

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. DANELLE B. LIWSKI

CASE NO. CR20133497-001

COURT REPORTER: John Bouley  
Courtroom - 686

DATE: April 17, 2015

STATE OF ARIZONA

Beverly Jean Rudnick, Esq. counsel for State

VS.

GABRIEL CHRISTOPHER MORRIS (-001)  
Defendant

Kara Davis, 38D student, with Paul Skitzki, Esq.  
counsel for Defendant

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**MINUTE ENTRY**

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**JURY TRIAL - DAY EIGHT, FINAL DAY**

9:00 AM All jurors return for further deliberation.

Defendant present, in custody. Special Agent, Randall Fricke, and Monica Holladay, paralegal, present.

**10:09 AM OUT OF THE PRESENCE OF THE JURY:**

The Court and counsel settle Jury Instructions and Interrogatories for the aggravated circumstance hearing as well as how they will proceed.

**IN THE PRESENCE OF THE JURY:**

The jury announces through its foreperson that it has reached verdicts in this case.

The clerk is directed to read the forms of verdict.

The jury finds the defendant not guilty of the offense of FRAUDULENT SCHEME AND ARTIFICES, as alleged in COUNT ONE of the Indictment.

The jury finds the defendant not guilty of the offense of THEFT, as alleged in COUNT TWO of the Indictment.

The jury finds the defendant not guilty of the offense of FORGERY, as alleged in COUNT THREE of the Indictment.

The jury finds the defendant guilty of the offense of FORGERY, as alleged in COUNT FOUR of the Indictment.

The jury finds the defendant guilty of the offense of FORGERY, as alleged in COUNT FIVE of the Indictment.

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The jury finds the defendant guilty of the offense of FORGERY, as alleged in COUNT SIX of the Indictment.

The jury finds the defendant guilty of the offense of FORGERY, as alleged in COUNT SEVEN of the Indictment.

The jury finds the defendant guilty of the offense of FORGERY, as alleged in COUNT EIGHT of the Indictment.

The jury finds the defendant not guilty of the offense of IDENTITY THEFT, as alleged in COUNT NINE of the Indictment.

The jury finds the defendant not guilty of the offense of AGGRAVATED IDENTITY THEFT, as alleged in COUNT TEN of the Indictment.

The jury finds the defendant not guilty of the offense of INSURANCE FRAUD, as alleged in COUNT ELEVEN of the Indictment.

The jury finds the defendant guilty of the offense of THEFT, as alleged in COUNT TWELVE of the Indictment.

The jury further finds that the property of Helen Marie White had a value of \$3,000.00 or more, but Less than \$25,000.00

The clerk asks the jurors if these are their verdicts and the verdicts of each of them, and so say they all.

The jury is polled at the request of Mr. Skitzki.

**Aggravating Circumstances Hearing:**

The Court reads the Aggravating Circumstances Hearing Instructions to the jury; a copy of which is provided to each juror.

FOR THE STATE:

Randall Fricke, is sworn, examined, and cross-examined by Mr. Skitzki.

State's Exhibit 48A, being Copy of Minute Entry dated October 31, 2015, is identified and admitted.

State's Exhibit 48B, being Copy of Conditions of Release and Order dated November 13, 2013, is identified and admitted.

State's Exhibit 48C, being Copy of Bail Bond and Release Order, is identified and admitted.

State's Exhibit 48D, being Copy of Receipt Number 1811105 dated December 27, 2015, is identified and admitted.

State's Exhibit 48E, being Copy of Minute Entry dated January 10, 2014, is identified and admitted.

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State's Exhibit 48F, being Copy of Minute Entry dated March 10, 2014, is identified and admitted.  
State's Exhibit 48G, being Copy of Bench Warrant dated March 14, 2014, is identified and admitted.  
State's Exhibit 48H, being Copy of Bench Warrant dated March 14, 2014, is identified and admitted.  
State's Exhibit 48I, being Copy of Minute Entry dated August 5, 2014, is identified and admitted.  
State rests. Both sides rest.

Counsel make closing arguments to the jury.

The Court reviews the Interrogatories with the jury.

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

10:52 PM The jury retires to consider the interrogatories under the charge of the bailiff, Rudy Padilla, who was previously sworn for that purpose.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED that a Status Conference Re: Sentencing is set on May 1, 2015, at 9:30 AM, in Division 06. ✓

The Court notes that during the trial the defendant admitted to two prior felony convictions and finds no basis for a priors trial.

Over the objection of Mr. Skitzki,

The Court notes that it shall reconsider this finding at a later date if necessary.

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

11:24 AM IN THE PRESENCE OF THE JURY

The jury announces through its foreperson that it has reached a decision in this case.

The Court reads the forms of interrogatory.

As to Interrogatory #1a:

The jury finds that the offenses the defendant was found guilty of in the indictment were committed for pecuniary gain as to Counts 5, 6, 7, and 8 proven beyond a reasonable doubt.

As to Interrogatory #1b:

The jury finds that the offenses the defendant was found guilty of in Count 12 of the indictment were committed for pecuniary gain not proven.

As to Interrogatory #2:

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The jury finds that the offenses the defendant was found guilty of in Count 12 of the indictment caused harm to the victim proven beyond a reasonable doubt.

As to Interrogatory 3a:

The jury finds that the offenses the defendant was found guilty of in Counts 4, 5, and 6 of the indictment were committed while the defendant was on release pending another criminal matter proven beyond a reasonable doubt.

As to Interrogatory 3b:

The jury finds that the offenses the defendant was found guilty of in Count 7, 8, and 12 of the indictment were committed while the defendant was on release pending another criminal matter proven beyond a reasonable doubt.

The clerk asks the jurors if these are their interrogatories and the interrogatories of each of them, and so say they all.

11:28 AM The admonition is lifted and the jury is excused with the Court's thanks.

OUT OF THE PRESENCE OF THE JURY:

IT IS ORDERED as follows:

1. The defendant shall be held without bond.
2. The Adult Probation Department shall prepare a Presentence Report in this case.

11:30 AM The Court stands at recess.

FILED IN COURT: Jury List; Preliminary Jury Instructions; Jury Questions Submitted During Trial; Final Jury Instructions; Jury Questions Submitted During Deliberations; Verdicts (12); Sentence Notification Form; Conditions of Release; Stipulation and/or Order Re: Release of Exhibits; Aggravating Circumstance Hearing Instructions; Interrogatory Forms (5); Affidavit; Joint Stipulation

cc: Hon. Danelle B. Liwski  
Beverly Jean Rudnick, Esq.  
Paul Skitzki, Esq.  
Adult Probation  
Pretrial Services

Heather Smith  
Deputy Clerk