

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-132194-001 DT

02/12/2024

HONORABLE GEOFFREY FISH

CLERK OF THE COURT
M. Mogel
Deputy

STATE OF ARIZONA

KRISTIN LARISH
JOHN J UGLIETTA

v.

KIPLING DAVID HARRIS (001)

ALICIA MARIE DOMINGUEZ
NIKOLAS D FORNER

CAPITAL CASE MANAGER
JUDGE FISH

JESSICA ANN GATTUSO

TRIAL MINUTE ENTRY
DAY 9

Prior to commencement of trial, State's exhibits 1 through 16, Defendant's exhibits 17 through 134, State's exhibits 135 through 155, Defendant's exhibits 156 through 161, State's exhibit 162, Defendant's exhibits 163 through 172, State's exhibits 173 through 205, Defendant's exhibits 206 through 208, State's exhibits 209 through 211, Defendant's exhibit 212, State's exhibits 213 through 214, Defendant's exhibit 215, State's exhibits 216 through 222, Defendant's exhibits 223 through 225, State's exhibits 226 through 243, Defendant's exhibits 244 through 247, State's exhibits 248 through 256, Defendant's exhibit 257, State's exhibits 258 through 274, Defendant's exhibits 275 through 279, State's exhibits 280 through 292, Defendant's exhibits 293 through 312, State's exhibits 313 and 314, Defendant's exhibit 315, State's exhibits 316 and 317, Defendant's exhibits 318 through 322, State's exhibits 323 and 324, Defendant's exhibit 325, State's exhibit 326, Defendant's exhibit 327, State's exhibit 328, Defendant's exhibits 329 and 330, State's exhibits 331 and 332, Defendant's exhibits 333 and 334, State's exhibit 335, Defendant's exhibits 336 through 340, State's exhibits 341 through 347, Defendant's exhibits 348 through 350, State's exhibits 351 through 360, Defendant's exhibits 361 through 371, State's exhibit 372, Defendant's exhibits 373 through 375, State's exhibit 376, Defendant's exhibits 377 through 379, State's exhibit 380, Defendant's exhibit 381, State's

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exhibits 382 through 385, Defendant's exhibits 386 through 401, State's exhibits 402 through 417, Defendant's exhibits 418 through 424, State's exhibits 425 through 438, Defendant's exhibits 439 through 446, State's exhibit 447, Defendant's exhibits 448 through 462, State's exhibit 463, Defendant's exhibits 464 and 465, State's exhibits 466 through 508, Defendant's exhibits 509 through 532, State's exhibit 533, Defendant's exhibits 534 through 564, and State's exhibits 565 through 566 are marked for identification.

Courtroom SCT 7B

State's Attorney:	Kristin Larish and Jordan Uglietta
Defendant's Attorney:	Alicia Dominguez and Nikolas Forner
Defendant:	Present

Court Reporter, Kit Walker, is present.

A record of the proceedings is also made digitally.

10:22 a.m. Trial to a jury continues from 02/05/2024.

The prospective jurors are not present.

The Court has received and reviewed the State's Motion for Reconsideration of the Court's 02/06/2024 Ruling Re: Detective Holmstedt, filed 02/08/2024.

For the reasons stated on the record,

IT IS ORDERED denying the State's Motion.

Discussion is held regarding procedural matters and scheduling.

IT IS ORDERED that the Defense disclose to the State today the witnesses that they will be calling next week.

Further discussion is held regarding exhibits.

The Court ascertains that counsel for the State takes the position that all of the exhibits previously admitted during the guilt phase and aggravation phase should reflect that they have been admitted as to the same date each exhibit was admitted during the first trial.

Counsel present argument to the Court.

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The Court defers ruling on this issue pending further research.

10:50 a.m. Prospective Jurors 5, 24, 68, 86, 99, 102, 132, 141, 161, 172, 199, 204, 205, 268, 279, 316, 322, 350, 397, 426, and 434 are seated in the courtroom.

The Court addresses the prospective jurors regarding possible hardships.

Discussion is held regarding possible strikes for hardship on the record and out of the hearing of the prospective jurors.

Prospective Jurors 316 and 141 are excused.

The two remaining jurors are thanked by the Court and excused from further consideration of this cause.

Seventeen (17) persons are selected and sworn to act as trial jurors in this cause.

The Penalty Phase Preliminary Jury Instructions are read to the jury by the Court, wherein the Court invokes the Rule of Exclusion of Witnesses.

FILED: Penalty Phase Preliminary Jury Instructions

11:53 a.m. The jury is reminded of previous admonitions and excused from the courtroom; Court remains in session.

Discussion is held regarding procedural matters, scheduling, and exhibits.

Counsel for the State orally moves for the admission of all exhibits previously admitted during the guilt phase and aggravation phase during the first trial and will draft a list of the specific exhibit numbers they are seeking to admit.

The Court defers ruling on this issue at this time.

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

Defendant's exhibit 567 is marked for identification.

1:30 p.m. Court reconvenes with respective counsel and Defendant present.

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Court Reporter, Kit Walker, is present.

A record of the proceedings is also made digitally.

Discussion is held regarding procedural matters.

1:44 p.m. The jury is now present.

Defendant's opening statement.

2:40 p.m. The jury is reminded of previous admonitions and excused from the courtroom;
Court remains in session.

There being no matters to discuss,

2:41 p.m. Court stands at recess.

2:51 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Kit Walker, is present.

A record of the proceedings is also made digitally.

Discussion is held regarding procedural matters.

2:53 p.m. The jury is now present.

Defendant's opening statement continues.

State's opening statement.

The Court addresses the jury regarding the trial schedule.

4:20 p.m. The jury is reminded of previous admonitions and excused until 02/13/2024;
Court remains in session.

Discussion is held regarding exhibits.

The Court directs the Defense to review the exhibits to determine if they have any
objections to the admission of same.

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Further discussion is held regarding procedural matters.

The parties make a record of objections made during opening statements.

Counsel for the State informs the Court that some of the exhibits previously admitted during the guilt phase and aggravation phase during the first trial were for appellate purposes only and has drafted a list that they will provide to the Defense that reflects the specific exhibits that were provided to the jury for deliberations.

The Court directs the Defense to provide the sheet that was shown to prospective jurors during jury selection to be marked and admitted for appellate purposes.

Further discussion is held regarding procedural matters.

4:27 p.m. Court stands at recess to reconvene on 02/13/2024 at 10:30 a.m. before this division.

LATER:

Court's exhibit 568 is marked for identification.

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TRIAL MINUTE ENTRY
DAY 10

Courtroom SCT 7B

State's Attorney:	Kristin Larish and Jordan Uglietta
Defendant's Attorney:	Alicia Dominguez and Nikolas Forner
Defendant:	Present

Court Reporter, Wendy Ricard, is present.

A record of the proceedings is also made digitally.

10:27 a.m. Trial to a jury continues from 02/12/2024.

The jury is not present.

Defense counsel orally moves for a mistrial.

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IT IS ORDERED denying Defendant's oral Motion.

IT IS FURTHER ORDERED that there shall be no more references made to the jury that the State has somehow been limited in any capacity.

Discussion is held regarding procedural matters and exhibits.

10:33 a.m. The jury is now present.

State's opening statement continues.

11:40 a.m. The jury is reminded of previous admonitions and is excused from the courtroom; Court remains in session.

Discussion is held regarding exhibits.

On the Court's motion, Defendant's exhibits 567, Court's exhibit 568, and Defendant's exhibit 569 are received in evidence for appellate purposes only, not to be provided to the jury during deliberations.

The Court directs counsel for the State to provide its opening statements to be marked and admitted for appellate purposes.

Over any previous objections made in the first trial,

State's exhibit 335 is received in evidence.

Defense counsel makes a record pertaining to previous objections made during opening statements.

11:43 a.m. Court stands at recess.

1:16 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Wendy Ricard, is present.

A record of the proceedings is also made digitally.

Discussion is held regarding procedural matters.

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1:20 p.m. The jury is now present.

Victim impact statements are presented by Judith Watton Lee, Eddie Oxford, Lee Watton, Mary Watton Stanley, and Robert Kuhn.

1:51 p.m. The jury is reminded of previous admonitions and is excused until 02/20/2024; Court remains in session.

State's exhibit 570 is marked for identification and received in evidence for appeals purposes only, not to be provided to the jury during deliberations.

Discussion is held regarding scheduling.

1:53 p.m. Court stands at recess to reconvene on 02/20/2024 at 10:30 a.m. before this division.