Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
05/20/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

05/19/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BELLE WHITNEY
BRADLEY HOWARD ASTROWSKY
ANGELA K ANDREWS
KATHLEEN L WIENEKE

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

RULING

The Court has received and reviewed the Motion to Dismiss, Response, Reply and all attachments thereto. This is the Court's ruling minute entry.

Facts

For purposes of ruling on the motion to dismiss, the Court accepts the following facts to be true:

On December 17, 2009, Judge McVey ordered Defendant to give temporary custody of her child, Gabriel Johnson, to the father, Logan McQueary, on December 27, 2009. However, Defendant did not transfer custody of her son. Instead, the State alleges that Defendant took her son to San Antonio, Texas, in violation of the Court's order. The State further alleges that while

in Texas, Defendant sent threatening text messages to Mr. McQueary indicating that she had killed Gabriel and that Mr. McQueary would never see her or her son again.

Based upon this formation, state and federal agencies worked together in an attempt to locate Defendant and her son. Eventually, Defendant was located in Florida, but without Gabriel. On January 14, 2010, the Maricopa County Attorney's Office indicted Defendant on the following charges: 1) Kidnapping; 2) Child Abuse; 3) Conspiracy to Commit Custodial Interference; and 4) Custodial Interference. The respective agencies continued to investigate leads and information to find Gabriel. Defendant, through her appointed counsel, invoked her right to remain silent for all future interrogations.

In late March of 2010, the firm of Alcock & Associates was retained to represent Defendant. On April 26, 2010, counsel filed a Rule 11 motion requesting that Defendant be evaluated.

On Friday, April 30, 2010 the Maricopa County Attorney's Office received a message from an inmate's Defense attorney that the inmate had information regarding Defendant and Gabriel indicating that the child was no longer alive. Deputy County Attorney Angela Andrews advised Detective Ramirez of the Tempe Police Department and Detective Salame of the San Antonio Police Department about the information. Detective Ramirez and Detective Salame coordinated the interview of the informant. Ms. Andrews worked with the informant's Defense counsel on availability.

On May 3, 2010, after coordinating with the informant's Defense counsel and Detective Ramirez regarding their schedules, Ms. Andrews, advised Detective Salame by telephone that the parties were available to interview the informant on Monday, May 10, 2010 at 9:00 a.m. Detective Salame indicated that he would be present in Arizona for the interview. Detective Salame made his own travel, hotel and car rental arrangements.

On May 10, 2010, Deputy County Attorney Angela Andrews, Tempe Police Detective Patricia Ramirez, and San Antonio Police Detective Salame met at Estrella Jail and interviewed the informant. After the interview, Ms. Andrews and Detective Ramirez left the Estrella jail.

Detective Salame remained at the jail unaccompanied by his two initial escorts from local agencies and interrogated Defendant.

For the purpose of the ruling the Court will assume that the detective knew that Defendant had previously invoked her right to counsel and that she was represented by counsel; Defendant had recently been entered into the Rule 11 evaluation proceedings; and Defendant had recently been placed into the psychiatric ward in the Estrella Jail because of concerns of suicide.

A paralegal from the law firm went to the Estrella Jail to deliver legal papers to Defendant and discovered that Defendant was being interrogated by Detective Salame. The paralegal informed Defendant's counsel of the interrogation. Defendant's attorney then went to the jail and demanded that the interrogation cease. Counsel met with Detective Salame in the Estrella Jail waiting room, and the detective stated that he was there to interview Defendant about unrelated matters. The detective stated that he had not recorded the interview so was unable to provide a copy. Defense counsel insisted that Defendant's interrogation be terminated, and the detective left the jail.

Detective Salame contacted the Tempe Police Department and arranged a meeting. Several of the local law enforcement officials were in attendance. A representative from the Maricopa County's Office did not attend. Upon assembly, the detective provided pertinent details about Defendant's interrogation.

Defendant then filed the instant Motion to Dismiss. In the motion, Defendant claims the action of Detective Salame violated her Sixth Amendment Right to Counsel and the appropriate remedy is dismissal.

The Law

The Sixth Amendment to the United States Constitution and Article 2, Section 24 of the Arizona Constitution guarantee a criminal defendant the right to assistance of counsel. This right includes "protection against improper intrusions by the prosecutor or other government agents into the confidential relationship between a Defendant and his attorney." *State v. Moody*, 208 Ariz. 424, 448 at ¶ 76 (2004), quoting *State v. Warner,* 150 Ariz. 123, 127 (1986). This right is

"to assure fairness in the adversary criminal process." *United States v. Morrison,* 449 U.S. 361, 364 (1981); *State v. Pecard*, 196 Ariz. 371, 377, ¶ 26 (App., 1999); *Warner,* 150 Ariz. at 127 (effective representation is not possible unless a defendant is able to confer in private with his attorney); *State v. Holland,* 147 Ariz. 453, 455 (1985). *See also* Ariz. R.Crim. P. 6.1(a) ("The right to be represented shall include the right to consult in private with an attorney"). If a governmental agent interferes with confidential attorney-client communications, not only is there a risk of disclosure of confidential information, but also such an intrusion chills free discussion between a Defendant and his attorney. *Pecard,* 196 Ariz. at 377, ¶ 27.

A Defendant bears the initial burden to establish interference in the attorney-client relationship. *State v. Moody*, 208 Ariz. at 448, ¶ 77. Once she does so, the State bears the burden of demonstrating that Defendant was not prejudiced by the interference, and must convince the Court beyond a reasonable doubt that Defendant will receive a fair trial. *Id.; Warner,* 150 Ariz. at 128.

Regarding what remedy is appropriate for a Sixth Amendment violation, the Court rejects Defendant's apparent argument that the State's alleged bad faith, or deliberate and intentional misconduct, requires dismissal. As noted above, dismissal is not mandated unless the State's action forecloses the possibility of a fair trial. *State v. Rosengren*, 199 Ariz. 112, 119, ¶ 19 n.5 (App., 2000). Bad faith alone does not preclude a fair trial. *United States v. Morrison*, 449 U.S. at 365 n.2 (1981) (dismissal appropriate only when "there was continuing prejudice which, because it could not be remedied by a new trial or suppression of evidence, called for a more drastic treatment").

As the Court noted in *Rosengren*, "Sixth Amendment deprivations are subject to the general rule that remedies should be tailored to the injury suffered from the constitutional violation and should not unnecessarily infringe on competing interests." 199 Ariz. at 119, ¶ 23, quoting *United States v. Morrison*, 449 U.S. at 364. *See also Warner*, 150 Ariz. at 128 ("[W]here the state invades the attorney-client relationship and interferes with a Defendant's right to counsel the State has the burden to demonstrate that no evidence introduced at trial was tainted

by the invasion.") Therefore, the general rule is if the government obtains evidence illegally as a direct or indirect result of a Sixth Amendment violation, "the remedy characteristically imposed is not to dismiss the indictment but to suppress the evidence or to order a new trial if the evidence has been wrongfully admitted and the defendant convicted." *Morrison,* 449 U.S. at 365; *Rosengren*, 199 Ariz. at 119, ¶ 23

Conclusion

The facts as presented to the Court unquestionably show a Sixth Amendment violation. Defendant was represented by counsel, and the Detective questioned her about the charges. The Court finds that it is no defense to the violation to claim that the investigation was regarding additional charges or in a different jurisdiction. Defendant was charged with Kidnapping. If Defendant killed her son in the course of that charge, she would be guilty of felony murder in Arizona regardless of whether the homicide happened in Arizona or Texas. *See State v. Willoughby*, 181 Ariz. 530, 535 (1995) (homicide in Mexico). Texas law enforcement, just like Arizona officials, had to honor Defendant's constitutional rights.

Having found a Sixth Amendment violation, the Court must now fashion a remedy. The Court rejects the argument that this case is so egregious that dismissal is the only remedy available. As noted in *Morrison*, dismissal is only appropriate when there is a "continuing prejudice which, because it could not be remedied by . . . suppression of evidence, call[s] for a more drastic treatment"). 449 U.S. at 365 n. 2. At the hearing, Defendant may demonstrate prejudice of any kind, either transitory or permanent, for present counsel's ability to provide adequate representation in these criminal proceedings.

The Court notes that it has not been presented with a transcript of the inappropriate interview. The State has conceded that the interview and any evidence derived from that interview cannot be used against Defendant. Defendant, at the hearing, may present evidence which would show that such a concession is not enforceable.

IT IS ORDERED reaffirming the hearing on the Motion to Dismiss on May 25, 2011 in this division at 10:30 am, limited to the issues set forth in this minute entry.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
05/20/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 05/19/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BELLE WHITNEY
ANGELA K ANDREWS
KATHLEEN L WIENEKE
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

D & C MATERIALS-CSC
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

The Court has received Detective Salame and City of San Antonio's Motion to Seal Detective Salame's Deposition filed by counsel, Kathleen Wieneke.

IT IS ORDERED granting the motion and filing the deposition under seal, not to be opened without further order of the Court.

FILED: Deposition (under seal)

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
05/27/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

05/25/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BRADLEY HOWARD ASTROWSKY
ANGELA K ANDREWS
KATHLEEN L WIENEKE

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

HEARING

10:30 a.m.

Courtroom ECB 413

State's Attorney:	Brad Astrowsky, Angela Andrews, Kathleen Wieneke
Defendant's Attorney:	Daniel Raynak and Marci Kratter
Defendant:	Present

Court Reporter, Marge Harcarik, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for oral argument on Defendant's Motion to Dismiss.

Court and counsel discuss matters as stated on the record.

Defendant's case:

Adam Feldman is sworn and testifies.

State's Exhibits 1 and 2 are marked for identification.

State's Exhibit 1 is received in evidence.

State's Exhibit 2 is received in evidence.

The witness is excused.

12:00 p.m. Court stands at recess.

1:37 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Marge Harcarik, is present.

A record of the proceeding is also made by audio and/or videotape.

State's Exhibits 3 – 11 are marked for identification.

Defendant's Exhibit 12 is marked for identification and received in evidence.

Defendant's case continues.

Dr. Daniel Gaughan is sworn and testifies.

The witness steps down.

2:40 p.m. Court stands at recess.

2:58 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Marge Harcarik, is present.

A record of the proceeding is also made by audio and/or videotape.

Court and counsel discuss matters as stated on the record.

The witness resumes the stand and testifies further.

The witness is excused.

Discussion is held at the bench.

IT IS ORDERED staying the hearing on the Defendant's Motion to Dismiss.

On the Court's own motion,

IT IS ORDERED referring this matter to Rule 11. A separate minute entry shall issue.

IT IS ORDERED vacating the Status Conference on July 1, 2011, the Final Trial Management Conference on August 1, 2011 and Trial on August 8, 2011 in this division.

IT IS ORDERED setting a Status Conference on June 7, 2011 at 8:30 a.m. in this division. Defendant's presence is waived.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: September 24, 2011.

IT IS ORDERED affirming prior custody orders.

3:40 p.m. Court stands at recess.

3:42 p.m. The matter recalled.

Court and counsel meet in chambers. Bradley Astrowsky and Angela Andrews are present on behalf of the State; Dan Raynak and Marci Kratter are present on behalf of the Defendant; The Defendant's presence is waived; Kathleen Wieneke is present on behalf of Detective Salame.

Court Reporter, Marge Harcarik, is present.

Court and counsel discuss matters as stated on the record.

3:55 p.m. Court stands at recess.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
05/31/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

05/25/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BRADLEY HOWARD ASTROWSKY
ANGELA K ANDREWS

v.

ELIZABETH JOANNE JOHNSON (001)

DOB: July 24, 1986
Booking No.: P620922

DANIEL R RAYNAK
MARCI A KRATTER

CORRECTIONAL HEALTH SERVICES
COURT ADMIN-CRIMINAL-CCC
COURT FORENSIC SERVICES UNIT
VICTIM SERVICES DIV-CA-SE
DR. GWEN LEVITT D.O.
3104 E. CAMELBACK ROAD #856
PHOENIX AZ 85016
DR. THOMAS GEEN
3250 W. LOWER BUCKEYE ROAD
#2800
PHOENIX AZ 85009
DR. BRUCE KUSHNER
3250 W. LOWER BUCKEYE ROAD
#2800
PHOENIX AZ 85009

HEARING - RULE 11 - NOTICE OF APPOINTMENT

10:30 a.m.

Courtroom ECB 413

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 05/25/2011

State's Attorney:	Bradley Astrowsky and Angela Andrews
Defendant's Attorney:	Dan Raynak and Marci Kratter
Defendant:	Present

Court Reporter, Marge Harcarik, is present.

A record of the proceeding is also made by audio and/or videotape.

IT IS ORDERED appointing Dr. Gwen Levitt, Dr. Thomas Geen and Dr. Bruce Kushner to conduct an evaluation of the above named defendant pursuant to Arizona Rules of Criminal Procedure 11.3 and A.R.S. § 13-4509.

The Defendant is charged with the crime(s) of: Kidnapping a Class 2 Felony, Child Abuse a Class 4 Felony, Conspiracy to Commit Custodial Interference a Class 4 Felony and Custodial Interference a Class 4 Felony, committed on or about December 18, 2009 and December 30, 2009.

The Defendant is represented by: Dan Raynak and Marci Kratter, 602-992-7776

The Defendant is in custody and housed at the Estrella Facility and the booking number is P620922.

IT IS ORDERED that counsel for the defendant shall provide the above-named experts with all police reports, charging documents, the competency screening evaluation report, and all other available medical, mental health and criminal history records within two (2) weeks of this date.

IT IS FURTHER ORDERED directing the Clerk of the Court to unseal all medical records and reports previously sealed in CR2010-101760-001 and make said reports available to the above-appointed evaluating doctors, defense counsel, or their authorized representatives for review and copying.

Upon completion of the above,

IT IS FURTHER ORDERED directing the Clerk of the Court to reseal the above-referenced records. These records shall be treated as confidential in accordance with Rules 11 and 11.8.

IT IS FURTHER ORDERED that counsel shall make appointments on the Defendant's behalf with the above-named experts if not in custody.

IT IS FURTHER ORDERED that the experts submit their signed original reports to the Superior Court Forensic Unit no later than July 15, 2011.

IT IS FURTHER ORDERED that a competency hearing is set before Judge Paul McMurdie on August 2, 2011 at 10:30 a.m. in courtroom #413 of the East Court Building at 101 W. Jefferson, Phoenix, AZ.

IT IS FURTHER ORDERED that Correctional Health Services permit the mental health expert(s) to view the Defendant's medical file retained in the Maricopa County Jail.

The Court is informed at staffing that the Defendant is currently not enrolled with Magellan Health Services/assigned provider and is not receiving services.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
05/31/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

05/27/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BRADLEY HOWARD ASTROWSKY
ANGELA K ANDREWS
KATHLEEN L WIENEKE

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

Defendant has submitted the interview conducted by Detective Salame for *in camera* review. The Court has reviewed the objections noted by Defendant; and the objections are sustained except for the following. On page 10 of the interview, lines 17-25 shall be disclosed. On page 11 of the interview, lines 1-13 shall be disclosed. On page 21 of the interview, lines 23-25 shall be disclosed. On page 22 of the interview, lines 1-13 shall be disclosed. The remainder of the redactions shall not be disclosed to the State.

The parties asked the Court in chambers if the Rule 11 experts should get a copy of the redacted or unredacted interview. After reviewing the interview, the Court finds that the experts should get the unredacted version of the interview. If the experts believe any portions of the redactions are relevant to their opinion, the facts referenced shall be redacted pursuant to Rule 11.4.a, Arizona Rules of Criminal Procedure.

The Court will hold in abeyance the question regarding whether the State's expert, if they elect to hire one, is entitled to the unredacted interview.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
06/08/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

06/06/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BRADLEY HOWARD ASTROWSKY
ANGELA K ANDREWS

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

CORRECTIONAL HEALTH SERVICES
COURT ADMIN-CRIMINAL-CCC
COURT FORENSIC SERVICES UNIT
VICTIM SERVICES DIV-CA-SE
DR. JOHN SHAUGHNESSY
234 N. CENTRAL AVE, 5TH FLOOR
PHOENIX AZ 85004
DR. ANNE HARRIS
1930 S. ALMA SCHOOL ROAD B-214
MESA AZ 85210

HEARING - RULE 11 - NOTICE OF APPOINTMENT

IT IS ORDERED allowing Dr. Bruce Kushner and Dr. Thomas Geen to withdraw as mental health experts in the above-entitled matter and appointing Dr. Anne Harris and Dr. John Shaughnessy to conduct an evaluation of the above named Defendant pursuant to Arizona Rules of Criminal Procedure 11.3 and A.R.S. § 13-4509.

The Defendant is charged with the crime(s) of: Kidnapping a Class 2 Felony, Child Abuse a Class 4 Felony, Conspiracy to Commit Custodial Interference a Class 4 Felony and

Custodial Interference a Class 4 Felony, committed on or about December 18, 2009 and December 30, 2009.

The Defendant is represented by: Dan Raynak and Marci Kratter, 602-992-7776

The Defendant is in custody and housed at the Estrella Facility and the booking number is P620922.

IT IS ORDERED that counsel for the Defendant shall provide the above-named experts with all police reports, charging documents, the competency screening evaluation report, and all other available medical, mental health and criminal history records within two (2) weeks of this date.

IT IS FURTHER ORDERED directing the Clerk of the Court to unseal all medical records and reports previously sealed in CR2010-101760-001 and make said reports available to the above-appointed evaluating doctors, Defense counsel, or their authorized representatives for review and copying.

Upon completion of the above,

IT IS FURTHER ORDERED directing the Clerk of the Court to reseal the above-referenced records. These records shall be treated as confidential in accordance with Rules 11 and 11.8.

IT IS FURTHER ORDERED that counsel shall make appointments on the Defendant's behalf with the above-named experts if not in custody.

IT IS FURTHER ORDERED that the experts submit their signed original reports to the Superior Court Forensic Unit no later than July 15, 2011.

IT IS FURTHER ORDERED that a competency hearing is set before Judge Paul McMurdie on August 2, 2011 at 10:30 a.m. in courtroom #413 of the East Court Building at 101 W. Jefferson, Phoenix, AZ.

IT IS FURTHER ORDERED that Correctional Health Services permit the mental health expert(s) to view the Defendant's medical file retained in the Maricopa County Jail.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
06/14/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 06/13/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

CORRECTIONAL HEALTH SERVICES
COURT ADMIN-CRIMINAL-CCC
COURT FORENSIC SERVICES UNIT
VICTIM SERVICES DIV-CA-SE
DR. ANNE HARRIS
1930 S. ALMA SCHOOL ROAD
B-214
MESA AZ 85210
DR. LAWRENCE J. ALLEN
LOS OLIVOS PROFESSIONAL CENTER
202 E. MCDOWELL ROAD #132
PHOENIX AZ 85004

HEARING - RULE 11 - NOTICE OF APPOINTMENT

IT IS ORDERED allowing Dr. Anne Harris to withdraw as a mental health expert in the above-entitled matter and appointing Dr. Lawrence J. Allen to conduct an evaluation of the above named Defendant pursuant to Arizona Rules of Criminal Procedure 11.3 and A.R.S. § 13-4509.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 06/13/2011

The Defendant is charged with the crime(s) of: Kidnapping a Class 2 Felony, Child Abuse a Class 4 Felony, Conspiracy to Commit Custodial Interference a Class 4 Felony and Custodial Interference a Class 4 Felony, committed on or about December 18, 2009 and December 30, 2009.

The Defendant is represented by: Dan Raynak and Marci Kratter, 602-992-7776

The Defendant is in custody and housed at the Estrella Facility and the booking number is P620922.

IT IS ORDERED that counsel for the Defendant shall provide the above-named experts with all police reports, charging documents, the competency screening evaluation report, and all other available medical, mental health and criminal history records within two (2) weeks of this date.

IT IS FURTHER ORDERED directing the Clerk of the Court to unseal all medical records and reports previously sealed in CR2010-101760-001 and make said reports available to the above-appointed evaluating doctors, Defense counsel, or their authorized representatives for review and copying.

Upon completion of the above,

IT IS FURTHER ORDERED directing the Clerk of the Court to reseal the above-referenced records. These records shall be treated as confidential in accordance with Rules 11 and 11.8.

IT IS FURTHER ORDERED that counsel shall make appointments on the Defendant's behalf with the above-named experts if not in custody.

IT IS FURTHER ORDERED that the experts submit their signed original reports to the Superior Court Forensic Unit no later than July 15, 2011.

IT IS FURTHER ORDERED that a competency hearing is set before Judge Paul McMurdie on August 2, 2011 at 10:30 a.m. in courtroom #413 of the East Court Building at 101 W. Jefferson, Phoenix, AZ.

IT IS FURTHER ORDERED that Correctional Health Services permit the mental health expert(s) to view the Defendant's medical file retained in the Maricopa County Jail.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 06/13/2011

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Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/04/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

08/02/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

HEARING SET

9:41 a.m.

Courtroom ECB 413

State's Attorney:	Angela Andrews and Bradley Astrowsky
Defendant's Attorney:	Daniel Raynak and Marci Kratter
Defendant:	Not Present, presence waived

Court Reporter, Cindy Benner, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Status Conference on Defendant's competency.

Discussion is held.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 08/02/2011

IT IS ORDERED setting this matter for an Evidentiary Hearing on August 11, 2011 at 1:30 p.m. in this division. The Defendant must be present.

IT IS FURTHER ORDERED that the Maricopa County Sheriff's Office shall use any means necessary to transport the Defendant to court on August 11, 2011 at 1:30 p.m.

IT IS FURTHER ORDERED that all the doctors who have evaluated the Defendant shall submit to any interview requested.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: September 24, 2011.

IT IS ORDERED affirming prior custody orders.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

9:56 a.m. Matter concludes.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/10/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

08/08/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

CORRECTIONAL HEALTH SERVICES
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

The Court has received the State's Motion to Request Court Order for Release of Correctional Health Records.

IT IS ORDERED granting the motion, all in accordance with the formal written order signed by the Court and filed by the Clerk on August 8, 2011.

FILED: Order.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/10/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 08/09/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

11:04 a.m.

Courtroom ECB 413

State's Attorney:	Angela Andrews, Bradley Astrowsky and Juli Warzynski
Defendant's Attorney:	Daniel Raynak and Marci Kratter
Defendant:	Not Present, presence waived
Court Reporter:	Barb Manning

This is the time set for a hearing.

Court and counsel meet in chambers.

Discussion is held.

The Court is informed that both parties need additional time before the hearing in this matter. Good cause appearing,

IT IS ORDERED vacating the hearing set on August 11, 2011 and resetting same for August 25, 2011 at 9:00 a.m. in this division.

IT IS FURTHER ORDERED that the Maricopa County Sheriff's Office shall use any means necessary to transport the Defendant to Court on August 25, 2011 at 9:00 a.m. in this division.

IT IS ORDERED all Subpoenas shall remain in full force and effect.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

11:40 a.m. Matter concludes.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/29/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

08/25/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

ORAL ARGUMENT

9:10 a.m.

Courtroom ECB 413

State's Attorney:	Angela Andrews and Bradley Astrowsky
Defendant's Attorney:	Daniel Raynak and Marci Kratter
Defendant:	Present

Court Reporter, Traci Stutsman, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Oral Argument on Defendant's Motion to Modify Release Conditions and Defendant's Motion to Remove the Maricopa County Attorneys Office.

Argument is presented to the Court.

As to the Defendant's Motion to Remove the Maricopa County Attorneys Office,

IT IS ORDERED denying the motion.

The Court has received County Counsel's Motion to Quash Criminal Subpoena for Dr. Bruce Kushner.

IT IS ORDERED deferring the matter at this time.

As to Defendant's Motion to Modify Release Conditions,

IT IS ORDERED setting this matter for an Evidentiary Hearing on September 16, 2011 at 10:30 a.m. in this division. Defendant must be present.

IT IS ORDERED setting a Status Conference on September 2, 2011 at 10:00 a.m. in this division. Defendant's presence is waived.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: September 24, 2011.

IT IS FURTHER ORDERED affirming prior custody orders.

9:45 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
08/30/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

08/26/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

Pursuant to the State's request to review the original Rule 11 reports from Dr. Levitt and Dr. Kushner to determine if they were properly redacted. The Court has reviewed the reports.

The Court finds that there is nothing in Dr. Kushner's report that warrants redaction. The original unredacted report will be provided to the State.

The Court finds that Dr. Levitt's report was overly redacted. The Court will provide to both the State and Defense a properly redacted report. These reports may be retrieved from the Court's chambers.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
09/06/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

09/02/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
SHERLE R FLAGGMAN

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

STATUS CONFERENCE

10:17 a.m.

Courtroom ECB 413

State's Attorney: Angela Andrews and Bradley Astrowsky
Defendant's Attorney: Daniel Raynak
Defendant: Not Present, presence waived

Court Reporter, Brenda Brown, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Status Conference.

Discussion is held.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 09/02/2011

IT IS ORDERED affirming the Evidentiary Hearing on September 16, 2011 at 10:30 a.m. in this division.

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: September 24, 2011.

IT IS FURTHER ORDERED affirming prior custody orders.

10:28 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
09/20/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 09/16/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

10:47 a.m.

Courtroom ECB 413

State's Attorney:	Angela Andrews, Bradley Astrowsky and Juli Warzynski
Defendant's Attorney:	Dan Raynak and Marci Kratter
Defendant:	Present

Court Reporter, Cindy Benner, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for evidentiary hearing.

The Court has received Defendant's Renewed Motion to Remove the Maricopa County Attorneys Office.

IT IS ORDERED denying the motion.

State's Exhibits 13 – 28 are marked for identification.

Defendant's case:

Dorian Bond is sworn and testifies.

State's Exhibits 29 – 37 are marked for identification.

The witness is excused.

Dr. Gwen Levitt is sworn and testifies.

The witness is excused.

Dr. Daniel Gaughan, previously sworn, resumes the stand and testifies further.

The witness steps down.

11:56 a.m. Court stands at recess.

1:05 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Cindy Benner, is present.

A record of the proceeding is also made by audio and/or videotape.

The witness resumes the stand and testifies further.

The witness is excused.

Dr. Lawrence Allen is sworn and testifies.

The witness steps down.

2:32 p.m. Court stands at recess.

2:52 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Cindy Benner, is present.

A record of the proceeding is also made by audio and/or videotape.

The witness resumes the stand and testifies further.

The witness is excused.

Dr. Bruce Kushner is sworn and testifies.

Defendant's Exhibit 38 is marked for identification.

State's Exhibits 39 – 41 are marked for identification.

The witness is excused.

Dr. John Shaughnessy is sworn and testifies.

The witness is excused.

4:09 p.m. Court stands at recess until September 30, 2011 at 10:30 a.m.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Filed ***
10/04/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

09/30/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DOB: July 24, 1986
Booking No.: P620922

DANIEL R RAYNAK
MARCI A KRATTER

CORRECTIONAL HEALTH SERVICES
CORRECTIONAL HEALTH SERVICES-
RESTORE TO COMPETENCY
COURT FORENSIC SERVICES UNIT
D & C MATERIALS-CSC
MAGELLAN HEALTH SERVICES
VICTIM SERVICES DIV-CA-SE

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

10:30 a.m.

Courtroom ECB 413

State's Attorney:	Bradley Astrowsky, Angela Andrews and Juli Warzynski
Defendant's Attorney:	Daniel Raynak and Marci Kratter
Defendant:	Present

Court Reporter, Marmie Guimont, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for the continuation of the Evidentiary Hearing from September 16, 2011.

Dr. Thomas Geen is sworn and testifies.

The witness is excused.

12:05 p.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Marmie Guimont, is present.

A record of the proceeding is also made by audio and/or videotape.

Closing arguments of counsel.

The Court having considered all evidence and testimony,

THE COURT FINDS the Defendant is unable to assist counsel in Defendant's defense, and is therefore criminally incompetent pursuant to A.R.S. § 13-4510.

THE COURT FURTHER FINDS that there is no clear and convincing evidence that the Defendant will not be restored to competency within 13 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.

IT IS 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 November 29, 2011 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 setting a Non Evidentiary Status Hearing on December 2, 2011 at 8:30 a.m. in this division. If the parties wish an evidentiary hearing, they are to contact the assigned Judge and request an evidentiary hearing.

IT IS FURTHER ORDERED that copies of the experts' reports, police reports, and any other materials it deems appropriate 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 (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 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 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 FURTHER ORDERED revoking previous custody/release orders. 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 Magellan Health Services shall assess the Defendant for services and provide a report to the Court at the above-scheduled hearing.

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

2:55 p.m. Matter concludes.

/ s /

JUDICIAL OFFICER OF THE SUPERIOR COURT

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
11/14/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 11/09/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

COURT REPORTER ADMINISTRATOR
D & C MATERIALS-CSC
OFFICE OF PUBLIC DEFENSE
SERVICES-CCC
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

9:04 a.m.

Courtroom ECB 413

State's Attorney: Juli Warsynski and Bradley Astrowsky
Defendant's Attorney: Daniel Raynak
Defendant: Not Present, waived

Court Reporter, Judy Griffin, is present.

A record of the proceeding is also made by audio and/or videotape.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 11/09/2011

This is the time set for Informal Conference.

Court and counsel discuss matters as stated on the record.

The Court has received a letter from the Defendant. The Court will provide a copy of the letter to Dr. Thomas Geen.

IT IS ORDERED the Clerk of Court shall permanently seal the letter, not to be opened without further order of the Court.

FILED: Letter (under seal)

The Court finds that a transcript of the testimony of Dorian Bond held on September 16, 2011 in the Evidentiary Hearing is a reasonable and necessary expense for the operation of the Court.

IT IS ORDERED cost of the preparation of the transcript of the testimony from the Evidentiary Hearing held on September 16, 2011 will be paid for by Maricopa County Superior Court.

IT IS ORDERED that the Court Reporter, Cindy Benner, shall prepare the above requested transcript and file the transcript with this Court no later than November 21, 2011.

IT IS ORDERED affirming the next Informal Conference on December 2, 2011 at 8:30 a.m. in this division.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

9:20 a.m. Matter concludes.

Cc: Cindy Benner

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/08/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

12/02/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

At the request of counsel,

IT IS ORDERED vacating the Complex Case Management Conference set on December 2, 2011 and resetting as a Status Conference for December 7, 2011 at 8:30 a.m. in this division.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/08/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

12/07/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

DANIEL R RAYNAK
MARCI A KRATTER

PUBLIC DEFENDER-APPOINT
COUNSEL-CCC
VICTIM SERVICES DIV-CA-SE

STATUS CONFERENCE

9:21 a.m.

Courtroom ECB 413

State's Attorney: Bradley Astrowsky and Juli Warzynski
Defendant's Attorney: Marci Kratter
Defendant: Present

Court Reporter, Cindy Benner, is present.

A record of the proceeding is also made by audio and/or videotape.

Court and counsel discuss matters as stated on the record.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 12/07/2011

The Court has received the Final Competency Report.

IT IS ORDERED that the Clerk of Court shall file the report under seal, not to be opened without further order of the Court.

FILED: Final Competency Report (under seal)

Counsel for the Defendant orally moves to withdraw as counsel of record. With no objection,

IT IS ORDERED allowing Daniel Raynak and Marci Kratter to withdraw as counsel of record for all further proceedings.

IT IS FURTHER ORDERED the Public Defender's Office shall appoint new counsel for the above-named Defendant. New counsel shall be present at the Status Conference set on December 13, 2011 at 8:30 a.m. in this division.

IT IS ORDERED setting a Status Conference on December 13, 2011 at 8:30 a.m. in this division.

IT IS ORDERED setting a hearing on the Defendant's competency status for January 6, 2012 at 10:30 a.m. in this division.

IT IS FURTHER ORDERED affirming prior custody orders.

9:25 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/15/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 12/13/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH
JENNIFER S ROCK

COURT REPORTER ADMINISTRATOR
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

Pursuant to the oral motion of counsel, good cause appearing,

IT IS ORDERED that Court Reporter, Cindy Benner, transcribe the following witness testimony: Dr. Daniel Gaughan, Dr. Gwen Levitt, Dr. Lawrence Allen, Dr. Bruce Kushner, and Dr. John Shaughnessy on September 16, 2011.

IT IS FURTHER ORDERED that Court Reporter, Marmie Guimont, transcribe the following witness testimony: Dr. Thomas Geen on September 30, 2011.

IT IS FURTHER ORDERED that these transcriptions shall be completed by January 13, 2012.

The Court finds that a transcript of the above hearings is a reasonable and necessary expense for the operation of the Court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 12/13/2011

IT IS ORDERED cost of the transcripts from the testimony held on September 16, 2011 and September 30, 2011 will be paid for by Maricopa County Superior Court, all in accordance with the formal written order signed by the Court and filed by the Clerk on December 13, 2011.

FILED: Order.

cc: Cindy Benner; Marmie Guimont

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
12/15/2011 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

12/13/2011

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH
JENNIFER S ROCK

VICTIM SERVICES DIV-CA-SE

STATUS CONFERENCE

8:40 a.m.

Courtroom ECB413

State's Attorney:	Bradley Astrowsky and Juli Warzynski
Defendant's Attorney:	Vanessa Smith and Jennifer Rock
Defendant:	Not Present, presence waived

Court Reporter, Gail Ferguson, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Status Conference.

Court and counsel discuss matters as stated on the record.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 12/13/2011

IT IS ORDERED vacating the Oral Argument set on January 6, 2012 at 10:30 a.m. and resetting as a Status Conference at 8:30 a.m. in this division.

IT IS FURTHER ORDERED affirming prior custody orders.

8:48 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/11/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 01/06/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH
JENNIFER S ROCK

VICTIM SERVICES DIV-CA-SE

STATUS CONFERENCE

8:54 a.m.

Courtroom ECB 413

State's Attorney:	Bradley Astrowsky
Defendant's Attorney:	Vanessa Smith and Jennifer Rock
Defendant:	Not Present, presence waived

Court Reporter, Kristen Brown, is present.

A record of the proceeding is also made by audio and/or videotape.

Court and counsel discuss matters as stated on the record.

IT IS ORDERED setting a Status Conference on February 3, 2012 at 8:30 a.m. in this division. Defendant must be present.

IT IS FURTHER ORDERED that the Maricopa County Sheriff's Office shall use any means necessary to transport the Defendant to court on February 3, 2012.

IT IS FURTHER ORDERED affirming prior custody orders.

9:14 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/19/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

01/17/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

The Court has received and considered "In Session" Request for Photographic Coverage of Public Judicial Proceedings.

IT IS ORDERED granting "In Session" request for photographic coverage only in the courtroom in which this proceeding is being held. All persons with cameras shall comply with all provisions of Rule 122, Rules of the Supreme Court of Arizona, whether or not Court is in session. There shall be no use of flashbulbs, strobe lights or other artificial lights anywhere in the courthouse. There shall be no use of cameras in the hallway, stairwell, elevator, cafeteria, or other public or private area of the courthouse.

IT IS FURTHER ORDERED that the victims shall not be photographed. The Defendant may be photographed.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/23/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

01/18/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH

COURT REPORTER ADMINISTRATOR
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

Pursuant to the written request for extension of time filed by the Court Reporter, Cindy Benner,

IT IS ORDERED granting the request and allowing an additional 7 days from today's minute entry to file the previously ordered transcripts from September 16, 2011.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
01/27/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 01/25/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

Due to a conflict with the Court's calendar,

IT IS ORDERED vacating the Status Conference set on February 3, 2012 and resetting same for February 10, 2012 at 8:30 a.m. in this division.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
02/14/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

02/10/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY
JULI S WARZYNSKI

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH
JENNIFER S ROCK
MARC J VICTOR

COURT CLINICAL LIAISON
VICTIM SERVICES DIV-CA-SE

TRIAL SETTING

9:24 a.m.

Courtroom ECB 413

State's Attorney: Angela Andrews and Juli Warzynski
Defendant's Attorney: Vanessa Smith, Jennifer Rock and Marc Victor
Defendant: Present

Court Reporter, Lisa Edgar, is present.

A record of the proceeding is also made by audio and/or videotape.

Court and counsel discuss matters as stated on the record.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 02/10/2012

The Court has received a Stipulation for Determination of Competency on Basis of Experts' Reports. Therefore,

THE COURT FINDS the Defendant to be competent and medication dependent.

FILED: Stipulation.

IT IS ORDERED appointing the Court Clinical Liaison to monitor the Defendant and her medication regimen until further order of the Court.

As to the Defendant's Motion to Dismiss,

IT IS ORDERED that Defense counsel provide a supplemental memorandum to this Court no later than March 16, 2012.

IT IS FURTHER ORDERED the State's response shall be filed no later than April 2, 2012.

IT IS FURTHER ORDERED the Defendant's reply shall be filed no later than April 10, 2012.

IT IS FURTHER ORDERED setting this matter for a hearing on April 16, 2012 at 8:30 a.m. in this division on the Defendant's supplemental memorandum.

The Court has received Defendant's Motion for Substitution of Legal Counsel with Client Consent and Defendant's Notice of Appearance, Request for Omnibus Hearing and Request for Discovery.

The Court will allow Defense counsel, Marc Victor, to represent the Defendant as Knapp counsel until further order.

FILED: Motion; Notice of Appearance.

The Defendant having waived the applicable time limits,

IT IS ORDERED setting this matter for Trial on September 4, 2012 at 8:30 a.m. in this division.

IT IS ORDERED setting a Trial Management Conference on August 28, 2012 at 8:30 a.m. in this division.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 02/10/2012

JOINT CASE MANAGEMENT REPORTS:

No less than two working days before each Case Management Conference, the parties shall submit a Joint Case Management Report. This report will inform the court of:

1. The specific progress made since the last Case Management Conference in completing activities previously established by the court and the parties;
2. Specific case preparation to be completed before the next Case Management Conference;
3. Witnesses who have been interviewed in the preceding month;
4. Witnesses who will be interviewed in the upcoming month;
5. Pending issues to be resolved.

IT IS ORDERED extending the time for filing pretrial motions to July 27, 2012.

IT IS FURTHER ORDERED excluding all time from September 16, 2011 through September 4, 2012 (354 days). NEW LAST DAY: September 12, 2012.

IT IS FURTHER ORDERED affirming prior custody orders.

9:34 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
02/17/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

02/15/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
JULI S WARZYNSKI
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

VANESSA N SMITH
MARC J VICTOR
JENNIFER S ROCK

CORRECTIONAL HEALTH SERVICES
COURT CLINICAL LIAISON
VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

IT IS ORDERED appointing the Court Clinical Liaison to monitor the continuity of care, medication and treatment for the Defendant as directed pursuant to A.R.S. §13-4513.

IT IS FURTHER ORDERED directing Correctional Health Services, the In/Outpatient Restoration to Competency Program, the Maricopa County Sheriff's Office, and Magellan Health Services and/or it's Provider Network Organizations to provide full access to all medical treatment records of the Defendant within their control to the Court Clinical Liaison.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
03/01/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE

02/28/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

MARC J VICTOR
VANESSA N SMITH

VICTIM SERVICES DIV-CA-SE

STATUS CONFERENCE

8:36 a.m.

Courtroom ECB 413

State's Attorney:	Angela Andrews
Defendant's Attorney:	Vanessa Smith and Marc Victor
Defendant:	Not Present, presence waived

Court Reporter, Wanda Bauer, is present.

A record of the proceeding is also made by audio and/or videotape.

Court and counsel discuss matters as stated on the record.

Pursuant to the oral motion of counsel,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 02/28/2012

IT IS ORDERED substituting Marc Victor as attorney of record, instead and in place of Vanessa Smith.

IT IS ORDERED affirming the Trial date of September 4, 2012 at 8:30 a.m. in this division.

IT IS ORDERED affirming the Final Trial Management Conference on August 18, 2012 at 8:30 a.m. in this division.

IT IS ORDERED affirming the Status Conference on July 27, 2012 at 8:30 a.m. in this division.

IT IS ORDERED affirming the Oral Argument on April 16, 2012 at 8:30 a.m. in this division.

IT IS FURTHER ORDERED the Defendant shall have an additional 7 days to file their pleading.

The Court has received Defendant's Case Status Report submitted by the Court Clinical Liaison.

IT IS ORDERED filing the Case Status Report under seal, not to be opened without further order of the Court.

FILED: Case Status Report (under seal)

IT IS ORDERED that no time be excluded. LAST DAY REMAINS: September 12, 2012.

IT IS FURTHER ORDERED affirming prior custody orders.

8:41 a.m. Matter concludes.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

Michael K. Jeanes, Clerk of Court
*** Electronically Filed ***
03/06/2012 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-101760-001 SE 03/02/2012

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

ANGELA K ANDREWS
BRADLEY HOWARD ASTROWSKY

v.

ELIZABETH JOANNE JOHNSON (001)

MARC J VICTOR
VANESSA N SMITH

VICTIM SERVICES DIV-CA-SE

MINUTE ENTRY

A clerical error having been made,

IT IS ORDERED amending the Court's minute entry dated February 28, 2012, docket code 029 to reflect the following:

IT IS ORDERED affirming the Final Trial Management Conference on **August 28, 2012** at 8:30 a.m. in this division instead and in place of August 18, 2012.

The remainder of the minute entry shall remain in full force and effect.

This case is eFiling eligible: http://www.clerkofcourt.maricopa.gov/efiling/default.asp. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.