not been agreed upon. Please read *Rosen v. Knaub*, 175 Ariz. 329, 857 P.2d 381 (1993). Proposed voir dire questions which the Court will give.

In jury trial cases the parties shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

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Any juror notebooks. The Court encourages use of juror notebooks in appropriate cases. Stipulating the contents in evidence is necessary. Key exhibits may be included, along with diagrams, photographs, and timelines.

MOTIONS IN LIMINE

Any motions in limine shall be filed thirty (30) days before the TMC is set and such motions must meet the test of *State v. Superior Court*, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court will rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument will be heard at the morning of trial if no TMC is set. No replies shall be filed.

PRETRIAL MOTIONS

All pretrial motions must be filed in writing twenty (20) days before TMC. All motions must comply with Rule 35.1 including setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without evidentiary hearing. See: Rule 16.1[c] Rule 16.2[b]; *State v. Londo* 215 Ariz. 72 (App.) (2006); *State v. Anaya* 170 Ariz. 436, 443 (1992); *State v. Wilson* 164 Ariz. 406, 407 (1990) and *State v. Alvarado* 121 Ariz. 485 (1979).

MARKING EXHIBITS

The trial lawyers or their knowledgeable assistants shall appear in the division assigned by the Master Calendar Judge to present all exhibits. The exhibits will be marked serially as they are listed in the LIST OF EXHIBITS which will be prepared by counsel and downloaded onto a disk which should be given to the clerk. The parties shall advise the division, referring specifically to the pretrial statement, which exhibits may be marked directly in evidence. All exhibits will be clearly marked to correspond with the list provided. Counsel is directed to meet in person to exchange the exhibits before coming to court. Counsel will make sure that they do not bring to the clerk a set of exhibits that include duplicate exhibits. Written stipulations to admit specified exhibits in evidence are encouraged.

The Court will hear and rule upon objections at the TMC. The rulings will be stated on the record, using exhibit numbers. All objections to known exhibits and witnesses must be made before or during the Trial Management Conference or will be deemed to have been waived.

IT IS FURTHER ORDERED that counsel, at the TMC, shall be prepared to discuss:

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- A. Time limits in voir dire, opening statements, examination of witnesses and closing arguments.
- B. Stipulations for the foundation and authenticity of exhibits.
- C. Jury instructions (preliminary and final), juror notebooks (Counsel shall bring any proposed jury notebooks to the conference), mini-opening statements and voir dire.
- D. Any special scheduling or equipment issues.

Status of settlement of the case.

EXPEDIATED DISCOVERY

If there are any issues as to the disclosure required under Rule 15, the parties shall attempt to resolve the issue under Rule 15.7 (b). After personal consultation the party seeking relief shall fax or e-mail a one page letter seeking forth the issue and counsel requested relief. The Court will convene a conference to resolve the issue.

LAST DAY CALCULATION

Counsel shall notify the Court within ten (10) days after the minute entry is posted that there are errors in the last day calculation.

Failure to object will be deemed a waiver, see Rule 8.1(c) and rule 8.1(d).