

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-113647-001 DT

01/25/2017

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT
J. Valadez/A. Gonzalez
Deputy

STATE OF ARIZONA

LORI A EIDEMANIS

v.

EWING REDMOND SAMUELS (001)

DWANE M CATES

PRETRIAL SERVICES AGENCY-CCC

JURY TRIAL – DAY 3

COURTROOM CCB 904

10:40 a.m. This is the time set for Jury Trial, day 3, continued from 1/24/2017.

| | |
|-----------------------|----------------|
| State's Attorney: | Lori Eidemanis |
| Defendant's Attorney: | Dwane Cates |
| Defendant: | Present |
| Court Reporter: | Hope Yeager |

A record of the proceedings is also made digitally.

The Jury is not present.

The State's Case Agent, Detective Marche Miller, Phoenix Police Department, is present.

The Jury is present.

Preliminarily, Defense Counsel requests that the parties' Stipulation, exhibit 153, be admitted in evidence and published (read) to the Jury.

IT IS SO ORDERED. Mr. Cates reads exhibit 153 aloud.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-113647-001 DT

01/25/2017

Defendant's exhibit State's exhibit 153 is received in evidence.

State's case continues.

Officer Todd Stevens, Phx. PD, having been previously sworn, resumes the stand and testifies further.

Counsel for the State re-urges the State's motion to admit exhibit 150. There being no further objection, same is received in evidence.

Exhibit 150, a 51-minute audio-video body-cam recording is played for the Jury.

The witness makes an in-court identification of the Defendant.

The witness is excused.

A bench conference is held out of the hearing of the jury panel.

Victim, Jamil Curd, is sworn and testifies.

The witness is excused subject to recall.

11:57 a.m. The jury is reminded of previous admonitions and excused from the courtroom; court remains in session.

The instructs witness Jamil Curd that his testimony will be briefly interrupted by that of another State's witness, but Mr. Curd will be re-called to testify further at or about 1:30 p.m.

11:58 a.m. Court stands at recess.

1:34 p.m. Court reconvenes with the parties and respective counsel present. The jury panel is not present.

Court Reporter, Hope Yeager, is present.

A record of the proceedings is also made digitally.

The jury is not present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-113647-001 DT

01/25/2017

Court and Counsel discuss matters at a Bench Conference.

1:41 p.m. The Jury is present.

LET THE RECORD REFLECT Counsel for the State is permitted to call a witness out of order, with the Defense's agreement.

Dr. Michael Billhymer is sworn and testifies.

State's exhibits 2 through 5 are received in evidence.

1:57 p.m. The jury is reminded of previous admonitions and excused from the courtroom; court stands at recess.

2:02 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Hope Yeager, is present.

A record of the proceedings is also made digitally.

The jury is not present.

Victim, Jamil Curd, is present. At the request of the Court, State's witness, Dr. Billhymer, leaves the Courtroom.

THE COURT ADVISES Counsel that the Court has been made aware that law enforcement agents are present to arrest State's witness, the Victim, Jamil Curd. The Court understands that Defense Counsel, Mr. Cates, advised law enforcement regarding the witness's warrant(s) and whereabouts this afternoon. The Court has spoken with the law enforcement agents and the Victim, Jamil Curd, will be allowed to continue his testimony today. The Court will speak with Counsel further about the matter later.

2:05 p.m. The Jury is present.

Dr. Billhymer resumes the witness stand and testifies further.

State's exhibit 145 is received in evidence.

The witness is excused.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-113647-001 DT

01/25/2017

Jamil Curd, having been previously sworn, resumes the stand and testifies further.

State's exhibit 143 is received in evidence.

3:01 p.m. The jury is reminded of previous admonitions and excused from the courtroom; court remains in session.

3:02 p.m. Court stands at recess.

3:26 p.m. Court reconvenes with the parties and respective counsel present. The jury panel is present.

Court Reporter, Hope Yeager, is present.

A record of the proceedings is also made digitally.

Victim, Jamil Curd resumes the stand and testifies further.

The witness makes an in-court identification of the Defendant.

A bench conference is held out of the hearing of the jury panel.

Cross examination continues.

A bench conference is held out of the hearing of the jury panel.

The Court receives a question for this witness from the Jury. Same is addressed by Court and Counsel at the Bench. As deemed appropriate, the Court asks the witness the question.

FILED: 1 Juror Question

The witness is excused subject to possible recall.

4:06 p.m. The jury is reminded of the Admonition and excused until 10:30 a.m. on 1/26/2017; and Court stands at recess.

4:13 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Hope Yeager, is present.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-113647-001 DT

01/25/2017

A record of the proceedings is also made digitally.

The Jury is not present.

The Court reviews with Counsel the events that transpired this afternoon regarding the presence of law enforcement to arrest the State's witness and named victim in this matter, Jamil Curd. Mr. Cates confirms that he learned of the witness's outstanding warrants and contacted law enforcement regarding same, today, advising law enforcement that where and when Mr. Curd could be apprehended.

Detective Miller confirms that the warrant(s) is from the City of Phoenix and not a Superior Court warrant(s).

THE COURT ADMONISHES Mr. Cates that the better practice would have been for him to inform the Court of the witness's warrant(s), so that the Court could ensure that the witness's testimony would continue, thereby not causing a delay in these proceedings.

4:21 p.m. Court stands at recess until 1/26/2017 at 10:30 a.m. in this division.