IN THE SUPERIOR RCC-SE - State of Arizona - County of Maricopa

CR2009-030306-001

State of Arizona
vs.
MARISSA SUZANNE DEVAULT
Defendant

1 Ct. ~~Am.~~ MURDER 2ND DEG- F1 (BV) (BV)

No. PF2009104583002
Release Order

Arr Rsn: GILB

* Amended *

IT IS HEREBY ORDERED that the defendant be released as indicated and must comply with ALL release conditions.

STANDARD CONDITIONS

☐ Evidentiary Hearing _____ at _____ AM /PM
201 W. Jefferson, Courtroom # _____, Phoenix, AZ 85003-2232, (602) 506-8575.

☒ Status Conference 2/24/09 at 8:30 AM
222 E. Javelina, Mesa, AZ, 85210, (602) 506-2086.

☒ Preliminary Hearing 3/2/09 at 8:30 AM
222 E. Javelina, Mesa, AZ, 85210, (602) 506-2086.

Defendant **must** (a) appear to answer and submit to all further orders and processes of the court having jurisdiction of the case; (b) refrain from committing any criminal offense; (c) diligently prosecute any appeal; (d) **not** leave the state without permission of the court. If defendant violates any conditions of release and is found in any other jurisdiction, defendant hereby knowingly and voluntarily waives extradition. **Defendant must appear at all court proceedings in this case or release conditions can be revoked, a warrant will issue and proceedings may go forward in the absence of the defendant.**

RELEASE TYPE

☐ **Own Recognizance:** The defendant is released and promises to appear in court as required.

☒ **Supervised Release:** The defendant is released on own recognizance, subject to the supervision restrictions and conditions of The Pretrial Services Agency, including:
- ☐ Drug and alcohol monitoring which may include testing, evaluation and treatment as directed by PSA.
- ☒ Electronic monitoring program: before release
  - ☐ House arrest (remain in your residence at all times).
  - ☒ Curfew (must remain in your residence between hours set by Pretrial Services).

☒ **Secured Appearance Bond:** The defendant will deposit with the Clerk of the above court the total sum of $ 500,000, which includes all applicable surcharges.

☐ **No Bond:** The defendant is held without bond pursuant to Arizona Constitution Article 2, Section 22.

☐ **Third-Party Custody:** The defendant will be placed in the custody of: Name: _____
Address: _____

OTHER CONDITIONS AND RESTRICTIONS

☒ The defendant is not to return to the scene of the alleged crime.
☒ The defendant is not to initiate contact of any nature with the alleged victim(s) and/or complainant, including arresting officers.
☒ The defendant is not to possess any weapons or any drugs without a valid prescription.
☐ The defendant is not to drink alcoholic beverages, or drive without a valid driver's license.
☒ The defendant is to continue to reside at the present address or provide the court with proof of current local address.
☐ The defendant is to contact the probation/parole officer _____
☐ **The defendant must submit to DNA testing within five (5) days of release from custody at the arresting agency. Failure to comply with this order will result in the defendant's release being revoked.**
☒ Other surrender passport

MICHAEL K. JEANES, CLERK
BY S. Mayfield DEP
FILED
09 FEB 25 AM 10:00

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions and all other conditions of my release checked above, and the consequences of violating this release order as listed below. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 2/20/2009 / Booking # P514390

Address _____
City, State, Zip House Call Telephone _____
Signature _____ Defendant

Benjamin Vatz
Judge/Commissioner

CONSEQUENCES OF VIOLATING THIS ORDER: If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

White - Court File Canary - Defendant Pink - Jail Goldenrod - PSA

IN THE SUPERIOR RCC-SE - State of Arizona - County of Maricopa

2

State of Arizona
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Cash only (BV)
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White - Court File Canary - Defendant Pink - Jail Goldenrod - PSA

IN THE SAN TAN JP (MESA SOUTH/GILBRT) COURT

STATE OF ARIZONA, COUNTY OF MARICOPA

****FINAL****

RELEASE QUESTIONNAIRE

DEFENDANT'S NAME MARISSA SUZANNE DEVAULT DOB 1977-11-06 BOOKING NO. P514390

ALIAS(ES) _____ CASE NO. _____

A. GENERAL INFORMATION

Charges
1 Cts. 13-1104A3 Att. MURDER 2ND DEG-EXT INDIFFRENC F2

Offense Location: 2149 E MAPPLEWOOD GILBERT AZ
Offense Date: 2009-01-14
Arrest Location: 7400 E OSBORN SCOTTSDALE AZ
Date: 2009-02-20 Time: 12:03

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
See Addendum (Page 3)

C. OTHER INFORMATION (Check if applicable)

1. ☒ Defendant is presently on probation, parole or any other form of release involving other charges or convictions:
Explain: OUT ON 200,000 BOND FOR ATTEMPTED HOMICIDE SAME CASE

2. List any prior:
Arrests? 01-14-2009 ATTEMPTED HOMICIDE

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

☐ An Alcoholic? ☐ An Addict?

☐ Mentally disturbed? ☒ Physically Ill?

4. ☒ Defendant is currently employed
With whom UNKNOWN

How long:
5. Where does the defendant currently reside? 2149 EAST MAPLEWOOD STREET GILBERT, AZ 85297
With whom STANLEY COOK JR
How long: _____years _____months _____days
6. What facts indicate the defendant will flee if released?
Explain:

7. What facts does the state have to oppose an unsecured release? Explain:CURRENT BOYFRIEND OWNS TRAVEL COMPANY WHICH GIVES HER THE MEANS TO FLEE. IN ADDITION TO THE SEVERITY OF THE CRIME

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1. ☒ Firearm or other weapon was used
Type: HAMMER

☒ Someone was injured by the defendant

☒ Medical attention was necessary

Nature of injuries: SEVERE HEAD TRAUMA LINKED TO DEATH WITH PULMONARY EMBOLISM

2. ☐ Someone was threatened by the defendant
Nature and extent of threats:

3. If property offense, value of property taken or damaged:

☐ Property was recovered
4. Name(s) of co-defendant(s):

DEFENDANT'S NAME MARISSA SUZANNE DEVAULT DOB 1977-11-06 BOOKING NO. P514390

****FINAL****

CASE NO. _____

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim: WIFE

☒ Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?
☐ Victim ☐ Third Party ☐ Officer observed

3. ☐ There are previous incidents involving these same parties
Explain:

4. Is defendant currently the subject of:
☐ An order of protection ☒ Any other court order
☐ Injunction against harassment

Explain:

RELEASE CONDITIONS

F. DOMESTIC VIOLENCE ISSUES (Check if applicable)

Defendant's actions

☐ Threats of homicide/suicide/bodily harm
☐ Control/ownership/jealousy issues
☐ Prior history of DV
☐ Frequency/intensity of DV increasing
☒ Access to or use of weapons
☐ Violence against children/animals
☐ Multiple violations of court orders
☐ Crime occurs in public
☐ Kidnapping
☐ Depression
☐ Stalking behavior

G. CIRCUMSTANCES OF THE ARREST (Check if applicable)

1. Did the defendant attempt to:

☐ Avoid arrest ☐ Resist arrest ☐ Self Surrender

Explain:

2. ☐ Defendant was armed when arrested
Type:

3. ☐ Evidence of the offense was found in the defendant's possession
Explain:

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?
☐ Yes ☐ No ☒ Unk

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

☐ Drug field test completed

☐ Defendant admission of drug type
Approximate monetary value: $
3. Was any money seized?

☐ Yes ☐ No
Amount: $

If a fugitive arrest, a form IVA must also be completed

I certify that the information presented is true to the best of my knowledge.

M. BISHOP/1449	AZ0071100/480-503-6500	2009-02-20
ARRESTING OFFICER/SERIAL NUMBER	ARREST AGENCY/DUTY PHONE NUMBER	DATE

ADDENDUM

B1. Probable Cause Statement

ON 1/14/09 AT APPROXIMATELY 0245 HOURS THE GILBERT POLICE DEPARTMENT RESPONDED TO A 911 CALL FROM 2149 E. MAPLEWOOD STREET IN GILBERT. THE INFORMATION PROVIDED TO THE GILBERT POLICE DEPARTMENT FROM MARISSA DEVAULT WAS THAT HER HUSBAND DALE HARRELL HAD ATTACKED HER IN HER SLEEP AND CHOKED HER UNTIL SHE WAS UNCONSCIOUS. SHE CLAIMED THAT WHEN SHE REGAINED CONSCIOUSNESS SHE WAS UNDER DALE AND SAW STANLEY COOK JR. STRIKING DALE IN THE HEAD WITH A HAMMER. SHE CLAIMED STANLEY WAS ACTING TO PROTECT HER AND THAT HE HAD SAVED HER LIFE. STANLEY COOK JR. MADE SEVERAL BRIEF COMMENTS AT THE SCENE THAT HE HIT DALE WITH A HAMMER. WHEN QUESTIONED BY DETECTIVES HE CLAIMED HE HAD A TRAUMATIC BRAIN INJURY FROM A MOTORCYCLE ACCIDENT IN 1998 AND COULD NOT REMEMBER ANYTHING. HE STATED HE PROBABLY NEEDED A LAWYER AND THE INTERVIEW WAS STOPPED. INVESTIGATION AT THE SCENE DID NOT SUPPORT MARISSA AND STANLEYS ACCOUNTS OF WHAT HAPPENED. BLOODSTAIN PATTERN ANALYSIS INDICATED THE VICTIM WAS ALONE IN THE BED AT THE TIME OF THE ASSAULT LYING ON HIS LEFT SIDE. IT FURTHER SUGGESTED MARISSA WAS NOT UNDER DALE AT THE TIME OF THE ATTACK BUT WAS IN CLOSE PROXIMITY DUE TO THE BLOOD AND TISSUE ON HER SHIRT. A FOLLOWUP INTERVIEW OF MARISSA WAS CONDUCTED. MARISSA EVENTUALLY CONFESSED TO ATTACKING DALE HARRELL WITH A HAMMER AS HE SLEPT. SHE STATED SHE DOES NOT KNOW HOW MANY TIMES SHE STRUCK DALE WITH THE HAMMER BEFORE STANLEY STOPPED HER BY TAKING THE HAMMER FROM HER HAND. SHE FURTHER STATED SHE WOULD HAVE CONTINUED THE ASSAULT IF STANLEY WOULD NOT HAVE INTERVENED. THE VICTIM DALE HARRELL WAS TRANSPORTED TO SCOTTSDALE OSBORNE HEALTHCARE AND UNDERWENT EMERGENCY SURGERY TO REPAIR THE DAMAGE TO HIS HEAD. HE HAD MULTIPLE DEPRESSED SKULL FRACTURES DEEP LACERATIONS TO HIS HEAD AND FACE PERMANENT DAMAGE TO HIS RIGHT EYE AND LOSS OF BRAIN MATTER. ON 011409 AT 2015 HOURS, MARISSA SUZANNE DEVAULT WAS ARRESTED FOR ATTEMPTED SECOND DEGREE MURDER DV ARS 13 1104A FOR STRIKING HER HUSBAND DALE HARRELL MULTIPLE TIMES IN THE HEAD WITH A CLAW HAMMER. BY MARISSAS OWN STATEMENT SHE WOULD HAVE CONTINUED THE ASSAULT WITH THE HAMMER IF NOT STOPPED BY A THIRD PARTY. ON 020609 I RECEIVED A TELEPHONE CALL FROM SCOTTSDALE OSBORNE HOSPITAL INFORMING ME THAT DALE HARRELLS CONDITION HAD WORSENED. I WAS TOLD THAT HIS HEART HAD STOPPED TWICE AND HE WAS WITHOUT A HEARTBEAT FOR 22 MINUTES CAUSING MASSIVE BRAIN DAMAGE. ON 020909 AT 0800 HOURS I CONTACTED SCOTTSDALE OSBORNE HOSPITAL AND LEARNED THAT DALE HAD BEEN TRANSFERRED TO THE DOBSON HOUSE HOSPICE AT 1188 N. DOBSON ROAD IN CHANDLER. ON 020909 AT 1905 HOURS I RECEIVED A CALL THE DOBSON HOUSE HOSPICE. I WAS INFORMED THAT DALE HARRELL DIED AT 1903 HOURS. THE MEDICAL EXAMINERS OFFICE TRANSPORTED DALE FOR AUTOPSY. ON 021109 AT 0800 HOURS THE AUTOPSY WAS PERFORMED AND I WAS TOLD THE CAUSE OF DEATH WAS COMPLICATIONS FROM BLUNT HEAD TRAUMA AND THE MANNER OF DEATH WAS HOMICIDE. ON 022009 MARISSA DEVAULT WAS ARRESTED AT SCOTTSDALE HEALTHCARE OSBORNE HOSPITAL FOR 2ND DEGREE MURDER AND BOOKED INTO 4TH AVENUE JAIL.