

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-123572-001 DT

12/03/2010

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT
B. Kredit
Deputy

STATE OF ARIZONA

HEATHER L WICHT

v.

GARY THOMAS KELLEY (001)

ROBERT SHAWN DITSWORTH

VICTIM SERVICES DIV-CA-CCC

ORAL ARGUMENT/
FINAL TRIAL MANAGEMENT CONFERENCE

2:14 p.m. This is the time set for Oral Argument on Motions in Limine.

State's Attorney:	Heather Wicht
Defendant's Attorney:	Robert Ditsworth
Defendant:	Present
Court Reporter:	Jovanna Roman

Defense's exhibits 1 and 2 are marked for identification and received in evidence.

Argument is presented to the Court.

Based on the argument of counsel and the exhibits,

THE COURT FINDS by clear and convincing evidence that the acts were committed by the victim and that the Defendant had knowledge of the acts prior to the current case. Therefore,

IT IS ORDERED granting the Defendant's Motion In Limine To Admit Evidence Of The
Docket Code 005

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-123572-001 DT

12/03/2010

Victim's Other Crimes, Wrongs Or Acts Pursuant To Rule 404(B) Of The Arizona Rules Of Evidence.

IT IS FURTHER ORDERED that a limiting instruction be given to the jury at trial.

IT IS FURTHER ORDERED granting the State's Motion In Limine To Preclude Evidence Of Antonio Varela's And Joe Pena's Prior Felony Convictions under Rule 609.

Final Trial Management Conference proceeds at this time.

Court and counsel discuss pretrial matters.

Defense counsel has medical issues and requests a 30-day continuance of the trial.

IT IS ORDERED setting this matter for status conference on **December 21, 2010 at 8:45 a.m.** in this division to determine if Defense counsel's medical issue has been resolved.

IT IS ORDERED affirming the Firm Trial Date of **January 3, 2011 at 8:00 a.m.** before the Master Calendar Assignment Judge in Courtroom 703 in the Central Court Building. All subpoenaed witnesses are to report to Courtroom 703 in the Central Court Building for trial and will be directed to the trial court from there.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: February 1, 2011.

IT IS FURTHER ORDERED affirming prior custody orders.

FILED: Exhibit Worksheet

2:29 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>