

Description	REARDON / MASTERS / VALCICH 042622		
Date	4/26/2022	Location	1A-CRT400
Time	Speaker	Note	
9:27:57 AM		//FTR issues//	
9:28:42 AM	Court	On my own motion, I will order that witnesses be excluded.	
9:34:36 AM		Jury panel is seated.	
9:38:12 AM	Court	Calls case.	
9:38:38 AM	Counsel	Ready to proceed. No objection to the manner in which the jury panel was drawn.	
9:38:44 AM			
9:38:59 AM	Court	Addresses panel, introduces court personnel.	
9:41:26 AM		Roll call of the jury panel.	
9:45:50 AM	Court	Introduces parties and attorneys	
9:46:30 AM		Reads pertinent portions of the Information.	
9:49:33 AM		Panel sworn for voir dire.	
9:50:25 AM	Counsel	Stipulate that jurors are properly seated.	
9:51:11 AM	Court	Explains voir dire process.	
9:54:06 AM		Begins the Court's voir dire.	
9:56:23 AM		Excuses #1 for cause.	
9:57:25 AM		Excuses #11 for cause.	
9:58:37 AM		Excuses #21 for cause.	
9:59:43 AM		Excuses #37 for cause.	
10:07:34 AM		Excuses #20 for cause.	
10:10:27 AM		Excuses #40 for cause.	
10:14:04 AM		Excuses #50 for cause.	
10:15:48 AM		Excuses #17 for cause.	

<u>10:16:32 AM</u>		Excuses #7 for cause.
<u>10:25:57 AM</u>	Farley	Begins State's voir dire.
<u>10:31:55 AM</u>	Court	Admonishes panel.
<u>10:32:17 AM</u>		Court and jury panel in recess.
<u>10:42:33 AM</u>		Court and jury reconvene; all parties present
<u>10:42:44 AM</u>	Farley	Continues State's voir dire.
<u>10:48:08 AM</u>		Move to excuse #30 for cause.
<u>10:48:09 AM</u>	Cox	No objection
<u>10:48:12 AM</u>	Court	Excuses #30 for cause.
<u>10:55:56 AM</u>	Farley	Two jurors wish to address matters privately.
<u>10:55:58 AM</u>	Court	Questions #6, excuses #6 for cause.
<u>10:56:25 AM</u>		Questions #34, excuses #34 for cause.
<u>11:09:21 AM</u>	Farley	Move to excuse #41.
<u>11:09:28 AM</u>	Court	Questions #41.
<u>11:09:58 AM</u>		Deny the challenge for cause.
<u>11:23:56 AM</u>	Cox	Object (objectionable question)
<u>11:23:57 AM</u>	Court	Sustained.
<u>11:24:57 AM</u>	Farley	Pass the panel for cause.

<u>11:25:02 AM</u>	Cox	Begins defense voir dire.
<u>11:31:10 AM</u>		Move to excuse #47 for cause.
<u>11:31:17 AM</u>	Court	Questions #47, excuses #47 for cause.
<u>11:35:09 AM</u>		Side bar
<u>11:47:01 AM</u>	Cox	Move to excuse #45 for cause.
<u>11:47:07 AM</u>	Court	Questions #45, excuses #45 for cause.
<u>11:48:48 AM</u>	Cox	Move to excuse #8 for cause.
<u>11:48:53 AM</u>	Court	Excuse #8 for cause.
<u>12:07:28 PM</u>	Cox	Move to excuse # 31 for cause.
<u>12:07:40 PM</u>	Court	Excuse #31 for cause.
<u>12:20:15 PM</u>	Cox	Based on my objection made earlier, I do not pass the panel for cause.
<u>12:20:33 PM</u>	Court	I understand your objection was based on the Supreme Court's ruling on peremptory challenges, but do you have a specific challenge for cause?
<u>12:20:45 PM</u>	Cox	No
<u>12:20:57 PM</u>	Court	Excuses panel for duration of peremptory challenge process.
<u>12:21:59 PM</u>	Cox	I'd like them present. If not, can I take their picture if I promise to delete it?
<u>12:22:04 PM</u>	Court	No
<u>12:22:11 PM</u>		Court and jury panel in recess.
<u>12:31:40 PM</u>		Court and jury panel reconvene

12:35:04 PM	Court	Counsel, approach the bench please.
12:35:13 PM		//Court and counsel go over the challenges and final jurors//
12:36:21 PM	Bailiff	We're waiting for one more juror - #12.
12:39:08 PM		Juror #12 now present.
12:39:26 PM		Selected jury is seated.
12:42:51 PM	Counsel	Agree that this is the jury we've selected.
12:42:59 PM		Jury sworn to try the case.
12:43:27 PM	Court	Thanks and excuses remaining jury panel.
12:44:39 PM	Court	Admonishes jury.
12:45:26 PM		Jury in recess
12:46:11 PM		Court in recess
1:30:26 PM		
1:31:38 PM		Court reconvenes; all parties present
1:31:52 PM	Counsel	Nothing to take up.
1:36:00 PM		Jury reconvenes; all present
1:36:45 PM	Court	Addresses jury regarding the camera in the room, assuring them that at no time will there be any film or photographs of the jury members.
1:37:45 PM		Advises the jury of the trial procedure. Reads pre-evidentiary instructions.
1:47:58 PM		Jury is directed that they are not allowed to access social media while this trial is ongoing
1:50:01 PM	Farley	Begins State's opening statement.
1:57:07 PM	Cox	Begins defendant's opening statement.
2:01:48 PM	Farley	Objection (hearsay in opening statement)
2:02:07 PM	Court	Go ahead.

2:13:48 PM	Farley	Calls first witness.
2:14:09 PM		
2:14:23 PM	Cox	I need to take up something outside the presence of the jury.
2:14:33 PM		Jury in recess
2:15:06 PM	Cox	Based on Ms. Farley's questions in jury selection, I'm making the assumption she's calling Ms. Wardle to testify as to statements made by Ms. Vega at the time of her CARES exam. For purposes of Ms. Wardle's test, should she be allowed to talk about the specific acts that are alleged? I think that under the rule she can talk about that. But everything else - all the other statements made about how Ms. Vega felt during the dinner, etc. - should not be allowed.
2:18:53 PM	Court	Motions In Limine should have been filed at least five days before the pretrial. And that's what this sounds like.
2:19:16 PM	Cox	I've never had a case where the State doesn't call the alleged victim in its case-in-chief.
2:19:21 PM	Court	You can make your objections about the questions that are asked as they are asked. I'm likely to construe 804 narrowly in this context.
2:21:30 PM		Jury reconvenes; all present
2:21:51 PM		Ann Wardle (St. Alphonsus nurse; coordinator for community sexual assault team) sworn; direct examination begins.
2:41:33 PM	Farley	The State asks permission under 803 subsections 1, 2, 3 and 4 to ask this witness what J.V. then recounted.
2:41:45 PM	Cox	Object.
2:42:52 PM	Court	I'm going to sustain the objection with respect to 1 and 2, overrule with respect to 3 and 4, provided that the questions are answered narrowly.
2:46:14 PM	Cox	Objection (leading)
2:46:14 PM	Court	Sustained
2:48:48 PM	Cox	Objection (leading)
2:48:51 PM	Court	Overruled
2:50:42 PM	Cox	Object (relevancy)
2:50:50 PM	Court	Overruled, and I'll explain why later.
2:51:09 PM	Cox	Objection (relevancy)
2:51:15 PM	Court	Overruled for now, subject to your demonstrating the relevance.
2:51:37 PM	Cox	Objection (relevancy)

2:51:43 PM	Court	Overruled
2:54:30 PM	Farley	Move to admit and publish Ex. 5 (medical records for JV)
2:54:31 PM	Cox	Object - it should be redacted first.
2:54:51 PM	Court	Examines Ex. 5
2:55:33 PM		Sustain the objection. I'll admit the exhibit once it's been redacted...
2:55:47 PM	Farley	Asks witness more foundational questions.
2:56:11 PM		Again move to admit Ex. 5.
2:56:16 PM	Cox	Object, wish to ask questions in aid.
2:56:23 PM	Court	I'm probably not going to let in some of the information in Ex. 5. I propose that you present a redacted copy (after we talk about what some of the redactions should be), and I will then admit that redacted copy.
2:58:43 PM	Cox	Object and move to strike.
2:59:17 PM	Court	I find the explanation about why it's relevant to the medical diagnosis or treatment to be reasonable. On the other hand, I agree with Mr. Cox that identity is a legal term of art that is not established by way of a 3rd person imputing the identity. What has been established is that this witness received information that an individual named Aaron Von Ehlinger took part in this incident. For legal reasons, that is not an official identify.
3:00:25 PM		Advises the jury that the witness has said the defendant's name, but it's not a technical identity.
3:01:36 PM		Paper bag containing the sexual assault kit handed to witness.
3:02:28 PM		Ex 1 identified (sexual assault kit box).
3:07:57 PM		Ex 1.1 identified (envelope labelled "known blood sample").
3:08:40 PM		Ex 1.2 identified (envelope for vaginal swabs).
3:09:00 PM		Ex 1.3 identified (envelope for oral swabs).
3:09:18 PM		Ex 1.4 identified (envelope labelled "other swabs") - other vaginal area swabs
3:09:47 PM		Ex 1.5 identified (envelope labelled "other swabs") - swabs from the stomach
3:11:37 PM	Cox	Begins cross-examination.
3:16:30 PM	Farley	Objection (mischaracterization of testimony)
3:16:37 PM	Court	The witness was invited to review the report; she may do so.
3:21:28 PM	Farley	Objection (counsel isn't giving the witness a chance to answer)

3:21:34 PM	Court	Mr. Cox, let the witness answer.
3:24:11 PM	Farley	Objection (hearsay).
3:24:14 PM	Court	It would be speculative, so I'll sustain it.
3:24:19 PM	Farley	Objection (hearsay)
3:24:23 PM	Court	Overruled
3:26:59 PM	Farley	Objection (misstates testimony)
3:27:00 PM	Court	Sustained
3:28:24 PM	Farley	Objection (misquote)
3:28:34 PM	Court	Mr. Cox, if you have a question about that, ask a question.
3:30:44 PM	Farley	Objection.
3:30:46 PM	Court	It's argumentative, Mr. Cox. I'll sustain the objection.
3:32:18 PM	Court	Admonishes jury.
3:32:20 PM		Jury in recess
3:32:52 PM	Court	Admonishes witness.
3:32:58 PM		Court in recess
3:44:54 PM		Court reconvenes; all parties present
3:44:56 PM	Court	Before we bring the jury back, I want to talk to the press. Apparently I've created some confusion. I signed an order granting the Idaho Press authority to do video/audio/photos. I did not get a request from CBS although I gave that cameraman this morning oral permission to video with the understanding that it would be a "pool" feed and anybody else wanting video would need to get it from 2..
3:46:09 PM		Anybody else needs to get pictures from The Idaho Press. There are not to be any cellphone pictures taken for broadcast or publication.
3:46:30 PM		If 2 isn't here tomorrow, if the Press's still camera isn't here tomorrow, and somebody else wants to take pictures, I'm ok with that as long as it's understood that it would be a "pooled" camera. I don't want several cameras going at once.
3:47:08 PM		Jury reconvenes; all present
3:47:38 PM	Farley	Begins redirect.
3:48:42 PM	Cox	Objection (leading)
3:48:44 PM	Court	Sustained
3:51:57 PM	Cox	Don't know how that's relevant to the diagnosis.

3:52:07 PM	Court	Overruled. It's related to impressions, and her expectations were opened during cross.
3:53:17 PM	Cox	Objection - don't know that that was covered in cross.
3:53:28 PM	Court	As I recall the opening statement and testimony earlier, there was an intimation of force as part of the evidence. I'll overrule the objection.
3:53:50 PM	Cox	Objection (leading)
3:53:52 PM	Court	Sustained.
3:55:37 PM	Cox	Object
3:55:41 PM	Corut	Sustained
3:55:43 PM	Cox	Move to strike the answer.
3:55:48 PM	Court	If the jury heard the witness respond to the last question, I ask you to not consider it.
3:57:20 PM	Cox	Object - there are two components to what Ms. Farley is attempting to elicit. I don't want it to be confused that it was all one event.
3:58:15 PM	Court	Ms. Farley, repeat the question.
3:58:34 PM		Overruled
4:00:59 PM	Cox	Object under 803(4)
4:01:08 PM	Court	Sustained
4:01:11 PM	Farley	Offering this under 803(3)
4:01:27 PM	Cox	Response
4:01:39 PM	Court	I'm having a hard time seeing how the emotional state then is relative to the diagnosis.
4:02:05 PM	Farley	Response
4:02:31 PM	Cox	This is not the victim.
4:02:36 PM	Farley	If I said that, I misspoke. State believes this is admissable under 803(3).
4:03:04 PM	Cox	She's making statements about how she felt at the time, 48h previously; we don't know that she had those same feelings at the time of her examination.
4:03:17 PM	Court	I tend to agree. I'm going to sustain the objection.
4:03:43 PM	Cox	Objection (foundation, speculation)
4:03:46 PM	Court	Overruled
4:04:04 PM	Cox	Begins re-cross.

4:05:37 PM	Cox	In the event that Ms. Vega is called on rebuttal, I'm going to ask that this witness not be fully excused - I have a subpoena for her.
4:06:27 PM	Court	Addresses witness, who then steps down.
4:06:47 PM	Farley	Calls next witness.
4:07:07 PM	Cox	I want to let the Court know that I'm going to make a foundational objection to his testimony.
4:07:25 PM		Eric Seat (ISP forensic scientist) sworn.
4:08:01 PM	Court	Advises jury that evidence must have a proper foundation. This witness is proposed as being called out of the order, so to the extent that evidence is admitted, it is admitted conditionally subject to the State later laying proper foundation. If I later instruct you that that evidence was not completely presentd, I would also instruct you to disregard it.
4:10:33 PM	Cox	I'll stipulate to this witness' training
4:13:13 PM	Court	Counsel, come up.
4:13:27 PM		//side bar//
4:15:53 PM	Cox	I'll stipulate that the DNA found on J.V.'s stomach was Mr. Von Ehlinger's.
4:16:09 PM	Cox	Begins cross-examination.
4:16:57 PM		Witness is excused.
4:17:14 PM	Farley	I have additional witnesses here today should the Court wish to proceed.
4:17:51 PM	Court	I think everyone's a little tired. Let's start right at 9 tomorrow morning.
4:18:13 PM		Admonishes jury.
4:18:28 PM		Jury adjourns.
4:19:14 PM	Court	We've covered Ms. Wardle and Mr. Seat. Who will you have tomorrow?
4:19:30 PM	Farley	7 - 8 witnesses lined up for tomorrow. Iverson, Joseph, Hughes, Davis, Blackburn, J.V., and Dr. King.
4:21:17 PM	Court	There was one objection we dealt with in a side bar, that related to Ms. Wardle's restatement that J.V. was focusing on curtains. I overruled the objection at the bench because that statement could be construed as disassociative and that struck me as possibly being pertinent to the diagnosis.
4:22:17 PM		The second sidebar had to do with the preliminary foundation for Mr. Seat. I understand that was counsels' agreement at the bench.

4:22:33 PM	Counsel	Agree with that.
4:22:37 PM	Farley	State filed a motion objecting to any evidence under 412. But Mr. Cox's referencing any other DNA found on the swabs and implying they came from another source is a violation of 412 and his agreement not to go there.
4:23:44 PM	Court	I didn't hear that exchange as an invitation to speculate about other contributors, just whether defendant's DNA was anywhere else.
4:24:05 PM	Cox	That's exactly what I was implying.
4:24:24 PM	Farley	Just wanted to put the Court and counsel on notice that should he attempt to argue, I don't think he can even say that the male DNA found belongs to someone else.
4:24:57 PM	Cox	My only question will be is that there is no evidence of Aaron Von Ehlinger's DNA in those samples.
4:25:26 PM	Court	Be here a few minutes early tomorrow.
4:25:48 PM		End of case
4:39:50 PM		

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