

FILED  
TONI HELLON  
CLERK, SUPERIOR COURT  
12/21/2016 11:07:43 AM  
By: Heather Smith

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. CARMINE CORNELIO

CASE NO. CR20133427-001

COURT REPORTER: David Christy  
Courtroom - 480

DATE: December 20, 2016

STATE OF ARIZONA

Virginia Dawn Aspacher, Esq. counsel for State

VS.

CRYSTAL MILLER NUTTLE (-001)  
Defendant

Janet L. Altschuler, Esq. counsel for Defendant

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MINUTE ENTRY

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JURY TRIAL - DAY ONE, FINAL DAY

Defendant not present, out of custody. Detective John C. Gonzales, State's Chief Investigating Officer, present.

State's Exhibits 1 through 26 are identified on the Exhibit List attached to and made a part of this Minute Entry.

9:18 AM OUT OF THE PRESENCE OF THE PROSPECTIVE JURY:

The Court notes that the Defendant was admonished on December 19, 2016 that today's trial would begin at 9:30 AM and would proceed in her absence if she failed to appear at that time.

Ms. Altschuler informs the Court that she has attempted to contact the defendant this date and requests that the Court wait upon the Defendant's appearance.

The Court informs counsel that it shall proceed at this time in the absence of the Defendant.

IN THE PRESENCE OF THE PROSPECTIVE JURY:

Both counsel announce they are ready to proceed.

The bailiff seats the first twenty-one (21) prospective jurors in the box and all prospective jurors are sworn on *voir dire*.

The Court states the general nature of the case and generally and individually questions the prospective jurors on *voir dire*.

The following prospective jurors are excused by the Court for cause and the below are called in their stead:

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Excused for Cause	Called in Stead
Sarahi Lauterio Martinez	Neil Matthew Falls
Jennifer Marie Taylor	David Akau Mabior
Noel Jean Dowell	Ruslan I. Kolontay
Juan Ramon Martinez	Clement P. Kunk
David Akau Mabior	Kathleen Ann Nieto
Richard Laurance Canning	Bianca Bernice Dominguez
Thomas Matthew Hanson	Rebecca J. Wilson
Nader Victor Chalfoun	Forrest William Mitchell
Kirthsiri Wijeratne	Linda D. Myers
Linda D. Myers	Brad Christopher Hovey
Forrest William Mitchell	Christine Danielle Ramirez

Both counsel generally and individually question the prospective jurors on *voir dire*.

Both counsel pass the panel for cause.

Counsel having made their peremptory strikes outside the presence of the prospective jury, the following nine (9) jurors are sworn to decide this case:

1. David Lee Sharma	2. David Paul Edwards
3. Bianca Bernice Dominguez	4. Neil Matthew Falls
5. Nicholas John Vitale	6. Nancy Lynn Cline
7. Karen L. Pribula	8. Clement P. Kunk
9. Christopher A. Washburn	

Both counsel inform the Court that they approve the Preliminary Instructions.

Juror Number Eight is provided with a hearing assistance device.

The Court instructs the jury on the rules it must follow in considering this case; a copy of the Preliminary Instructions are provided to each juror. The Court reads the Indictment and states the Defendant's plea of not guilty thereto.

Both counsel make opening statements to the jury.

FOR THE STATE:

Donna Stewart, is sworn, examined, cross-examined, questioned by the jury through the Court, and excused.

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Ms. Stewart provides the Court with a copy of Case Manager Instructions for Subpoena to Appear, in open court.

State's Exhibits 17 through 23 are admitted.

Defendant's Exhibit A, being a Copy of Arizona Child Safety and Family Services Notes and Communications - page 58, is identified.

Defendant's Exhibit B, being a Copy of Arizona Child Safety and Family Services Notes and Communications - page 44, is identified.

The jury is admonished and excused until 2:00 PM, this date.

OUT OF THE PRESENCE OF THE JURY:

The Court addresses the Case Manager Instructions for Subpoena to Appear and notes that Department of Child Safety information is confidential.

IT IS ORDERED that the disclosure of Department of Child Safety information to the extent that Ms. Stewart testified, is deemed necessary and appropriate to prosecute this case.

Ms. Altschuler informs the Court that she still has not had any contact with the Defendant.

12:56 PM The Court stands at recess.

AFTERNOON SESSION

Defendant not present, out of custody. Detective John C. Gonzales, State's Chief Investigating Officer, present. Same counsel and court reporter present.

2:03 PM OUT OF THE PRESENCE OF THE JURY:

Ms. Altschuler informs the Court that she has had contact with the Defendant and notes that she will not be requesting that the case be continued at this time.

IN THE PRESENCE OF THE JURY:

FOR THE STATE (Continued):

Detective Bryn Fox is sworn, examined, cross-examined, and excused.

Detective John C. Gonzalez is sworn, examined, and cross-examined.

State rests.

Defendant rests. Both sides rest.

OUT OF THE PRESENCE OF THE JURY:

Ms. Altschuler makes a Rule 20 Motion and submits to the Court.

THE COURT FINDS that sufficient evidence exists to warrant conviction as to the count.

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IT IS ORDERED the defendant's Rule 20 Motion is DENIED.

The Court and counsel discuss the schedule for the trial.

IN THE PRESENCE OF THE JURY:

The Court instructs the jury on the rules it must follow in deciding this case; a copy of the Final Jury Instructions is provided to each juror.

Both counsel make closing arguments to the Jury.

The Court instructs the jury on the final rule it must follow and provides the jury with the Form of Verdict.

The clerk is directed to select the one (1) alternate juror. Juror Number Two is selected by lot as the alternate juror, admonished, and excused conditionally.

3:18 PM The jury retires to consider its verdict under the charge of the bailiff Justin Snell, who was first duly sworn for that purpose.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that all exhibits admitted into evidence shall be provided to the jury for its use during deliberations.

Clerk's Note: The exhibits not admitted are returned to respective counsel pursuant to the Stipulation and/or Order Re: Release of Exhibits signed by the Court.

3:19 PM The Court stands at recess.

4:33 PM The jury announces through its foreperson that it has reached a verdict in this case.

The clerk is directed to read the Form of Verdict, the jury finding the defendant GUILTY of the offense of Custodial Interference as alleged in Count One of the Indictment.

The clerk asks the jurors if this is their verdict and the verdict of each of them, and so say they all.

4:34 PM The admonishment is lifted and the jury is thanked for its service and discharged.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that an ACIC arrest warrant issue for the arrest of the defendant.

In the event a bond has been posted in this matter,

IT IS ORDERED that this matter is referred to the Superior Court Hearing Officer for the commencement of bond forfeiture proceedings.

4:35 The Court stands at recess.

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FILED IN COURT: Jury List; Preliminary Instructions; Case Manager Instructions for Subpoena to Appear; Jury Questions Submitted During Trial; Final Jury Instructions; Verdict; Stipulation and/or Order Re: Release of Exhibits

cc: Hon. Carmine Cornelio  
Janet L. Alschuler, Esq.  
Virginia Dawn Aspacher, Esq.  
Pretrial Services

Heather Smith  
Deputy Clerk