

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2019-005397-001 DT

04/15/2021

HONORABLE GEOFFREY FISH

CLERK OF THE COURT
M. Villalobos/K. Faso
Deputy

STATE OF ARIZONA

FRANKIE LYNN GRIMSMAN
TRACEY GLEASON

v.

ARLENA M WILLES (001)

RICK G TOSTO

EXHIBITS-SCT
JUDGE FISH

ROBERT SWINFORD

UNDER ADVISEMENT

1:41 p.m.

Courtroom SCT 7B

State's Attorney:	Frankie Grimsman & Tracey Gleason
Victim's Attorney:	Robert Swinford
Defendant's Attorney:	Rick Tosto
Defendant:	Present (Virtually)

Court Reporter, Wanda Bauer, is present.

A record of the proceedings is also made digitally.

Prior to commencement of today's hearing State's exhibits 1-17 are marked for identification.

This is the time set for Evidentiary hearing.

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Court and counsel discuss matters.

THE COURT NOTES Defendant's objection to the entire proceeding.

State's case;

The Court has received State's *Notice of Intent to Use Defendant's Other Crimes, Wrong or Acts Pursuant to Rule 404(b), Arizona Rules of Evidence*, filed 04/02/2021, and Defendant's Response to same.

Christine Britt is sworn in and testifies.

States exhibits 1-17 are received into evidence.

Upon motion by the State, Defense having no objection, and good cause appearing,

IT IS ORDERED sealing State's exhibits 1-17 not to be opened until further order of the Court.

The witness is excused.

IT IS ORDERED taking this matter under advisement at this time.

Discussion is held regarding State's *Motion in Limine: Statements of Defendant*, filed 04/02/2021.

IT IS ORDERED granting the motion.

LET THE RECORD REFLECT the Defendant has been removed by the Court from the TEAMS platform for being continually disruptive. The Defendant repeatedly "unmuted" herself and interrupted the proceedings.

Discussion is held regarding State's *Motion to Preclude Diminished Capacity Defense*, filed 04/01/2021, and Defendant's response to same.

IT IS ORDERED granting the motion. The Defense shall be prohibited from using the term "diminished capacity" or any other specific diagnosis of Defendant (i.e. medical retardation, autism) from any State witness that has not personally conducted examinations on the Defendant. The defense shall be allowed to solicit testimony regarding general observations medical personnel made including any general paranoia and disposition of the Defendant during interactions with the

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Defendant as any fact witness may make. Medical personnel shall not opine on any specific diagnosis of Defendant.

IT IS ORDERED vacating Complex Case Management Conference on 04/21/2021 at 8:30 a.m. before Judge Fish.

IT IS FURTHER ORDERED affirming Final Trial Management Conference on 05/05/2021 at 8:30 a.m. before Judge Fish.

IT IS FURTHER ORDERED affirming Trial on 05/18/2021 at 11:00 a.m. before 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 video conference 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.

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 that no time be excluded. LAST DAY REMAINS: 06/30/2021.

IT IS FURTHER ORDERED affirming prior release orders.

Defendant is directed to appear at all scheduled court hearings and advised of the potential consequences should he/she fail to appear.

This matter having been taken under advisement, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of Court,

IT IS ORDERED that the clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written

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designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

2:57 p.m. Matter concludes.

FOR ALL IN-PERSON APPEARANCES. Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-197 and Superior Court Administrative Order 2021-013 requires all individuals entering a court facility to wear a face mask at all times they are in the court facility. With limited exceptions, the court will not provide face masks. Therefore, any individual attempting to enter the court facility must have an appropriate mask to be allowed entry to the court facility. Any person who refuses to wear a face mask 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.

Please follow the steps below to participate in virtual proceedings which will be conducted remotely using the Court Connect Platform.

1. Click/enter the link below.
2. Enter your full name and role in name field.
3. Wait in the Lobby until the Facilitator admits you to the proceeding.

[Join Microsoft Teams Meeting](#)
www.tinyurl.com/jbazmc-crj26

+1 917-781-4590 United States, New York City (Toll)

Conference ID: 391 502 364#

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#)

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: <https://superiorcourt.maricopa.gov/virtual-justice/>

The Arizona Constitution requires the Arizona Commission on Judicial Performance Review to conduct performance evaluations of superior court judges. The Commission is asking for your help to evaluate Maricopa County Superior Court judges currently undergoing performance review. After your hearing, if the judge you are in front of is undergoing review, a

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survey will be emailed to you and you can take the survey online. The survey is conducted by the Docking Institute of Public Affairs at Fort Hays State University and is anonymous and confidential. Your participation in the review process is important! More information on Judicial Performance Review can be found at www.azjudges.info.

La Constitución de Arizona exige que la Comisión de la Evaluación del Desempeño Judicial realice evaluaciones de desempeño de los jueces de los tribunales superiores. La comisión pide su ayuda para evaluar a los jueces del Tribunal Superior del Condado de Maricopa a quienes actualmente se les está evaluando su desempeño. Después de su audiencia, si el juez ante el cual comparece está sometido a una evaluación se le enviará por correo electrónico una encuesta que usted podrá tomar por Internet. La encuesta es realizada por el Docking Institute of Public Affairs de la Fort Hays State University y se mantiene anónima y confidencial. ¡Su participación en el proceso de la evaluación es importante! Para obtener más información sobre la evaluación del desempeño judicial, diríjase a www.azjudges.info.