

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2019-001522-001 DT

01/05/2021

HONORABLE KATHERINE COOPER

CLERK OF THE COURT
J. Encizo
Deputy

STATE OF ARIZONA

FRANKIE LYNN GRIMSMAN

v.

MELISSA SUZANNE DIEGEL (001)

ZACHARY DANIEL SLOMAN
JAMIE A. BALSON

JUDGE COOPER
JUDGE STARR

TRIAL CONTINUANCE PAST LAST DAY

8:33 a.m.

Courtroom SCT 7D

State's Attorney: Frankie Lynn Grimsman (Appearing Virtually) and Tracey
Gleason (Appearing Virtually)
Defendant's Attorney: Zachary Daniel Sloman (Appearing Virtually)
Victim's Attorney: Jamie Balson (Appearing Virtually)
Defendant: Present (Appearing Virtually)

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceedings is also made digitally.

This is the time set for the Final Trial Management Conference.

Defense counsel provides an update to the Court regarding his ongoing review of
discovery. This matter has been designated complex due to the technical/complex nature of the

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evidence, the high volume of records, and number of witnesses. The charges in this matter follow lengthy Juvenile Court proceedings that took place over several years. The Court has conducted regular status and complex case management conferences. During these conferences, Defense counsel has kept the Court and parties apprised of the status of discovery and case preparation – that preparing Defendant’s defenses requires that counsel read and understand voluminous court, medical, and DCS documents before interviews, particularly of medical witnesses, can be conducted. Today defense counsel advises that he has reviewed additional documents since the last hearing, however interviews have not yet been scheduled and the matter is not ready for trial. He is identifying possible gaps in records and will communicate any such issues to the State.

Discussion is held regarding Defense counsel’s Motion to Continue trial. Counsel for the State and victims do not oppose the Motion. Defendant objects to a continuance and makes an oral motion that her counsel withdraw. The Court takes no action on the oral motion. A motion for change of counsel must be filed in writing.

Having considered the Motion to Continue by counsel for the Defense, the Court finds a continuance indispensable to the interests of justice and extraordinary circumstances warrant the continuance and exclusion of time. The Court has considered Ariz. R. Crim. Proc. 8.1, Local Rule 2.2, applicable Administrative Orders regarding trials, and ARS 13-3961(E). The extraordinary circumstances are:

Defense counsel requires additional time to complete his review of discovery (which includes voluminous, technical documentation, in order to prepare a defense.

The presence of COVID-19 in the community (and especially high infection numbers currently) mandate the prioritization of jury trials. The Court considers that Defendant is out of custody and the backlog of in-custody defendant awaiting trial.

IT IS ORDERED vacating the current trial setting of 01/19/2021 and resetting same to 05/13/2021 at 11:00 a.m. before the Master Calendar Assignment Judge. The Trial Assignment hearing will be a Court Connect videoconference held using the Microsoft Teams platform. The purpose of the hearing is to set future dates for (1) the Trial Procedure Conference, (2) the Trial Status Conference, and (3) the Firm Trial Date.

The Court waives the presence of any defendant represented by an attorney at the Trial Assignment hearing. Self-represented litigants shall appear by videoconference following the directions below. If a self-represented litigant is in custody at the time of the Final Trial Management Conference (FTMC), this division will notify the Assignment Judge's division so that the defendant can be transported to CCB 902 to participate in the videoconference.

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The Assignment Judge's division will email parties instructions and a link to join the Court Connect videoconference (for more information, visit <https://superiorcourt.maricopa.gov/court-connect/>). A hearing participant can also join by telephone by dialing 917-781-4590 and entering Access Code 480093696. Counsel of record are ordered to appear via videoconference with their webcams enabled. **If you have any questions about how to connect, please contact the Assignment Judge's division at 602-372-1011.**

IT IS ORDERED resetting the Final Trial Management Conference (FTMC) set on 01/05/2021 to 04/29/2021 at 8:15 a.m. before Judge Cooper.

THE FINAL TRIAL MANAGEMENT CONFERENCE IS A TIME CERTAIN APPEARANCE HEARING.

IT IS FURTHER ORDERED excluding all time from 01/19/2021 through 05/13/2021 (114 days). NEW LAST DAY: 08/06/2021.

IT IS FURTHER ORDERED affirming prior release orders.

The Court notes that, at the beginning of today's hearing, Defendant stated that members of the public were experiencing difficulty accessing the hearing via the bridgeline. The Court immediately confirmed with the CA that the bridgeline was open and functioning properly. The Court then confirmed the call-in number and code with Defendant. Defendant did not raise any other concern regarding the bridgeline during the hearing.

8:47 a.m. Matter concludes.

Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-197 requires all individuals entering a court facility to wear a mask or face covering at all times they are in the court facility. With limited exceptions, the court will not provide masks or face coverings. Therefore, any individual attempting to enter the court facility must have an appropriate mask or face covering to be allowed entry to the court facility. Any person who refuses to wear a mask or face covering as directed will be denied entrance to the court facility or asked to leave. In addition, all individuals entering a court facility will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the court facility.