

7/01/2015 Minute Order (print)  
JURY TRIAL - DAY 96  
JULY 1, 2015

Event ID: 000858 E-Filed: N

JUDGE SAMOUR REPORTER: MARTIN ALL DAY  
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH-MAGUIRE.

THE PEOPLE OBJECT TO SOME DEMONSTRATIVE EXHIBITS THAT THE DEFENSE IS PLANNING TO USE DURING DR. HANLON'S TESTIMONY. THE COURT SUSTAINS THE OBJECTION IN PART AND OVERRULES THE OBJECTION IN PART. THE ORIGINAL DEMONSTRATIVE EXHIBIT IS MARKED AS COURT EXHIBIT C-TR-81. THE COURT WILL PERMIT THE PEOPLE TO CROSS-EXAMINE DR. GRAY ABOUT SOME OF THE STATEMENTS MADE BY THE DEFENDANT DURING THE MMPI(2) AND PAI TESTS, BUT WILL NOT ALLOW THE PEOPLE TO USE INDIVIDUAL QUESTIONS AND ANSWERS TO CHALLENGE THE TEST RESULTS. THE COURT INSTRUCTS THE PEOPLE TO PROVIDE THE DEFENSE A GOOD FAITH LIST OF THE STATEMENTS THEY MAY SEEK TO INTRODUCE THROUGH DR. GRAY. THE DEFENSE MUST PROVIDE THE PEOPLE WITH A SIMILAR LIST OF THE STATEMENTS IT MAY WISH TO INTRODUCE. WITNESSES TESTIFY AND EXHIBIT D-TR-90 IS ADMITTED. PART OF EXHIBIT D-TR-76, A VIDEO OF THE DEFENDANT IN THE JAIL ON 7/20/12, IS PUBLISHED TO THE JURY. /CMR

7/02/2015 Minute Order (print)  
JURY TRIAL - DAY 97  
JULY 2, 2015

Event ID: 000859 E-Filed: N

JUDGE SAMOUR REPORTER: TROYANEK ALL DAY  
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH MAGUIRE.

THE DEFENSE REQUESTS THAT THE COURT MODIFY ITS RULING EARLIER IN THE WEEK THAT LIMITED THE TESTIMONY OF WITNESS TARA FOURNIER. THE PEOPLE MAINTAIN THEIR OBJECTION. FOR THE REASONS STATED ON THE RECORD, THE COURT MODIFIES ITS RULING AND WILL ALLOW THE WITNESS TO TESTIFY THAT HER OBSERVATIONS OF THE DEFENDANT REMINDED HER OF HER TWO SONS WHO HAVE AUTISM. WITNESSES TESTIFY AND EXHIBIT D-TR-91 IS ADMITTED. REJECTED EXHIBIT P-TR-1258 IS MARKED AS COURT EXHIBIT C-TR-82. AT THE END OF THE DAY, THERE IS A DISCUSSION REGARDING SCHEDULING AND THE PROCEDURE AND DATE FOR CLOSING ARGUMENTS. THE COURT DISTRIBUTES COPIES OF THE LATEST DRAFT OF THE JURY INSTRUCTIONS AND VERDICT FORMS. THE COURT STAFF WILL EMAIL THE PARTIES BOTH DOCUMENTS IN AN EDITABLE FORMAT AFTER THE COURT ADJOURNS. /CMR

7/06/2015 Minute Order (print)  
JURY TRIAL - DAY 98  
JULY 6, 2015

Event ID: 000861 E-Filed: N

JUDGE SAMOUR REPORTER: MARTIN ALL DAY  
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH MAGUIRE.

THE DEFENSE CALLS WITNESSES TO TESTIFY AND THE FOLLOWING EXHIBITS ARE ADMITTED: D-TR-92, D-TR-93, D-TR-95, AND D-TR-96. THE COURT DEFERS RULING ON THE ADMISSIBILITY OF D-TR-94. THE PEOPLE OBJECT TO A DEMONSTRATIVE EXHIBIT (A POWERPOINT PRESENTATION) THE DEFENSE WOULD LIKE TO USE DURING DR. GUR'S TESTIMONY ON THE GROUND THAT THE SLIDES IN THE PRESENTATION WERE NOT TIMELY DISCLOSED. ADDITIONALLY, THE PEOPLE BELIEVE THAT SOME OF THE CONTENT IN THE

SLIDES IS IMPROPER. THE COURT REVIEWS AND DISCUSSES WITH THE PARTIES EACH SLIDE. THE COURT RULES THAT MOST OF THE SLIDES MAY BE USED. THE ORIGINAL DEMONSTRATIVE EXHIBIT IS MARKED AS C-TR-83 AND WILL BE GIVEN TO THE COURT TOMORROW. THE PEOPLE MAKE A RECORD THAT ADDITIONAL NOTES FROM DR. GUR WERE DISCLOSED TO THE PEOPLE LAST NIGHT. THE PEOPLE REQUEST THAT DR. GUR TRANSCRIBE THESE ADDITIONAL NOTES. WITHOUT OBJECTION, THE REQUEST IS GRANTED. THE COURT TALKS TO JUROR 535 OUTSIDE THE PRESENCE OF THE JURORS. AT THE REQUEST OF THE DEFENSE, THE COURT CLEARS THE COURTROOM. AFTER OBTAINING THE CONSENT OF JUROR 535 TO DISCUSS THE ISSUE IN PUBLIC, THE COURT BRINGS THE PUBLIC AND THE MEDIA BACK INTO THE COURTROOM. AFTER THE DISCUSSION WITH JUROR 535, NEITHER PARTY ASKS THE COURT TO TAKE ANY ACTION. THE COURT DETERMINES THAT NO ACTION IS NECESSARY OR APPROPRIATE, AND NO ACTION IS TAKEN.

7/07/2015 Notice Filed Event ID: 000860 E-Filed: N  
THE COURT ENTERS NOTICE OF LABELING AS "C-210" COURT'S SECOND SET OF DRAFT JURY INSTRUCTIONS. COPIES SENT VIA EMAIL TO KAREN PEARSON, RICH ORMAN, JACOB EDSON, LISA TEESCH-MAGUIRE, GEORGE BRAUCHLER, SHERILYN KOSLOSKY, RHONDA CRANDALL, DANIEL KING, TAMARA BRADY, KRISTEN NELSON, AND CHRISTINA TAYLOR.

7/07/2015 Minute Order (print) Event ID: 000862 E-Filed: N  
JURY TRIAL - DAY 99  
JULY 7, 2015

JUDGE SAMOUR REPORTER: CARLIN ALL DAY  
DEFENDANT APPEARS IN CUSTODY WITH HIS ATTORNEYS TAMARA BRADY, DAN KING, REBEKKA HIGGS, KATHERINE SPENGLER, AND KRISTEN NELSON. THE PEOPLE ARE REPRESENTED BY GEORGE BRAUCHLER, JACOB EDSON, KAREN PEARSON, RICH ORMAN, AND LISA TEESCH MAGUIRE.

A WITNESS TESTIFIES AND EXHIBIT D-TR-94 IS ADMITTED. THE COURT DEFERS RULING ON THE ADMISSIBILITY OF D-TR-97 UNDER CRE 703. OUTSIDE THE PRESENCE OF THE JURORS, THE COURT INFORMS THE PARTIES IT INTENDS TO GIVE THE JURORS ACCESS TO THE ADMITTED EXHIBITS, WITH THE EXCEPTION OF THE LIVE AMMUNITION, WHILE THEY ARE DELIBERATING. IF THE DELIBERATING JURORS REQUEST TO SEE THE LIVE AMMUNITION, THE FIREARMS WOULD BE REMOVED WHILE THE LIVE AMMUNITION IS IN THE DELIBERATION ROOM. THE COURT MAKES A FURTHER RECORD ON EXHIBIT D-TR-94, WHICH WAS ADMITTED THIS MORNING. THE COURT ALSO SUPPLEMENTS THE RECORD ON AN EXHIBIT THAT WAS PREVIOUSLY OFFERED BY THE DEFENSE AND REJECTED AND NOT ADMITTED INTO EVIDENCE PURSUANT TO CRE 802 (THE HEARSAY RULE): C-TR-79. C-TR-78 AND C-TR-79 ARE COPIES OF THE SAME VIDEO RECORDING; THE FORMER HAS SUBTITLES AND THE LATTER DOES NOT. EXHIBIT D-TR-97, WHICH WAS TENDERED BY THE DEFENSE TODAY, IS A COPY OF C-TR-79. THE COURT WILL RULE ON THE ADMISSIBILITY OF D-TR-97 TOMORROW. THE DEFENSE IS MOVING ITS ADMISSION NOW UNDER CRE 703. THE COURT SUPPLEMENTS THE RECORD FROM YESTERDAY REGARDING THE DEMONSTRATIVE EXHIBIT (POWERPOINT PRESENTATION) USED DURING THE TESTIMONY OF DR. GUR AND EXPANDS ON ITS DECISION TO EXCLUDE SOME OF THE POWERPOINT SLIDES. THE COURT CLARIFIES THAT THE DEFENSE MAY ASK ABOUT DR. GUR'S REVIEW OF THE DEFENDANT'S MEDICAL RECORDS GOING BACK TO THE DEFENDANT'S BIRTH BECAUSE IT SHOWS THE THOROUGHNESS OF HER EXAMINATION. BUT THE DEFENSE CANNOT ASK DR. GUR ABOUT THE CONTENTS OF DOCUMENTS THAT ARE OF NO SIGNIFICANCE TO HER AND DO NOT AFFECT HER OPINIONS. THIS WOULD SIMPLY INFORM THE JURY OF THE POSSIBILITY OF SOMETHING AND WOULD INVITE THE JURY TO SPECULATE ABOUT IT. THE DEFENSE TENDERS THE DEMONSTRATIVE EXHIBIT IN ITS ENTIRETY FOR REVIEW PURPOSES. THE EXHIBIT HAS BEEN LABELED C-TR-83. /CMR

End of Case: 2012 CR 201522