



# Gila County Superior Court

## PUBLIC INTEREST CASES

**UPDATED: 06/20/2014**

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**DISCLAIMER:** The defendant named in each of the cases listed, is presumed innocent until and unless proven guilty; the information provided is intended for community information purposes only and should not be used to threaten, intimidate, or harass. Misuse of this information may result in criminal prosecution.

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### **Supreme Court Public Access**

The Public/media representatives may obtain general information about non-confidential statewide court cases by accessing the Supreme Court's Public Access to Court Information website at the following link:

<http://apps.supremecourt.az.gov/publicaccess/caselookup.aspx>

By using this website, the public/media representatives who are interested in finding out what cases have been filed for a specific individual can enter that person's name to find all cases in the system that are associated with that person. A specific case can also be viewed by entering the case number.

Once the case is selected, general information will appear, and includes the pleadings filed, hearings held, and status of the case. For more information about the case than the website displays, you may contact the office of the Clerk of Court.

### **Gila County Court Public Access**

If an agency of the media is interested in following the progress of a particular Gila County case or a public interest case, the media representative may identify that case to the office of the Court Administrator. Information about the case may still be obtained from the Public Access to Court Information website, as the direct link will save the media time when researching the case. This Court's website can be accessed by clicking on the following link:

<http://www.gilacountyaz.gov/government/courts/index.php>

## Superior Court Calendar Access

The Superior Court calendar is also available via the Internet at the following link:

[http://72.24.204.138:8080/gila\\_public/ev\\_srch.action](http://72.24.204.138:8080/gila_public/ev_srch.action)

Media representatives may look for information on a court calendar by selecting a calendar and the dates of interest. Information about the cases, times, and types of hearings set on those dates will be displayed.

The Gila County Superior Court Public Interest List is also available via the Internet at the following link:

<http://www.gilacountyaz.gov/government/courts/index.php>

**For general questions regarding cases on the Public Interest Case List or any other case, please contact: Terri Griego, Public Information Officer, at: [tgriego@courts.az.gov](mailto:tgriego@courts.az.gov), or (928) 402-8673.**

In the event that you want to view court records or obtain a copy of court documents, a request is first to be made to the Clerk of Court's office.

**Please Note:** Prior to releasing any documents, the Clerk's office will review files before releasing them to the public/media, in case the document contains confidential material. If the document contains such confidential information, the Clerk's office will redact this information before releasing it. If the document is confidential, the public/media are not permitted to view it, such as with a Pre-sentence report. **There is also a 50 cent charge per page.**

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## NOTE:

### Diversion/Deferred Program

It is the policy of the Gila County Attorney's Office to offer some first time felony offenders an opportunity to avoid having a felony conviction on their permanent criminal history if they successfully participate and complete the Diversion or Deferred Prosecution Program.

For a full explanation of this program, please visit the County Attorney's web page at the following link:

[http://www.gilacountyaz.gov/government/county\\_attorney/diversion\\_deferred\\_program.php](http://www.gilacountyaz.gov/government/county_attorney/diversion_deferred_program.php)

## PENDING CASES

### CIVIL

Case	Status as of:	Plaintiff/Defendant
<a href="#">CV201300032</a>	05/15/2013	Deborah NICHOLS – Vs- Michael LOWE, Peak Medical Care, PLLC

### CRIMINAL

<a href="#">CR201400163</a>	5/27/2014	Corey Dewayne GREEN
<a href="#">CR201300569</a>	5/19/2014	Michael Alan VODEN

## CASES SET FOR TRIAL

Case No.	Set for	Defendant
<a href="#">CR201300195</a>	09/17/2014	Phillip Daniel MOSELEY
<a href="#">CR201300431</a>	07/08/2014	Scott Christopher LAMAN

## CASES SET FOR SENTENCING

Case No.	Set for	Defendant
<a href="#">CR201300213</a>	7/17/2014	Kyron Dale GROW
<a href="#">CR201300552</a>	07/03/2014	David Allen RICHARDS

## DIVERSION CASES

Case No.	as of	Defendant
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## RECENT DISPOSITIONS

Case No.	as of	Defendant
<a href="#">CR201300552</a>	06/16/2014	Brandon Lee TWOHEY
<a href="#">CR201300250</a>	06/06/2014	Guillermo ORTEGA, III.

**PENDING CASES  
- CIVIL CASES -**

<b>Plaintiff:</b>	<b>DEBORAH NICHOLS</b>	<b>Defendant:</b>	<b>MICHAEL LOWE, PEAK MEDICAL CARE, PLLC</b>
<b>Case #:</b>	<b>CV201300032 (Payson Case)</b>		
<b>Attorney for Plaintiff:</b>	Neal H. Bookspan Laura A. Rogal Jaburg & Wilk, P.C.	<b>Attorney for Defendant:</b>	Pro Per
<b>Judge:</b>	Peter Cahill	<b>Superior Court:</b>	Division I
<b>Case Status:</b>	<b>NO HEARING DATE AT THIS TIME</b> <b>Application for Entry of Default Against Defendants and Declaration in Support of Entry of Default Against Defendant filed 5/15/13</b>		
<b>Case Notes:</b>	Complainant alleges that the Defendant's actions breached his fiduciary and contractual duties and terms. Defendant is also said to have deliberately obstructed Plaintiff is seeking judgment be entered for compensatory damages and costs.		
<b>Complaint:</b>	<p>Ct. 1 Breach of Fiduciary Duty – Dr. Michael Lowe</p> <p>Ct. 2 Intentional Interference With business Expectancy – Dr. Michael Lowe</p> <p>Ct. 3 Breach of Contract</p> <p>Ct. 4 Statutory Accounting</p> <p>Ct. 5 Issuance of a Temporary Restraining Order; Preliminary Injunction; Permanent Injunction</p>		

**PENDING CASES  
- CRIMINAL CASES -**

<b>Defendant:</b> Corey Dewayne GREEN	<b>Case #:</b> CR 201400163 (Globe Case)
<b>Prosecutor:</b> June Ava Florescue	<b>Defense:</b> Michael Bernays
<b>Judge:</b> Hon. Peter J. Cahill	<b>Superior Court:</b> Division I
<b>Case Status:</b> Case Management Conference set for Mon. 7/21/14 @ 10:00 a.m., before the Hon. Robert Duber, II, with the court sitting in GLOBE.	
<b>Case Notes:</b> Defendant is charged with four counts of Molestation of a Child; two counts of Bestiality.	

**PENDING CASES**  
**- CRIMINAL CASES -**

<b>Defendant:</b> Michael Alan VODEN	<b>Case #:</b> <a href="#">CR201300569</a> (Payson Case)
<b>Prosecutor:</b> Gila County Attorney's Office Shawn Fuller	<b>Defense:</b> Michael Bernays
<b>Judge:</b> Robert Duber, II	<b>Superior Court:</b> Division II
<b>Case Status:</b> Hearing on State's Motion to Revoke Defendant's Release Conditions was held on 6/12/14; the Court denied the State's Motion to Revoke Defendant's Release Conditions. PTC reset to 7/24/14 @ 1:00 p.m., with the Court sitting in PAYSON.	
<b>Case Notes:</b> The Defendant is accused of causing the death of Randall Burnett, by use of a handgun, without premeditation, but knowing that his conduct would cause death or serious physical injury. <b>12/12/13</b> – Defendant's Bond amount was modified from \$1m to \$200,000, with other release conditions. <b>12/19/13</b> - Order Accepting Security Bond was signed by Hon. Robert Duber, II and filed with the Court 12/19/13. Defendant was released subject to previously ordered conditions of release and his promise to appear contained in the submitted documents.	
<b>Indictment:</b> Ct. 1 - Second Degree Murder <b>Filed 11/13/13</b>	

**- CASES SET FOR TRIAL  
- CRIMINAL CASES -**

<b>Defendant:</b> Phillip Daniel MOSELEY	<b>Case #:</b> <a href="#">CR201300195</a> (Payson Case)
<b>Prosecutor:</b> June Ava Florescue	<b>Defense:</b> Michael Bernays
<b>Judge:</b> Peter J. Cahill	<b>Superior Court:</b> Division I

**Case Status:** Defendant was found NOT GUILTY of Counts 1 and 2 at Jury Trial held on 6/3/14.  
 Case Management Conference as to Counts 3 and 4 was held on 6/9/14 @10:00a.m., before the Hon. Peter J. Cahill sitting in PAYSON.  
 Jury Trial as to Counts 3 and 4 set for 9/17/2014 @ 9:30 a.m., before the Peter J. Cahill in Division One in GLOBE.  
 Pretrial Conference set for 7/28/14 at 10:00 a.m., before the Honorable Peter J. Cahill, Division One, sitting in PAYSON.

The Defendant is charged with intentionally or knowingly engaging in or caused a person to engage in sexual conduct with a minor, a child who was under fifteen years of age. Defendant is also charged with assault by knowingly touching another person with the intent to injure the person and he intentionally or knowingly impeded the normal breathing or circulation of blood of another person.

**Indictment** Ct. 1 Molestation of a Child  
**Filed 4/3/13** Ct. 2 Molestation of a Child  
 Ct. 3 Aggravated Assault – Impeding Breathing  
 Ct. 4 Aggravated Assault-Impeding Breathing

\*Note- On 4/18/14 the Court granted Defendant’s Motion to Sever Counts 1 and 2 from Counts 3 and 4. The jury trial held on 6/3/14 only addressed Counts 1 and 2. Counts 3 & 4 will be addressed at a later date.

**CASES SET FOR TRIAL  
- CRIMINAL CASES -**

<b>Defendant:</b>	<b>Scott Christopher LAMAN</b>	<b>Case #:</b>	<b>CR201300431 (Globe Case)</b>
<b>Prosecutor:</b>	<b>Shawn Fuller</b>	<b>Defense:</b>	<b>Anna Ortiz</b>
<b>Judge:</b>	Honorable Monica L. Stauffer (Visiting Judge)	<b>Superior Court:</b>	Division I
<b>Case Status:</b>	<b>July 8, 2014</b>	<b>Jury Trial</b>	<b>in Globe</b>
<b>Evidentiary Hearing re Pending Motions was held on 6/4/14. Count Seven was severed from original charges. Trial will proceed on 7/8/14 w/out Count Seven.</b>			
<b>Pretrial Conference &amp; Donald Hearing is set for Wed. 7/2/14 @ 11:00 a.m. before the Hon. Monica L. Stauffer sitting in GLOBE.</b>			
The Defendant is accused of First Degree Murder; Attempted First Degree Murder; Discharging a Firearm at a Structure; Misconduct Involving Weapons-Prohibited Possessor; Unlawful Flight from Law Enforcement; Resisting Arrest; Possession of Drug Paraphernalia.  Bond has been set at \$1Million.			
<b>Indictment:</b> <b>Filed 8/21/2013</b>	Ct. 1 – First Degree Murder Ct. 2- Attempted First Degree Murder Ct. 3 – Discharging a Firearm at a Structure Ct. 4- Misconduct Involving Weapons-Prohibited Possessor Ct. 5- Unlawful Flight from Law Enforcement Ct. 6- Resisting Arrest Ct. 7 - Possession of Drug Paraphernalia		

**CASES SET FOR SENTENCING  
- CRIMINAL CASES -**

<b>Defendant:</b>	<b>Kyron Dale GROW</b>	<b>Case #:</b>	<b>CR201300213 (Globe Case)</b>
<b>Prosecutor:</b>	<b>Shawn Fuller</b>	<b>Defense:</b>	<b>Anna Ortiz</b>
<b>Judge:</b>	Honorable Monica L. Stauffer (Visiting Judge)	<b>Superior Court:</b>	Division I
<b>Case Status:</b>	<p><b>Jury Trial was held 6/11 thru 6/20/2014. Defendant was found guilty on all counts.</b></p> <p><b>Sentencing is set for Thursday, 7/17/2014 @ 1:00 p.m. before the Honorable Monica L. Stauffer sitting in GLOBE.</b></p>		
<b>Case Notes:</b>	<p>The Defendant is accused of First Degree Murder, 2 counts of Child Abuse-Death or Substantial Physical Injury, Aggravated Assault-Serious Physical Injury.</p> <p>Defendant is in custody without bond.</p>		
<b>Indictment:</b>	<p>Ct. 1 - First Degree Murder,</p>		
<b>Filed 4/10/2013</b>	<p>Ct. 2 - Child Abuse-Death or Substantial Physical Injury, a dangerous crime against children</p> <p>Ct. 3 - Aggravated Assault-Serious Physical Injury, a dangerous crime against children</p> <p>Ct. 4 - Child Abuse-Death or Substantial Physical Injury, a dangerous crime against children</p>		

## CASES SET FOR SENTENCING - CRIMINAL CASES -

<b>Defendant:</b> David Allen RICHARDS	<b>Case #:</b> CR201300552(D2) (Globe Case)
<b>Prosecutor:</b> Gila County Attorney's Office Shawn Fuller	<b>Defense:</b> Raymond Geiser
<b>Judge:</b> Honorable Boyd T. Johnson (Visiting Judge)	<b>Superior Court:</b> Gila

**Case Status:** Change of Plea Hearing was held on Mon., 6/9/14 at 2:30 p.m., before the Hon. Gary V. Scales for Hon. Boyd T. Johnson sitting in GLOBE.

Sentencing set for Thurs., 7/3/14, at 10:00 a.m., before the Honorable Boyd T. Johnson, with the Court sitting in GLOBE.

The Defendant is accused of Drive By Shooting, eight (8) counts of Aggravated Assault-Deadly Weapon/Dangerous Instrument, three (3) counts of Discharging a Firearm at a Structure, 2 counts of Misconduct Involving Weapons, Unlawful Discharge of Firearm

**10/30/13** Bond has been set at \$100,000.00.

**Indictment:** Ct. 1 – Drive By Shooting

**Filed 10/30/2013**

Ct. 2- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct. 3- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct. 4- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct. 5- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct.6- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct.7- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct.8- Discharging a Firearm at a Structure

Ct.9- Discharging a Firearm at a Structure

Ct.10- Discharging a Firearm at a Structure

Ct.11- Misconduct Involving Weapons

Ct.12- Misconduct Involving Weapons

Ct.13- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct.14- Aggravated Assault-Deadly Weapon/Dangerous Instrument

Ct.17- Unlawful Discharge of Firearm

*\*\*Please note Counts 15 & 16 were not included above as these counts were not charged to this Defendant but charged to the co-defendant (Brandon Lee Twohey).*

## RECENT CASE DISPOSITIONS

<b>Defendant:</b> BRANDON LEE TWOHEY	<b>Case #:</b> <a href="#">CR201300552</a> (Globe Case)
<b>Prosecutor:</b> Shawn Fuller	<b>Defense:</b> Ron DeBrigida, Jr.
<b>Judge:</b> Hon. Boyd T. Johnson (Visiting Judge)	<b>Superior Court:</b> Gila
<b>Case Notes:</b> The Defendant is accused of Drive By Shooting, eight (8) counts of Aggravated Assault-Deadly Weapon/Dangerous Instrument, three (3) counts of Discharging a Firearm at a Structure; Possession of Marijuana; Possession of Drug Paraphernalia; Unlawful Discharge of Firearm.  <b>10/30/13</b> Bond has been set at \$100,000.00.	
<b>Indictment:</b>  <b>Filed</b> <b>10/30/2013</b>	<p>Ct. 1 – Drive By Shooting</p> <p>Ct. 2 – Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 3 – Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 4- Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 5- Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 6- Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 7- Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 8- Discharging a Firearm at a Structure</p> <p>Ct. 9- Discharging a Firearm at a Structure</p> <p>Ct.10-Discharging a Firearm at a Structure</p> <p>Ct.13-Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 14-Aggravated Assault-Deadly Weapon/Dangerous Instrument</p> <p>Ct. 15-Possession of Marijuana</p> <p>Ct. 16-Possession of Drug Paraphernalia</p> <p>Ct. 17-Unlawful Discharge of Firearm</p> <p><i>**Please note Counts 11 &amp; 12 were not included above as these counts were not charged to this Defendant but charged to the co-defendant (David Allen Richards).</i></p>
<b>DISPOSITION: SENTENCING HELD 6/16/14</b>	

Count 1 – Drive By Shooting/Dangerous Nature offense

Sentenced to 7.5 years with the Arizona Department of Corrections

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Count 8- Discharging a Firearm at a Structure

**CONVICTION:** Sentenced to 3.5 years with the Arizona Department of Corrections

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Count 8 is to run concurrent with Count One.

All other charges were dismissed.

No fines and fees imposed.

# RECENT CASE DISPOSITIONS

<b>Defendant:</b> Guillermo ORTEGA, III.	<b>Case #:</b> <a href="#">CR201300250</a> (Globe Case)
<b>Prosecutor:</b> Shawn Fuller	<b>Defense:</b> Anna Ortiz
<b>Judge:</b> Robert Duber, II.	<b>Superior Court:</b> Division II
<b>Case Notes:</b> The Defendant was accused of Second Degree Murder; Attempted Second Degree Murder; 2 counts of Aggravated Assault-Serious Physical Injury; 2 counts of Aggravated Assault-Deadly Weapon/Dangerous Instrument.	
<b>Indictment:</b> Ct. 1 –Second Degree Murder <b>Filed 5/1/2013</b> Ct. 2 – Attempted Second Degree Murder Ct. 3-Aggravated Assault-Serious Physical Injury Ct. 4-Aggravated Assault-Serious Physical Injury Ct. 5-Aggravated Assault-Deadly Weapon/Dangerous Instrument Ct.6-Aggravated Assault-Deadly Weapon/Dangerous Instrument	
<b>DISPOSITION:</b> JURY TRIAL –held April 23, 2014	
<b>VERDICT:</b> Ct. 1- SECOND DEGREE MURDER - JURY FOUND DEFENDANT-GUILTY Ct. 2-ATTEMPTED SECOND DEGREE MURDER - JURY FOUND DEFENDANT-GUILTY Ct. 3-AGGRAVATED ASSAULT-SERIOUS PHYSICAL INJURY TO (V.A.)- JURY FOUND DEFENDANT GUILTY Ct.4-AGGRAVATED ASSAULT-SERIOUS PHYSICAL INJURY TO (E.G.)-JURY FOUND DEFENDANT GUILTY Ct.5-AGGRAVATED ASSAULT-DEADLY WEAPON/DANGEROUS INSTRUMENT UPON (V.A.)-JURY FOUND DEFENDANT GUILTY Ct.6-AGGRAVATED ASSAULT-DEADLY WEAPON/DANGEROUS INSTRUMENT UPON (E.G.)-JURY FOUND DEFENDANT GUILTY	
<b>SENTENCING:</b> Held June 2, 2014 @ 3:30 p.m. in GLOBE	
<b>CONVICTION:</b> Ct. 1 - SECOND DEGREE MURDER, a class 2 felony; Sentenced to 23 yrs. w/the Department of Corrections Ct. 2- ATTEMPTED SECOND DEGREE MURDER, a class 2 felony; Sentenced to 15 yrs. w/the Department of Corrections (sentence to run consecutive to Count 1) Ct. 3 - AGGRAVATED ASSAULT-SERIOUS PHYSICAL INJURY TO (V.A.)- Sentenced to 10 yrs. w/the Department of Corrections (sentence to run concurrent with Count 1).	

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- Ct.4 - **AGGRAVATED ASSAULT –SERIOUS PHYSICAL INJURY TO (E.G.)- Sentenced to 10 yrs. w/the Department of Corrections (sentence to run concurrent with Count 1 and with Count 3).**
- Ct. 5- **AGGRAVATED ASSAULT-DEADLY WEAPON/DANGEROUS INSTRUMENT- Sentenced to 10 yrs. w/the Department of Corrections (sentence to run concurrent with counts 1, 3, and 4)**
- Ct. 6- **AGGRAVATED ASSAULT-DEADLY WEAPON/DANGEROUS INSTRUMENT)-Sentenced to 10 yrs. w/the Department of Corrections (sentence to run concurrent with counts 1,3,4, and 5)**

**Restitution imposed to the victim.**