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FILED
TIME 8:41 AM

JUN 13 2011

IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA
VIRLYNN TINNELL
CLERK SUPERIOR COURT
CM DEPUTY

Honorable Steven F. Conn
Division: III Courtroom: A
Court Reporter: Jim Glover

Virlynn Tinnell, Clerk of Superior Court
By: Christine Murphy, Deputy Clerk
Hearing Date: June 13, 2011

STATE OF ARIZONA,

vs.

JOHN CHARLES MCCLUSKEY,

Plaintiff,

Defendant.

CASE NO: CR-2010-00823

ORAL ARGUMENTS ON MOTION TO
RECONSIDER

START: 8:00 A.M.

APPEARANCES: James Zack, Deputy County Attorney; Jason Steffen, Attorney for and with the Defendant.

This is the time set for Oral Arguments on the State's Motion to Reconsider Defense Motion regarding the use of restraints during trial; the Court has read the Motion and the Response filed by the Defense.

The State presents argument.

The Defense has nothing to add.

The State calls witness Officer Peter Wright, who is duly sworn, now testifies to the Court and is excused.

The State presents closing argument.

The Defense presents closing argument.

The State presents final closing argument.

The Court finds that there has been evidence presented that the Defendant does represent a potential threat to the security of persons that are in the courtroom; persons including jurors and the media, that the Court has some obligation to present a safe environment for them to come to court. The Court finds that the State has met their burden under *Cruz* of convincing the Court through specific articulable facts and circumstances that the use of the stun belt on the Defendant during the trial is an appropriate security measure.

IT IS ORDERED that the Mohave County Sheriff's Office will be allowed to use the stun belt on the Defendant during the course of the jury trial.

The Court recesses at 8:41 a.m.

cc:

MOHAVE COUNTY ATTORNEY*

MOHAVE COUNTY PUBLIC DEFENDER*

MOHAVE COUNTY JAIL*

MOHAVE COUNTY SHERIFF'S OFFICE*

HONORABLE STEVEN F. CONN*

Division III