

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-117226-001 DT

06/01/2012

JUDGE ROBERT E. MILES

CLERK OF THE COURT
A. Moore
Deputy

STATE OF ARIZONA

KRISTIN LARISH

v.

ANTHONY MATTHEW PENA (001)

TAMARA D BROOKS-PRIMERA

MINUTE ENTRY

The Court took under advisement Defendant's Motion/Request That the Court Hold an Evidentiary Hearing Pursuant to Rule 702, Arizona Rules of Evidence, Regarding any and all Firearm Identification Conclusion Testimony Based on the State's Inability Under "Daubert" to Satisfy the Requisite Foundation for Admissibility.

In light of the transcript of the sworn trial testimony of Mr. Tew and the transcript of Mr. Tew's interview by defense counsel, the Court finds that an evidentiary hearing is not required for the Court to make a preliminary reliability finding pursuant to Rule 702, Arizona Rules of Evidence and, therefore,

IT IS ORDERED denying Defendant's Motion/Request.

Based on the information contained in those transcripts, the Court further finds that Mr. Tew is qualified as an expert by experience, training and education, and that all of the other criteria of Rule 702 are satisfied so that Mr. Tew may testify as to his expert opinions. In particular, the Court finds that Mr. Tew's opinions will assist the jury, are based on sufficient facts, are based on reliable methods in that those methods can and have been tested and are generally accepted and followed in the field, and that Mr. Tew has reliably applied those methods to this case.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine
their mandatory participation in eFiling through AZTurboCourt.