

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2019-005397-001 DT

01/07/2020

HONORABLE WENDY S. MORTON

CLERK OF THE COURT  
M. Jazwin  
Deputy

STATE OF ARIZONA

TRACEY GLEASON

v.

ARLENA M WILLES (001)  
DOB: 03/23/1972  
Booking No.: Remanded into Custody

LAURA ANDERSON  
  
COMM. MORTON  
COURT FORENSIC SERVICES UNIT  
M DAVID MCGADY  
SARAH GALLIMORE  
  
ROBERT SWINFORD

CRIMINAL COMPETENCY HEARING CONTINUANCE

9:08 a.m.

Courtroom 2B-SCT

State's Attorney:  
Defendant's Attorney:  
Defendant:

Juli Warzynski  
Laura Anderson  
Present

A record of the proceedings is made digitally in lieu of a court reporter.

The Defendant appeared and refused to approach the podium. Defendant was directed by the Court to approach the podium. When she did so the Defendant indicated she wished to fire her attorney. There being no legal basis the Court denied the motion. The parties discussed the Defendant's failure to attend the doctor appointments. The Defendant refused to attend the doctor appointments and stated there was no court order requiring her to do so. The Defendant was previously ordered to attend the doctor appointments pursuant to the Notice of Appointment issued 11/21/2019. Defense counsel was required to make the appointments on the Defendant's

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behalf and the Defendant was required to make her appointments. The experts were required to submit their reports by 12/30/2019. On 12/13/2019, the court was advised by Dr. Sarah Gallimore that the Defendant was scheduled for an evaluation on 11/10/2019 but did not appear for her appointment. On 12/23/2019 the court was advised by Dr. M. David McGady that the Defendant had an appointment scheduled for 12/13/2019 and failed to attend.

Based upon the Defendant's refusal to the Rule 11 evaluations with the Court appointed experts, the State requested the Defendant be remanded into custody. The Court granted the State's motion, remanding the Defendant into custody of the Sheriff pursuant to A.R.S. 13-4501E(1), (The Defendant will not submit to an outpatient examination as a condition of pretrial release) (2), (The Defendant refused to appear for an examination) and (3), (An adequate examination is impossible without the confinement of the Defendant).

IT IS ORDERED that Dr. M. David McGady and Dr. Sarah Gallimore shall conduct an evaluation of the Defendant in custody.

IT IS FURTHER ORDERED continuing Criminal Competency Hearing from 01/07/2020 to 02/04/2020 at 9:00 a.m. before this Court.

IT IS FURTHER ORDERED pursuant to A.R.S. 13-4507(1),(2),(3) holding the Defendant Non-Bondable until conclusion of Rule 11 Proceedings.

ISSUED: Order of Confinement.

The Court having reviewed this matter determines it is necessary to know whether this Defendant is receiving any behavioral health services. Accordingly,

IT IS ORDERED that Mercy Care disclose whether this Defendant is enrolled in Mercy Care and provide additional information as requested herein.

The Court Liaison from Mercy Care informs the Court that the Defendant is not enrolled with Mercy Care.

After the defendant was remanded and at the conclusion of the hearing, several members of the gallery, who appeared to be supporters of the defendant began to become vocal. One spectator, later identified by security and court staff as Crystal Nuttle, rose to her feet and began screaming at the court. She yelled threatening statements toward the judicial officer and promised religious retribution for the decision to remand the defendant and require her to be evaluated. Ms. Nuttle raised her hands and yelled and had to be admonished to leave the

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courtroom.<sup>1</sup> Ms. Nuttle directly challenged the court's authority and tried to intimidate the Court. The court was in the middle of its morning calendar, with approximately 31 matters on the morning calendar. The room was full of litigants, attorneys, victims and defendants who were in the gallery and in the holding cell.

Individuals who have matters before the court have the right to wait for their cases to be called in the courtroom without fear, intimidation or disruption. Additionally, court staff and the court itself have the same rights to be free from disruption, distraction and attempts at intimidation. Disruptions on this calendar are particularly troublesome as many of those in the courtroom struggle with stability. Ms. Nuttle's behavior disturbed regular courtroom business and prevented the Court from calling the next case.

The Arizona Constitution art. 2, § 24 provides that the accused has a right to "speedy public trial" and Rule 77(d) Rules of Civil Procedure, 16 A.R.S., provides that "[a]ll trials upon the merits shall be conducted in open court...."

However, the trial judge must be diligent in seeking to ensure a fair and impartial judicial atmosphere. She has a duty to "maintain order and decorum in proceedings" heard before her. Ariz.R.Sup.Ct.Rule 81, Canon 3(A)(2) Canon 3(A)(2). Further, it is required that the "court shall exercise reasonable control ... (3) [to] protect witnesses from harassment...." Ariz.R.Evid. 611(A)(3), 17A A.R.S.. As the National Conference of The Judiciary on the Rights of Victims of Crime recommended: "Judges should use their judicial authority to protect victims and witnesses from harassment, threats, intimidation, and harm." National Institute of Justice, Statement of Recommended Judicial Practices 11 (1983). The protections that apply to victims and witnesses also apply to other court participants, attorneys and court staff as well.

Pursuant to *State v. Bush* 148 Ariz. Ariz. 325, 714 P.2d. 818 (1996), "the trial judge has the primary responsibility for controlling the conduct of spectators in the courtroom and the courthouse. If the conduct gets out of hand, the court may clear the courtroom and the courthouse of those who may be intimidating witnesses or other court personnel." Rule 9.3 Arizona Rules of Criminal Procedure 7 A.R.S., states instances wherein witnesses and spectators may be excluded from the courtroom. Additionally, "The judge has the primary, though not exclusive,

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<sup>1</sup> After the hearing, the court was made aware by court staff that the FTR (For the Record) audio portion of the hearing was not captured, however, Ms. Nuttle's behavior was captured on video FTR, was observed by court staff and security.

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responsibility to insure that those who come into the courtroom behave properly.” *State v. Bush*  
148 Ariz. Ariz. 325, 714 P.2d. 818 (1996),

Based the foregoing,

**Spectators are admonished that further outbursts in the courtroom will not be tolerated and will result in excusal from court for any and all future court proceedings.**

9:12 a.m. Matter concludes.