

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2019-001522-001 DT

10/25/2021

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 EVANS  
JAMIE A. BALSON

DOB: 12/12/1974

Booking No.: remanded this date

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

SUBMISSION - STATUS HEARING - DEFENDANT INCOMPETENT -  
ORDER FOR CONTINUED RESTORATION TREATMENT – REMAND – RTC/CHS

9:50 a.m.

Courtroom SCT 2B

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

State's Attorney:	Katie Staab - appears virtually
Defendant's Attorney:	Miranda Stark & Zachary Evans - in courtroom
Defendant:	Present in courtroom
Victim Attorney:	Jamie Balson – appears virtually

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

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

IT IS ORDERED waiving the in courtroom appearance of counsel for the State and for the victim for today's hearing.

This is the time set for Rule 11 Hearing re: Outpatient Restoration Treatment Review.

The report by Dr. Frizzell having been considered and discussion having been held regarding the defendant's non-compliance issues,

The State requests that the Defendant be remanded into custody to complete the restoration process.

Argument is presented to the Court. Based on the argument presented,

THE COURT FINDS that the Defendant remains incompetent to stand trial and also finds that there is a substantial probability that the Defendant will regain competency within the foreseeable future.

THE COURT FURTHER FINDS that the current release conditions are hindering the restoration process and that confinement is necessary for treatment and/or the Defendant is a threat to public safety.

IT IS ORDERED revoking previous custody/release orders and the Defendant is remanded to the custody of the Maricopa County Sheriff and the Defendant shall be transferred to treatment at the RTC/CHS Program. The Defendant shall be held without bond for Rule 11 purposes pending further order of the Court.

ISSUED: Order of Confinement

IT IS FURTHER ORDERED that the bond previously posted in matter shall be held in abeyance pending the completion of the restoration process.

**IT IS FURTHER ORDERED modifying the previous treatment order as follows:**

THE COURT having previously found by minute entries dated 9/22/2021 that the defendant is unable to understand the nature of the proceedings and/or is unable to assist counsel

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in the defendant's defense, and is therefore criminally incompetent pursuant to A.R.S. § 13-4510, and;

That there is no clear and convincing evidence that the defendant will not be restored to competency within 15 months pursuant to A.R.S. § 13-4510 (C).

THE COURT FURTHER FINDS that the Defendant is incompetent to refuse treatment and should be subject to involuntary treatment pursuant to A.R.S. §§ 13-4511 and 13-4512(B).

THE COURT FURTHER FINDS that confinement is necessary for treatment and/or the Defendant is a threat to public safety.

THEREFORE, IT IS ORDERED that the Defendant continue to receive treatment necessary to regain competency at the Maricopa County Correctional Health Services Restoration to Competency Program.

IT IS FURTHER ORDERED committing the Defendant to the Maricopa County Correctional Health Services Restoration Program to receive treatment necessary to restore the Defendant's competency. Furthermore, said facility/program shall submit to the Court a written status report on **11/24/2021** stating the Defendant's progress and prognosis, unless prior to that date the treatment facility concludes 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 written report shall reflect 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. The treatment facility shall submit its written report to the Court's Forensic Services Administrator who shall provide a copy to defense counsel. Defense counsel shall provide a copy to the prosecutor pursuant to Rule 11.4(a), Arizona Rules of Criminal Procedure.

IT IS FURTHER ORDERED that the MCSO shall transport the defendant to the Maricopa County Superior Court, South Court Tower, 175 W. Madison, Phoenix, AZ 85003 for the purposes of meeting with the RTC mental health expert for restoration treatment as identified by the appointed mental health expert, at the soonest possible date to be arranged between MCSO and the appointed mental health expert or their respective staff. Upon conclusion of the restoration treatment appointment, MCSO shall return the defendant to the appropriate jail or facility.

IT IS FURTHER ORDERED setting a nonevidentiary Status Hearing on **12/1/2021 at 9:00 a.m.** before Judge Pro Tem Spencer. If the parties wish an evidentiary hearing, they are to contact the assigned Judge/Judge Pro Tem and request an evidentiary hearing.

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IT IS FURTHER ORDERED that copies of the experts' reports and police reports are to be furnished by the Maricopa County Attorney's office to the Court's Forensic Services Administrator who will cause them to be sent to the treatment provider to be used by the treatment provider in diagnosis and treatment and not to be released or copied without further Court order.

IT IS FURTHER ORDERED that within three (3) judicial days of receipt of a request by the RTC for specifically identified medical and/or mental health records (hereinafter the "records"), counsel for the Defendant shall request said records and, where necessary, a court order to obtain said records, and shall contemporaneously provide the RTC with notice of said request(s).

IT IS FURTHER ORDERED that within five (5) judicial days of receipt of any records, counsel for the Defendant shall provide a copy of said records to the RTC or shall advise the RTC of any special circumstances that may require additional time, not to exceed five (5) days, for disclosure. Counsel for the Defendant shall Bates stamp the records and may make redactions where disclosure would be prejudicial to the Defendant and not relevant to the restoration process. In the event of a dispute over redactions, upon request, the Court will conduct an in camera inspection in order to resolve such dispute.

IT IS ORDERED affirming the prior order 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 ARS Section 36-540(O).

IT IS ORDERED that the restoration specialist are only to consider documentation by the lawyers.

9:58 a.m. Matter concludes.