

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2019-001522-001 DT

09/22/2021

HONORABLE BARBARA L. SPENCER

CLERK OF THE COURT
O. Hernandez
Deputy

STATE OF ARIZONA

FRANKIE LYNN GRIMSMAN
KATIE STAAB

v.

MELISSA SUZANNE DIEGEL (001)

MIRANDA STARK
ZACHARY DANIEL SLOMAN
ZACHARY EVANS

DOB: 12/12/1974

Booking No.: NIC/BOND

COMM. SPENCER
CORRECTIONAL HEALTH SERVICES
COURT FORENSIC SERVICES UNIT
D&C MATERIALS-CSC
JASON FRIZZELL

DEFENDANT INCOMPETENT - A.R.S. § 13-4510 (C) -
SUBMISSION ORDER FOR RESTORATION TREATMENT

10:08 a.m.

Courtroom CCB 1002

The following parties/counsel are present virtually through [Court Connect or GoToMeeting]:

State's Attorney:

Katie Staab - appears virtually

Defendant's Attorney:

Zachary Sloman - appears virtually

Miranda Stark – appears virtually

Zachary Evans – appears virtually

Defendant:

Present virtually

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

Pursuant to Administrative Order; In the Matter of Restricting Access to Court Facilities
Due to a Public Health Emergency,

IT IS ORDERED waiving the appearance of counsel and the defendant for today's
hearing.

The parties present a written stipulation for the determination of Defendant's competency
based on the written reports by Dr. General dated 6/3/2021, Dr. Walker dated 6/14/2021 and Dr.
McGady dated 9/3/2021.

The report(s) having been considered and over the objection of the defendant,

THE COURT FINDS AS FOLLOWS:

1. The Defendant is unable to understand the nature of the proceedings and/or is unable
to assist counsel in Defendant's defense, and is therefore criminally incompetent pursuant to
A.R.S. § 13-4510.
2. That there is no clear and convincing evidence that the Defendant will not be restored
to competency within the statutory number of months pursuant to A.R.S. § 13-4510(C).
3. That the Defendant is not incompetent to refuse treatment.
4. That confinement is not necessary for treatment, and that the Defendant is not a likely
threat to public safety.

IT IS ORDERED that the Defendant undergo an out-of-custody competency restoration
treatment program provided by to the Maricopa County Correctional Health Services Restoration
Program ["the Restoration Program"]. Defendant must participate in, cooperate in, and complete
the treatment program as necessary to restore the Defendant's competency. The Defendant is
warned that if the Court is advised that the Defendant is not cooperating in the treatment
program, a Bench Warrant will be issued for his/her arrest.

IT IS FURTHER ORDERED that the Restoration Program (1) provide the necessary
treatment to restore the Defendant's competency as expeditiously as possible; and (2) identify
and appoint a mental health expert to supervise the treatment. The Restoration Program shall

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also make available to the appointed mental health expert all forensic records and police reports maintained by Maricopa County Correctional Health Services for the Defendant.

IT IS FURTHER ORDERED that the appointed mental health expert shall submit to the Court's Forensic Services Administrator a written progress report on the earliest date of (1) 10/18/2021, or (2) the date the mental health expert concludes either that competency has been restored or that there is no substantial probability that the Defendant will be restored within 21 months after the date of the original finding of incompetency. The mental health expert's report shall identify findings including the nature, content, extent and results of examination(s) and test(s) conducted, the facts on which the findings are based and an opinion of the competency of the Defendant. If the mental health expert concludes that the Defendant remains incompetent, the report shall state the likelihood that the Defendant will regain competency, the estimated time period for restoration and any recommendations for treatment modifications if competency is restored. The report shall state what limitations are imposed by medications used to restore competency.

IT IS FURTHER ORDERED that if the Court is advised that the Defendant is not cooperating in the treatment program, a Bench Warrant will be issued for his/her arrest.

IT IS FURTHER ORDERED that the Court's Forensic Services Administrator shall promptly provide the mental health expert's written progress report to defense counsel.

IT IS FURTHER ORDERED that defense counsel

1. Shall promptly make appointments on the defendant's behalf with the Restoration Program and more specifically the assigned mental health expert; and
2. Upon receipt of any progress report, shall review the progress report, complete redactions as authorized by Arizona Criminal Rule 11.4(a), and within 24 hours electronically return the redacted progress report to the Court's Forensic Services Administrator at MH-Reports@superiorcourt.maricopa.gov. Counsel's delay in returning the report or improperly returning the report may result in a continuance of the next scheduled hearing.

IT IS FURTHER ORDERED that the appointed mental health expert shall immediately notify the Court's Forensic Services Administrator (602-506-5136) if the Defendant is not cooperating in the treatment program.

IT IS FURTHER ORDERED setting a non-evidentiary virtual Status Hearing on 10/25/2021 at 9:30 a.m. before Commissioner Spencer, Courtroom CCB 1002. If the parties wish

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an evidentiary hearing, they are to contact the assigned Judge/Judge Pro Tem and request an evidentiary hearing.

IT IS FURTHER ORDERED that the original report(s) of the mental health expert(s) shall be sealed and maintained in a confidential manner by the Clerk of the Superior Court; said report(s) are not to be disclosed to anyone except as provided for in A.R.S. § 36-509.

IT IS ORDERED that the Defendant shall not possess, purchase or receive any firearms, ammunition or other deadly weapons.

The Department of Public Safety shall be notified and is entitled to information as detailed in A.R.S. § 36-540(O).

The Court notes that it has previously been reported that the Defendant is not enrolled with Mercy Care.

SEALED AND FILED: Medical report(s) by the expert(s).

10:14 a.m. Matter concludes.

LATER: The Court is advised that Dr. Frizzell has been assigned to conduct restoration in this matter.

/ s / HONORABLE BARBARA L. SPENCER

JUDICIAL OFFICER OF THE SUPERIOR COURT