

STATE OF ARIZONA, )  
Plaintiff, )  
vs. ) 2 CA- CR 2009- 0372  
EDWARD TERRAZAS VILLA, ) CR- 20083740  
Defendant. )  
\_\_\_\_\_ )

10 BEFORE: THE HON. JOHN LEONARDO, DI V. 10

13 APPEARANCES:

15     RICH UNKLESBAY  
HEATHER SIEGEL  
appearing for the State

18 KYLE IPSON  
LEO MASURSKY  
appearing for the Defendant

21 STATE' S MOTI ON TO CONTI NUE TRI AL; DEFENDANT' S MOTI ON FOR  
JURY QUESTI ONNAI RE 7/ 20/ 09

25 Deirdre Muzall, RDR, #50012  
Certified Court Reporter

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CHRI STOPHER WARD

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1 PROCEEDINGS

2

3 THE COURT: State versus Edward Villa, it is  
4 criminal 20083740. If you would announce your presence,  
5 please.

6 MR. UNKLESBAY: Rick Unklesbay and Heather  
7 Siegele appearing for Richard Wntory for the State.

8 MR. IPSON: Kyle Ipson and Leo Masursky for  
9 Mr. Villa who is present in custody seated to my right,  
10 Judge.

11 THE COURT: We are here on two motions. So one  
12 concerns the use of a jury questionnaire and the other has  
13 to do with a motion for the continuation of trial filed by  
14 the State. Based on Mr. Wntory's recovery from his  
15 medical situation.

16 Mr. Unklesbay, as to the questionnaire, do you  
17 want to be heard?

18 MR. UNKLESBAY: This is discretionary with the  
19 Court. If you feel that you don't want to use it, that's  
20 fine. I am just concerned that we will be asking alot of  
21 questions in this case specifically.

22 THE COURT: Well, I tend to agree with the  
23 State's response, that most of the questions that I see in  
24 there are just standard questions that we always ask  
25 jurors and I think it is probably more efficient not to

1 use the questionnaire. So the Court will deny the request  
2 to do so.

3 On the motion to continue, do you want to be  
4 heard further, Mr. Unklesbay?

5 MR. UNKLESBAY: I would like to be heard further.

6 THE COURT: And also I would like to have some  
7 actual knowledge and an accurate accounting of  
8 Mr. Wntory's condition.

9 MR. UNKLESBAY: What I had contemplated, Mr. Ward is  
10 here, he's being updated weekly if not daily on  
11 Mr. Wntory's condition and I had hoped to just put him on  
12 for a couple of minutes of testimony so through Mr. Ward  
13 you will be aware of Mr. Wntory's condition and the  
14 expectation of his return. If that would please the  
15 Court.

16 THE COURT: He has more knowledge than you do of  
17 that?

18 MR. UNKLESBAY: Mr. Ward does, yes.

19 THE COURT: One of my concerns, I am certainly  
20 not pre-judging anything, but is this the point at which  
21 the case just has to be re-assigned because we can't put a  
22 firm enough date on Mr. Wntory's return?

23 MR. UNKLESBAY: And certainly I understand that  
24 and again Mr. Ward has more specific information. I was  
25 able to talk to Mr. Wntory on Friday, he came down to the

1 office for awhile to look at some of his cases. And again  
2 I would rather have the testimony but my understanding  
3 from Mr. Wntory is that his doctor would release him,  
4 that it would be within 60 to 90 days from the end of June  
5 that he could return to work.

6 And quite frankly when I talked to him on Friday,  
7 his thinking is pretty good, his speech is slow at this  
8 point. And at some point it should be quite a trial with  
9 Mr. Ipson's hip replacement coming up and Mr. Wntory's  
10 talking very slowly, between the two of them. But in any  
11 event, his thinking is quite good at this point, it's a  
12 little bit slower than one would hope. But his doctors  
13 anticipate, he's going through some therapy, his doctors  
14 anticipate as I said within about 60 days from the end of  
15 June that they will release him. They said, they gave a  
16 window of 60 to 90 days but certainly 60 days from the end  
17 of June would be the 15th.

18 But when I spoke to him he was thinking pretty  
19 clearly, a little bit slower, his speech was much slower,  
20 that's probably a good thing in terms of Mr. Wntory with  
21 respect to the rapidity of his speech for the court  
22 reporter, but he's coming along quite well. And we  
23 anticipate that in another 45 to 60 days that he will be  
24 back at work.

25 Before I ask for Mr. Ward to testify, if this

1 were any other kind of case, if this were a burglary or  
2 assault or something of that nature, we could readily  
3 re-assign the case. It is a first degree murder case,  
4 it's been pending for about a year, the detective is here  
5 and he's been working with Mr. Wntory for the better part  
6 of the last year. I think the arraignment was in October,  
7 so at some point in September I think was when the case  
8 originated last year.

9 Mr. Wntory has obviously developed a very close  
10 rapport with the victims, he's been putting alot of time  
11 into it in the last year and it's not a straight forward  
12 case. Mr. Wntory was able to run down the facts fairly  
13 well to me on Friday and clearly the case is something  
14 that the State would prefer the assigned prosecutor who  
15 has been on the case for the last year to be able to keep  
16 that.

17 With that in mind, I did check the file and there  
18 is no more time under Rule 8. With setting the trial  
19 where it is now, we have used up the available time under  
20 Rule 8, but my request to the Court is once you hear from  
21 Mr. Ward about the nature of his injury and his prognosis,  
22 that the Court would find extra-ordinary circumstances in  
23 this particular case.

24 THE COURT: Okay. Then I will hear from  
25 Mr. Ward.

1

CHRISTOPHER WARD

2

having been duly sworn, takes the witness stand and  
testifies as follows.

4

5

DIRECT EXAMINATION

6

MR. UNKLESBAY:

7

8

Q Chris, just for the record would you state your  
name and your occupation.

10

A. Chris Ward, prosecutor, Pima County Attorney's  
Office.

12

Q And you have been working closely with Richard  
Wintory for the past several years; is that correct?

14

A. Since June of 2004, correct.

15

Q And with respect to the injury that he suffered I  
think it was in May of this year, have you been in contact  
with him over the course of the last couple months to keep  
yourself updated on his prognosis and how well he's doing?

19

A. Yes, I have. The injury was May 10th of 2009.

20

Q Why don't you describe the injury for the Court?

21

A. He suffered an epidermal hematoma after he fell  
from a height of about 15 feet. It was a household  
accident, he fell off a ladder and his head was struck by  
the ground during the fall. The epidermal hematoma was  
caused by the fall. He was rushed into emergency brain

1 surgery about two to three hours after the fall. And he  
2 was actually in the brain surgery for about two hours.  
3 They repaired an artery in his brain which would have  
4 killed him but for the prompt and immediate medical  
5 attention he received.

6           After that he was hospitalized in intensive care  
7 for about two weeks here in Tucson. And he was eventually  
8 taken up to Phoenix where he was rehabilitated at Saint  
9 Joseph's Barrow Neurological Institute up in Phoenix.  
10 He's currently out-patient now, he's undergoing  
11 neurological rehabilitation in the hopes that he can  
12 return to his job as a prosecutor. And I have been in  
13 contact with his clinical psychologist, Dr. Elizabeth  
14 Klonnoff, who is doing the rehabilitation work, she's  
15 given me some information about his psychological  
16 prognosis in terms of coming back to work at the County  
17 Attorney's Office.

18       Q     Mr. Wntory gave the doctor and you permission to  
19 relate that information to the Court?

20       A     He lists me as a person that could speak with his  
21 doctors about his condition and I spoke with her a week  
22 ago today about his condition, his prognosis and his  
23 chances of coming back to the office and the timetable.

24       Q     What is your understanding then of the doctor's  
25 anticipated return for Mr. Wntory?



1           A.     She said that the prospects for him returning to  
2 his previous job as a prosecutor were good. Although she  
3 wouldn't guarantee that he could return to work. As a  
4 prosecutor. She said that he definitely could not try a  
5 case in August. Of this year. She said within 60 to 90  
6 days it was possible in terms of his returning to work on  
7 some days but she could not guarantee that. He had  
8 significant deficits right now in terms of his executive  
9 functions that the brain controls, problem solving and  
10 absorbing and processing and recognizing new information  
11 is difficult for him right now.

12                   He also has a vision problem which impacts his  
13 field of vision as he looks from his left to his center.  
14 He's got problems with that. Those are the issues that he  
15 has to contend with right now. She said he would not be  
16 able to conduct a trial certainly during August based on  
17 his injuries to the hemisphere of his brain right now.

18           Q     I made some statements before you testified and  
19 certainly I am not a doctor but you have spoken to Richard  
20 yourself?

21           A.     Yes, I have spoken with Richard many times since  
22 the injury. And I spoke to him last Friday as well.

23           Q     Were my statements accurate, that his speech is  
24 somewhat slow, perhaps a little slurred?

25           A.     Yes. His speech is definitely slow. That's as

1 compared to I would say normal people and as compared to  
2 how he was before May 10th of 2009.

3 Q How did you find his ability to just relate to  
4 you in a conversational tone?

5 A His ability to relate to me in conversation was  
6 normal. As I would compare it to before and afterwards.  
7 He has a good memory of things that happened before May  
8 10th, and his memory of things that happened after, but  
9 his doctor told me last Monday that certainly does not  
10 mean he's ready to come back in August. And she said that  
11 the testing is what is telling her that he's still got  
12 significant deficits, that's why he can't be cleared to  
13 come back to work right now.

14 Q As to the circumstances of this particular case,  
15 one of the charges is first degree murder, is it not?

16 A Yes.

17 Q And has Mr. Wntory been working on the case  
18 since the inception or actually prior to the inception,  
19 prior to the indictment in the case?

20 A Yes, he had knowledge of the case and was working  
21 with Detective Bunting on the case before it was charged.  
22 And he's been the, well, I can't say he's been the only  
23 prosecutor to work on the case, Ms. Siegele has worked on  
24 the case, I have worked on the case a little bit since  
25 Richard had his accident. But Richard was the person who

1 was in charge of the case from even before the indictment  
2 was presented to the Grand Jury.

3 Q And have the victims been consulted in the case  
4 about their input as to I guess, one, any objections to a  
5 continuance, and while legally they may not have a  
6 preference, have they expressed any preference in regard  
7 to Mr. Wintory if it is possible remaining on the case?

8 A Yes, and the information is coming from Detective  
9 Steve Bunting as to that. He has had a conversation with  
10 the deceased victim's daughter. And she is in favor of  
11 the case being continued for the reasons relating to  
12 Richard's condition and for her own reasons as well. She  
13 is dealing with the death of someone close to her that  
14 happened about I think the first week of June. So she has  
15 described to Detective Bunting she feels overwhelmed right  
16 now and she would like the case to be continued.

17 MR. UNKLESBAY: That's all I have, Mr. Ward,  
18 unless the Court has any questions.

19 THE COURT: Mr. Ward, you said, repeating what  
20 the doctor told you about the likely return to work, you  
21 said 60 to 90 days from what point was that?

22 MR. WARD: That was from last Monday. Which  
23 would have been July 13th.

24 THE COURT: So we're talking about from mid July  
25 to mid September would be the earliest?

1 THE W TNESS: Yes, the way I understood it was  
2 mid September that was possible, although she wouldn't  
3 guarantee that.

4 THE COURT: And in your mind talking to the  
5 doctor, was she making a distinction between returning to  
6 work and being able to do all the functions that are  
7 necessary at work, in other words try cases.

8 THE W TNESS: Yes, she was talking about, she was  
9 talking about clearing him to return to work and do the  
10 things that a prosecutor does in terms of absorbing new  
11 information, displaying and being a trial attorney was how  
12 I took her information.

13 THE COURT: Okay. Mr. Ipson, do you have any  
14 questions?

15 MR. IPSON: No.

16 THE COURT: Thank you, Mr. Ward.

17 MR. UNKLESBAY: Judge, there is one other area I  
18 would like to discuss briefly and that is on Thursday or  
19 Friday Mr. Ipson did file some additional witnesses and  
20 one additional defense. As I understand, Mr. Ipson  
21 noticed five additional witnesses as defense witnesses.  
22 There have been, there's been no disclosure with respect  
23 to any statements or reports with regard to any of the  
24 five witnesses. Although I think Mr. Ipson did send an  
25 e-mail indicating that most of the witnesses that he was

1 listing would be in the nature of character witnesses with  
2 the exception of two of them that he indicated would be  
3 rebuttal to motive.

4 Just with respect to that, again we have no  
5 statements from any of these individuals, and having just  
6 received notice and an e-mail on Friday as to the nature  
7 of these witnesses, as I understand it, there has been  
8 disclosure on the part of the State to Mr. Ipson, other  
9 witnesses who are family members, the children and the  
10 wife of the defendant, who could be listed by the State in  
11 rebuttal to character. If in fact the defense is going to  
12 list that as a defense, which they have not yet done, but  
13 they disclosed the e-mail that that's a potential.

14 So although character witnesses are certainly  
15 something in the nature that can be taken care of  
16 relatively quickly, there are at least two other witnesses  
17 we don't know what their testimony would be, apparently  
18 they are co-workers of the defendant, there's been no  
19 disclosure about that. I realize we're more than 20 days  
20 from trial but that's another issue that the State will  
21 need to research are these witnesses in rebuttal.

22 I guess the bottomline is that I did some  
23 research just briefly on Friday about cases that involve  
24 extra-ordinary circumstances and if the Court could take  
25 into consideration the prosecutor's schedule and

1 difficulties of the prosecutor and there is very little  
2 out there. I found one case from the Supreme Court, I  
3 think it was Martinez, I neglected to bring it over with  
4 me, where a prosecutor being in one trial, that a 30 day  
5 continuance because of the prosecutor's trial schedule,  
6 even though it would go beyond Rule 8, was something the  
7 Court could take into consideration, that is the  
8 prosecutor's trial schedule.

9           To me this is something that's well beyond a  
10 scheduling matter. And again if it were something other  
11 than a first degree murder case, I would be happy to  
12 re-assign it and have a prosecutor ready. I looked at it  
13 to see if I could pick it up myself and unfortunately I am  
14 in trial with Judge Nichols starting on the 18th of August  
15 or I would pick it up myself and be ready.

16           But I did talk to Mr. Wntory, he would like to  
17 stay on the case if at all possible and so we're asking  
18 the Court to find extraordinary circumstances and to go  
19 out at least until the end of September, preferably the  
20 middle of October, and either way, whether Mr. Wntory  
21 returns by then, or if we have to by then certainly we  
22 will have a prosecutor up to speed and ready to go whether  
23 one way or the other by mid October, so that would be the  
24 State's request.

25           THE COURT: Mr. Ipson.

1           MR. IPSON: Judge, the extra-ordinary  
2 circumstances came up in May. As the Court's aware,  
3 Mr. Villa has been in jail since October of last year.  
4 And this is a case where if we thought that Mr. Villa was  
5 guilty we would have long ago sought a plea agreement or  
6 sought some type of resolution of this other than trial.  
7 He's not guilty. He's sitting in jail because he's not  
8 guilty. We are ready to go to trial.

9           The witnesses the State is saying that we have  
10 disclosed, frankly I'm stunned that they don't know about  
11 them because they are from Mr. Villa's place of work.  
12 Where Mr. Bunting has gone down and gotten all the records  
13 from Mr. Villa's work, he's gotten all the incident  
14 reports from Mr. Villa's work, he knows who the witnesses  
15 are, there's no surprise as to who the witnesses are. We  
16 simply made sure that we had them listed as our witnesses.  
17 We got them from the State long ago.

18           The other aspect of this record, as I said  
19 extra-ordinary circumstances started in May.

20           THE COURT: Well, before we leave those five  
21 witnesses, I guess all the State is saying is are these  
22 character witnesses or what is the nature of their  
23 proposed testimony?

24           MR. IPSON: Two of the witnesses are not  
25 character witnesses, they are his employers. From the

1 time of this incident itself. And one of the State's  
2 theories is that the vehicle, where it was found, the  
3 vehicle was located approximately, they want to say across  
4 the street from Mr. Villa's place of work. Those types of  
5 things.

6           Maybe I should go back to explain a little bit.  
7 Mr. Villa is accused of killing Ms. Satinsky in order to  
8 steal her car. Her vehicle was located at a Food City  
9 parking lot on 13th and Valencia. Across the street from  
10 the Food City, roughly across the street from the Food  
11 City parking lot is the employment center, the employment  
12 center where Mr. Villa worked. Or obtained jobs every  
13 once and awhile. That employment center is now on Grande  
14 some place from where it was. K & K employment is the  
15 name of it. K & K is the name of the center.

16           There are certain circumstances which lead the  
17 State to believe that Mr. Villa killed Ms. Satinsky. One  
18 of those circumstances is that the car was located at the  
19 place where I said it was located, and I think it's  
20 actually a little more distance than what the State has  
21 told us in previous hearings. The employment center was  
22 down the road a little bit from where the Food City is.  
23 The vehicle was seen in the same parking space four days  
24 in a row and then it disappeared and then it is seen in a  
25 parking place in that parking lot the day that it was



1 discovered and impounded by the police and processed as a  
2 crime scene later.

3 There was DNA from Mr. Villa in the vehicle. Not  
4 unexpected since Mr. Villa had already driven the vehicle.  
5 Witnesses would testify Mr. Villa on occasion drove Ms.  
6 Satinsky to doctors' appointments, there's one witness in  
7 particular who actually saw Mr. Villa getting into the car  
8 with Ms. Satinsky at one point in time. In order to drive  
9 her.

10 His DNA was also on the gear shift which is not  
11 surprising. There is a fingerprint on a window that is  
12 unknown to anybody as to how it got there or who it is.  
13 It's certainly not Mr. Villa's.

14 We have stated not only that Mr. Villa can't be  
15 proven guilty, but that he is innocent of this and it's a  
16 travesty that he's sitting in jail. And I have told  
17 Mr. Unklesbay we will stipulate, we will waive Rule 8 so  
18 that Mr. Wntory can come back. But the waiver of Rule 8  
19 is conditioned on that he gets out on Pretrial Services.

20 I have told him that I was having, I have told  
21 you I was having my surgery on the 3rd of August. They  
22 are expecting me to be out two weeks. I am taking my file  
23 so I can be ready for trial on the 18th of August. I will  
24 probably be using a walker, I don't care, he is not  
25 forcing this man to sit in jail for another 60 to 90 days,

1 so that the State can come back and say, well, we think  
2 that he's guilty, we have a hunch that he's guilty,  
3 whatever.

4 He's not guilty. And we need to get this case  
5 over with, we need to get it tried. There are no  
6 extra-ordinary circumstances, Judge, they have had two  
7 months to re-assign this case within their office.

8 THE COURT: Mr. Ipson, I thought you were going  
9 to get there but I don't think you did in terms of these  
10 five witnesses. Two of them are not character witnesses.  
11 Three of them are, the two who are not are employers of  
12 the defendant or were?

13 MR. IPSON: They are employers of the defendant.

14 THE COURT: Would their testimony relate to the  
15 placement of the vehicle?

16 MR. IPSON: It would relate to the need of the  
17 defendant to have a vehicle.

18 THE COURT: That he needed to have one or he did  
19 not?

20 MR. IPSON: He did not.

21 THE COURT: So that's the purpose, the essence of  
22 their testimony?

23 MR. IPSON: Right.

24 THE COURT: Okay. Thank you. Mr. Unklesbay.

25 MR. UNKLESBAY: Well, I don't have anything else

1 to add with respect to the extraordinary circumstances,  
2 Judge. I think you have heard the evidence and I think  
3 while it is true that we, last month in May when  
4 Mr. Wntory had his fall we could have considered, at that  
5 point we were waiting to see what the prognosis was and  
6 whether he could return again due to the nature of his  
7 injury.

8 And certainly it's our hope to have the  
9 prosecutor who has been on the case, who has developed a  
10 rapport with the victims for the past year stay on that  
11 case. It is still our hope to do that. And given the  
12 nature of his injuries, the prognosis of his return, and  
13 my avowal to the Court one way or the other if we set this  
14 matter off for trial, we are requesting about 45 days from  
15 the August 18th day to take us up to mid October, we will  
16 either have Mr. Wntory or have a prosecutor up to date  
17 who will try the case on that date, so we would ask the  
18 Court to find extra-ordinary circumstances given Mr.  
19 Wntory's injuries.

20 THE COURT: What is your position with regard to  
21 the defendant being released to Pretrial Services pending  
22 trial?

23 MR. UNKLESBAY: Judge, I don't know that I can  
24 speak to his community ties. My understanding was that he  
25 did not have anything in the way of community ties. And I

1 don't want to misspeak because I am not up to speed. My  
2 understanding is he didn't have a place of residence at  
3 one point in time. But that I don't know. And I don't  
4 know if you folks, if I could have just a second.

5 MR. IPSON: Just so you are aware, just so  
6 Mr. Unklesbay is aware, he has a place to live. He can  
7 live with his former employers, they have offered him a  
8 home. They have offered him employment if he can actually  
9 work. He's got some handicaps that were developed before  
10 his arrest. But he's certainly able to live with them.

11 THE COURT: Mr. Ipson, have you ever filed a  
12 formal motion to reconsider conditions?

13 MR. IPSON: No, we haven't.

14 THE COURT: I'm just wondering if Pretrial  
15 Services ever did a work-up?

16 MR. IPSON: Pretrial did not do a work-up.

17 MR. UNKLESBAY: And Detective Bunting is here,  
18 it's through the interviews of witnesses he tells me it's  
19 his understanding that the former employers may be willing  
20 to house him. But I don't know if that's a viable option  
21 since Pretrial hasn't done a work-up.

22 The State's position obviously would be given the  
23 nature of the charges that I don't think Mr. Villa would  
24 be a good candidate for release. That being said, in the  
25 intermediary ground where we could pick a trial date, I

1 would prefer that Mr. Villa, given the nature of the  
2 charges, not be released because I don't know enough about  
3 how long he's been in town, about the nature of the  
4 housing, who would be responsible for him, but certainly  
5 that would be something that I would be willing to explore  
6 if Pretrial wanted to do a markup.

7 MR. IPSON: Just so you are aware, Mr. Villa's  
8 lived here 12 years. He was employed with K & K for about  
9 four years before his arrest. They have indicated a  
10 willingness to allow him to live with them. There is no  
11 secret that he has a lot of community ties. He isn't going  
12 anywhere. He's an older person. He's not a threat to the  
13 community. He has got a place to live and he's got work.

14 THE COURT: All right. What I think we ought to  
15 do here is set the matter for a review of the conditions  
16 of his release for perhaps Thursday and I will order  
17 Pretrial Services to do a work-up and we will take that  
18 matter up on Thursday.

19 With regard to the motion to continue, the Court  
20 does find there are extra-ordinary circumstances that  
21 exist and delay is indispensable to the interests of  
22 justice, given all the information provided to the Court.  
23 And I would propose to set the trial off to October.

24 And Mr. Ipsen, I don't know, do you have any  
25 particular problems in that area?

1           MR. IPSON:   My calendar is problematic any ways.  
2 This is I think set for eight days.

3           THE COURT:   We can pick a trial date on Thursday.

4           MR. IPSON:   Thursday, the 15th of October.

5           THE COURT:   No, we can decide on this Thursday.

6           MR. IPSON:   Sure. Just so you are aware, we are  
7 objecting to the continuance, we are not waiving Rule 8,  
8 we disagree with the Court's ruling.

9           MR. MASURSKY:   Leo Masursky, I'm co-counsel on  
10 the case, maybe we could on Thursday when we discuss  
11 release conditions pick a trial date, then we can know  
12 better.

13           THE COURT:   Perhaps you can talk with the State  
14 and come up with a date that is acceptable to both sides.  
15 Does eight days sound right?

16           MR. IPSON:   Yes.

17           THE COURT:   Is that the projected length of the  
18 trial or what?

19           MR. IPSON:   That's the problem.

20           MR. MASURSKY:   Just for your information, I have  
21 two weeks of a serious case starting October 6th. We may  
22 start a little later in the month. Just based on that,  
23 that case is out of custody, but that's a pretty solid  
24 trial date.

25           THE COURT:   Well, Mr. Wntory is potentially

1 available, we could look at the 29th of September is the  
2 only earlier date, I only have one trial set, although  
3 it's scheduled for two weeks. Anyway, we will look from  
4 September 29th through the month of October then as a  
5 target, in other words.

6 MR. UNKLESBAY: That's fine and I will get ahold  
7 of Mr. Wintory as well, we will live with whatever the  
8 Court obviously is going to set. I will be out of state  
9 this Thursday but if it is all right, Mr. Ward or Ms.  
10 Siegele are both here, if one or both can come back on  
11 Thursday.

12 THE COURT: That will be fine.

13 Mr. Ipson, it seems to me you filed a number of  
14 other motions that were not on the calendar this morning  
15 but they may be pending; is that accurate?

16 MR. IPSON: A ton.

17 THE COURT: So we need them set.

18 MR. IPSON: I don't know how many there are. I  
19 think more than four.

20 MR. MASURSKY: One thing. I filed a Miranda  
21 motion. And also a hearsay motion and then another motion  
22 in limine. But the Miranda motion got filed twice but  
23 there is only one Miranda motion and then a hearsay motion  
24 and another motion in limine.

25 THE COURT: I only mention it to say I know they

1 are out there. They're not on the calendar today but we  
2 will set them for hearing.

3 MR. UNKLESBAY: The August 18th trial date is  
4 vacated then?

5 THE COURT: The August 18th trial date is  
6 vacated. And Mr. Ipson, again perhaps in terms of setting  
7 maybe a hearing date on those motions, remind me when you  
8 are not available because of your medical issues?

9 MR. IPSON: Well, since you vacated August 18th,  
10 I'm probably going to take an extra week there. They are  
11 telling me I will be on a walker until maybe the 14th of  
12 August. But they are saying another week is preferable.  
13 So I don't know. Maybe I'm a miracle child, I will be  
14 back the next day.

15 THE COURT: All right. So preferably for you  
16 after August 21st?

17 MR. IPSON: After August 21st.

18 THE COURT: Okay. Anything else today?

19 MR. UNKLESBAY: No Your Honor.

20 MR. IPSON: No.

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C E R T I F I C A T E

I, Deirdre Muzall, certify that I took the shorthand notes in the foregoing matter; that the same was transcribed under my direction; that the preceding pages of typewritten matter are a true, accurate and complete transcript of all the testimony adduced, to the best of my skill and ability.

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Deirdre Muzall, RDR, #50012  
Certified Court Reporter