

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JANE L EIKLEBERRY

CASE NO. CR20124578-001

COURT REPORTER: Gail Vinson
Courtroom - 572

DATE: January 13, 2014

STATE OF ARIZONA

Lindsay P St John, Esq. counsel for State

VS.

BRYAN PETER FOSHAY (-001)
Defendant

Walter Palser, Esq. and Elena Kay, Esq. counsel
for Defendant

MINUTE ENTRY

**DEFENDANT'S MOTION TO PRECLUDE FIREARMS IDENTIFICATION EVIDENCE AND
CONTINUE TRIAL**

Defendant present, out of custody. Victim Representative present.

As to Defendant's Motion to Preclude Firearms Identification Evidence:

State's Exhibits 1 and 2 are identified as follows:

1. CD in sleeve
2. copy of Santa Ana Police Department Forensic Section Firearm Analysis Unit

Mr. Palser moves to invoke the Rule, which Motion is granted.

For the State:

Rocky Edwards is sworn, examined, cross-examined, and excused.

State's Exhibit 1 and 2, previously identified, are admitted.

Defendant's Exhibit A, being a copy of Interview—Rocky Edwards dated 11/12/13, is identified.

State rests. Both sides rest.

Mr. Palser and Ms. St. John make closing arguments.

THE COURT FINDS as follows:

1. Mr. Edwards does qualify as an expert in the area of firearms identification and he can testify as to the work he did and to his opinions.
2. That the testimony is the product of reliable principles and methods.
3. That the 2013 study provides further support for the use of 3-D confocal microscopy.

Francis Impraim
Deputy Clerk

MINUTE ENTRY

Page 2

Date: January 13, 2014

Case No.: CR20124578-001

IT IS ORDERED that the motion is DENIED.

As to Defendant's Motion to Continue:

Counsel argue their positions to the Court.

Good cause appearing,

IT IS ORDERED that the motion is GRANTED.

IT IS ORDERED that the Jury Trial set on January 22, 2014, is reset to April 29, 2014, at 1:15 PM, in Division 11; 7 days; 12 jurors; Time is excluded.

IT IS ORDERED that all subpoenas shall remain in full force and effect.

cc: Hon. Jane L Eikleberry
Elena Kay, Esq.
Lindsay P St John, Esq.
Walter Palser, Esq.
Pretrial Services

Francis Impraim
Deputy Clerk