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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PROCEEDINGS BEFORE THE 446TH)

MARICOPA COUNTY GRAND JURY)

IN RE:)

) CR2008-106594-001 DT

JOHN CHESTER STUART,)

Phoenix, Arizona
July 11, 2008

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Original)

Traci J. Webster, RPR
Certified Court Reporter, CR 50466

08 AUG -6 AM 8:19

MICHAEL JEANES, CLERK
BY *A. Bishop*
FILED DEEP

A P P E A R A N C E S

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DEPUTY COUNTY ATTORNEYS:

Susie Charbel

Kevin Maricle

GRAND JURORS PRESENT:

Names deleted from this transcript.

(Alternate Foreperson)

P R O C E E D I N G S

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MS. MARICLE: This is 446 Grand Jury Number 609. This is the investigation of a person named John Chester Stuart. The investigation has led to two allegations. There's one allegation of second degree murder, there's one allegation of drive by shooting.

8

The first allegation against Mr. Stuart is that on the 29th January of 2008 without premeditation he intentionally caused the death of a person named Thomas Orville Beasley, B-e-a-s-l-e-y, and/or knowing that his conduct would cause death or serious physical injury, he caused the death of Thomas Orville Beasley and/or under circumstances manifesting extreme indifference to human life, he recklessly engaged in contact which created a grave risk of death and thereby caused the death of Thomas Orville Beasley. The allegation continues that this is a dangerous felony because it did involve the use of a handgun.

19

The second allegation is that on that same date, Mr. Stuart intentionally discharged a handgun from a motor vehicle at a person, another occupied motor vehicle or an occupied structure and, again, the allegation is that this is a dangerous felony because of the use of the handgun.

24

The statutes that may help the Grand Jury decide if probable cause exists in this matter are A.R.S.

25

1 13-105, 13-1101 and 1104 regarding the first allegation,
2 13-1209 regarding the second allegation, then regarding the
3 allegations of dangerousness, 13-604(p).

4 County Attorney records show these
5 statutes were read to the Grand Jury on March 18, 2008 with
6 all members present. Also, copies of those statutes have
7 been provided to all members of the Grand Jury.

8 Are there any members of the Grand Jury
9 who would like any of those statutes reread or clarified at
10 this time?

11 I also need too read you a statute that
12 may be helpful in your determination of this matter, and that
13 is A.R.S. 13-418. The title of that statute is
14 justification, use of force in defense of residential
15 structure or occupied vehicles.

16 Definition: A, notwithstanding any other
17 provision of this chapter, a person is justified in
18 threatening to use or using physical force or deadly physical
19 force against another person if the person reasonably
20 believes himself or another person to be in eminent peril of
21 death or serious physical injury and the person against whom
22 the physical force or deadly physical force is threatened or
23 used was in the process of unlawfully or forcefully entering
24 or had unlawfully or forcefully entered a residential
25 structure or occupied vehicle or had removed or was

1 attempting to remove another person against the other
2 person's will from the residential structure or occupied
3 vehicle.

4 Subsection B, a person has no duty to you
5 treat before threatening or using physical forced or deadly
6 physical force pursuant to this section.

7 Subsection C, for the purposes of this
8 section, one, residential structure has the same meaning
9 prescribed in 13-1501. Two, vehicle means a conveyance of
10 any kind, whether or not motorized that is designed to
11 transport persons or property.

12 Now, you have been read that statute on
13 March 18th, 2008, so you will have a copy of that in your
14 books.

15 Now, the alleged victim's name is Thomas
16 Orville Beasley and the person who is scheduled to testify
17 for you today is Paul Dalton of the Phoenix Police
18 Department.

19 The record should reflect the entire
20 Grand Jury is present except for ~~names of 2 jurors deleted~~. And the
21 two visitors in the back are duly appointed County Attorneys
22 who are authorized to present evidence before this Grand Jury
23 and they will introduce themselves to you.

24 MR. ALLEN: David Allen, Deputy County
25 Attorney.

1 MS. ONDRCHAK: Jacqueline Ondrchak,
2 O-n-d-r-c-h-a-k.

3 MS. MARICLE: We also may be joined by
4 Jessica Erickson, Jonathan Plicht and Matthew Reed.

5 The subject matter of this particular
6 investigation may have received some attention and exposure
7 in the news media.

8 Maybe, Susie, if you don't mind -- let me
9 back up just a minute.

10 We also have present Susie Charbel who's
11 also a duly appointed County Attorney authorized to present
12 evidence before this Grand Jury. Maybe you could give us a
13 brief summary of what these folks may have heard or seen in
14 the media about this matter.

15 MS. CHARBEL: The media was calling this
16 a road rage incident. It occurred on the 29th of January
17 around 9:10 p.m. in the intersection of Tatum Boulevard and
18 Pinnacle Peak Road. And in this case there were two men who
19 were in two separate vehicles. They got into a verbal
20 argument and the subjects -- we're alleging that the suspect
21 in this case shot and killed the victim while they were
22 having that this argument and then the suspect left of the
23 scene many.

24 The story received a lot of media
25 attention the first few days and may still be receiving some.

1 MS. MARICLE: Based on that summary of
2 the facts, is there anybody on the Grand Jury who thinks they
3 may have read or heard anything in the media about this
4 investigation?

5 I'm seeing negative head shakes and no
6 hands raised, so I take it by that response that your answer
7 is no.

8 I would just like to ask that if at any
9 time during the course of the investigation you realize that
10 you have had media exposure to this matter and that that
11 exposure would in any way affect your ability to sit as a
12 fair and impartial juror, please let us know about that and
13 request to be excused.

14 The admonitions read to you this morning
15 concerning persons disqualified from serving as Grand Jurors
16 still apply.

17 I take it by your silence that none of
18 those admonitions apply to any of you.

19 THE FOREPERSON: We're about to consider
20 the matter of 446 Grand Jury 609 and the investigation
21 involving the individual named. The usual admonition
22 applies.

23 MS. MARICLE: If you'll stand by that
24 black chair, that gentleman right there will swear you in and
25 then that chair's for you (indicating).

1 PAUL DALTON,
2 BEING DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

3

4

DIRECT EXAMINATION

5 BY MS. CHARBEL:

6 Q Hello.

7 A Hello.

8 Q Would you please introduce yourself to the
9 Grand Jurors and spell your last name.

10 A Sure. My name is Paul, last name Dalton,
11 D-a-l-t-o-n.

12 Q What do you for a living, sir?

13 A I'm a homicide detective for the City of
14 Phoenix Police Department.

15 Q How long have you been doing that?

16 A Homicide for 10 years.

17 Q Were you on duty in that capacity as a
18 homicide detective on January 29th, 2008?

19 A Yes.

20 Q On that night around 9:00 or so at night, were
21 you part of an investigation -- or the beginning of an
22 investigation that occurred at the -- of a homicide that
23 occurred at the intersection of Pinnacle Peak Road and Tatum
24 Boulevard?

25 A Yes.

1 Q Is that here in Maricopa County?

2 A Yes.

3 Q Is that in Phoenix?

4 A Yes.

5 Q All right. Are you familiar with the police
6 reports, scientific reports, autopsy reports and others that
7 may have been generated up to this point in this case?

8 A Yes.

9 Q And who was the victim in this case?

10 A The victim would be a Orville Thomas Beasley.

11 Q How old was Mr. Beasley?

12 A 49 at the time.

13 Q And do you have in front you any idea of his
14 height and weight?

15 A 5'11", 200 pounds.

16 Q And where did he live?

17 A Let me just look that up real quick.

18 He lived at 3444 East Tonto Lane in
19 Phoenix. North Phoenix.

20 Q All right. What was it that brought Phoenix
21 Police Department's attention to this particular incident?

22 A Several 9-1-1 calls came into that
23 intersection of the actual shooting.

24 Q All right. Were the 9-1-1 calls, did they say
25 there was an actual shooting and an injured person?

1 A I believe so, yes.

2 Q What did the officers who first arrived at the
3 scene see?

4 A They found Mr. Beasley laying in front of his
5 vehicle with a gunshot wound to his face and several of the
6 witnesses standing around, his wife, Mr. Beasley's wife was
7 present and fire department.

8 Q How many times was Mr. Beasley shot?

9 A One time.

10 Q Where exactly was it on his face?

11 A He was shot just in his right eyebrow.

12 Q Was there an exit wound?

13 A No exit without.

14 Q Was an autopsy performed on his body?

15 A Yes, there was.

16 Q What was the cause of death?

17 A The cause would be the gunshot wound to the
18 head and the manner of death was homicide.

19 Q Was the suspect identified that same night?

20 A Yes, he was.

21 Q What was that persons' name?

22 A John Chester Stuart.

23 Q And where did he live?

24 A Mr. Stuart lived at 3540 East Expedition Way.

25 A Again, in north Phoenix.

1 Q You said there were people standing around the
2 victim's wife.

3 Were there other witnesses who -- besides
4 the ones who stayed behind?

5 A Yes.

6 Q Some had left; is that correct?

7 A Some had left, yes.

8 Q Would you tell us the names of some of these
9 witnesses and what they said?

10 A Sure. Do you want me to start with the
11 witnesses, the list here, starting with Ross Miller besides
12 Ms. Beasley or --

13 Q Wherever you want.

14 A Cantrell. We can start with -- well, I'll
15 start at the top.

16 Ms. Cindy Cantrell, that would be
17 Mr. Stuart's fiance at the time. She was inside the vehicle
18 when this incident took place. She explained to me that they
19 were -- they -- whenever I refer to they, Mr. Stuart and her
20 were hanging around the call for prepping and signs along
21 Tatum Boulevard and Pinnacle Peak over in the Scottsdale
22 area.

23 Mr. Stuart was driving a FJ Cruiser west
24 on Pinnacle Peak. He passed some cars going really slow, and
25 this, again, according to Cindy Cantrell, he thought they

1 were going 20 to 30 miles an hour when Mr. Stuart passed
2 them. When Mr. Stuart passed one particular car, she said
3 that that car put his high beams on after he passed them, and
4 then she heard Mr. Stuart say, "What an asshole."

5 They approached the red light at Tatum
6 and Pinnacle Peak and then an Isuzu pulled he up next to
7 them. She said so close that the driver's door would not
8 open, so she's claiming that Isuzu Trooper pulled up right
9 next to Mr. Stuart's FJ Cruiser.

10 They we're in the right-hand lane to go
11 west on Pinnacle Peak, I-9 and Tatum -- no, Pinnacle Peak.
12 That was right the first time. Anyways, she said that
13 Mr. Beasley came out of the Isuzu approaching Stuart saying,
14 "Your wife's a cunt." Stuart calls Beasley an asshole and
15 they had some words. Words were being continued to be
16 exchanged.

17 She remembers some of the phrases being,
18 "I'm going to kick your ass," and this is from Mr. Beasley.
19 "You need your ass kicked. You're going to die. I'm going
20 to pull my gun on you. I'm going to draw my gun." And she
21 claims were all from Mr. Beasley.

22 I asked her was Mr. Stuart acting calm
23 when this happened and she said yes, he was very calm when he
24 was doing this -- or acting calm during this incident, but
25 acting calm during this incident.

1 She said Mr. Stuart tried to open his
2 door, but could not because the Isuzu was parked so close.
3 Beasley -- Mr. Beasley was trying to reach in the window,
4 rear window, and Stuart was telling him to stop now and get
5 back. Stuart has an FJ Cruiser, there's a glove box or a
6 glove -- a hidden compartment right above the steering wheel.
7 He opened up that compartment and that's where he kept his
8 Glock pistol, .40 caliber pistol.

9 Mr. Beasley reached into the window and
10 at that time she said Stuart shot him. She continued to say
11 that he's a crazy guy at the window, he was trying to hit
12 Mr. Stuart. "We were in fear of our lives." She said she
13 never saw a gun on Beasley in his hands. She said Beasley
14 was saying, "I'm going kill you both. I'm going to pull my
15 gun on you and kill you both." She said Stuart had a small
16 Glock. He's very good with and knows guns.

17 He left -- Mr. -- after the shooting
18 Stuart left of the scene and she said he left because she was
19 screaming to get out of the area. She thought that
20 Mrs. Beasley -- that the victim's wife was going to come to
21 Mr. Beasley while he was laying on the grouped and pull his
22 gun -- pull the gun from Mr. Beasley and shoot them both, and
23 that's what she's saying.

24 After leaving the scene they went home
25 and she left in her car, Mr. Stuart told her to go her dad's

1 house and call the police. She did call 9-1-1 approximately
2 20 minutes after the incident. That was her statement.

3 Q All right. Who was the next person?

4 A The next person is Mrs. Beasley. She was
5 obviously in the Isuzu. And she stated that she was at
6 the -- they were at the MPR open and they went to a
7 restaurant with some friends. They both were drinking. She
8 said they had three drinks at the restaurant and they were
9 Jack and sodas. So they each had one and a half drinks, so
10 they split the last one.

11 She said Stuart's vehicle passed them on
12 a double yellow line at a high rate of speed and Mr. Beasley
13 was doing a speed limit at that time, which I believe at that
14 area it's 45, 50 in that area. They both were arrived at the
15 red light together and Mrs. Beasley looked over to Stuart who
16 was right next to them.

17 He rolled down his window and flipped her
18 off -- or flipped them both off. Mrs. Beasley then rolled
19 down her window because it's electric -- you know, the
20 electric windows there and he -- Stuart yelled out, "Your
21 wife's a cunt." And at that time Mr. Beasley got upset and
22 took the put Isuzu in park and then attempted to get out.
23 Rebecca said, you know, "Don't. Stop." But he continued to
24 go out and he told her to let him go.

25 She said Stuart pulled his vehicle in

1 front of their vehicle, and as -- he got out of the
2 vehicle -- out of his Isuzu. So Mr. Stuart while his -- the
3 Isuzu was parked, Mr. Stuart pulled his vehicle in front of
4 the white Isuzu in a fashion that I'm showing the Grand Jury
5 (indicating). For the purpose of the tape, I'm moving my
6 right hand in front of the left hand.

7 As -- what she said is as Mr. Beasley
8 approached the vehicle he got shot by Stuart. I asked her if
9 he sped up or flashed the high beams at her during the -- as
10 the -- you know, he passed -- Mr. Stuart past, and she said
11 no. She felt that Stuart was provoking Mr. Beasley when he
12 called her a cunt. And she remembered that the vehicle
13 beeping its horn.

14 She remembered Tom saying -- or
15 Mr. Beasley saying to Stuart that he can't talk about his
16 wife like that. And she did say that her husband was really
17 mad at that time. She heard a female's voice coming from
18 Mr. Stuart's vehicle saying, "No, don't," just prior to the
19 shooting and she describes Stuart's face as being very angry
20 at the time.

21 During this incident there was several
22 witnesses. I'm just going to go right through them. Next
23 one is Ross Miller. He was northbound on Tatum in the curb
24 lane to turn east on Pinnacle Peak. So he saw Beasley --
25 Mr. Beasley standing in front of his Isuzu yelling at Stuart.

1 He saw Stuart drive towards the Mr. Beasley and Beasley kicks
2 at Stuart's door. So that kind of explains Mr. Stuart's
3 vehicle coming in front of his.

4 She said Beasley was approximately three
5 feet away from Stuart's vehicle when she sought driver's door
6 open. Stuart's arm came out and she heard three pops.
7 Mr. Beasley fell to the ground immediately. After the
8 shooting the driver's door closes. Stuart drives off west on
9 Pinnacle Peak and Mr. Beasley was not -- and obviously when
10 I'm saying Beasley and Stuart in these interviews, they do
11 not know who they were, so I just want to let Grand Jury know
12 that.

13 The next person was Angelo Espinoza. And
14 he was driving a white Acura right behind Mr. Beasley Isuzu
15 Trooper -- not Trooper -- the Isuzu facing west on Pinnacle
16 Peak. He was behind the FJ Cruiser when the FJ Cruiser
17 passed two vehicles on the double yellow line. All the
18 vehicles except Stuart's vehicle were doing the speed limit.

19 Stuart kept a distance after he passed
20 and all the vehicles stopped at the red light at Tatum. He
21 heard -- Mr. Espinoza heard an argument between the two
22 vehicles. He did not hear what was being said, but he saw
23 Mr. Beasley exit the Isuzu and then go in front of it. He
24 saw Mr. Stuart move his vehicle up towards Mr. Beasley and
25 Mr. Beasley did not have anything in his hands.

1 He saw Mr. Stuart move backwards and then
2 forwards, hitting a vehicle behind him. So -- and that's
3 also from another witness here. He saw Mr. Beasley's hand
4 extend in front of him, but he could not see if they were in
5 Stuart's vehicle.

6 So Beasley was approximately two or three
7 feet away when he heard one or two shots and Mr. Beasley's
8 wife got out screaming, banging her hands on Mr. Stuart's
9 vehicle behind the driver's door.

10 Then he saw the FJ Cruiser, Mr. Stuart,
11 leave west on Pinnacle Peak and then took the plate down and
12 gave it to Mrs. Beasley as she's taking care of her husband.

13 He said -- Mr. Espinoza said that
14 Beasley's wife told him at the time of this incidents that
15 the guy -- that Mr. Stuart called her a cunt. So during this
16 incident, she told that witness that that happened.

17 Next one is Joshua Espinoza, and that was
18 the son of Angelo. He was also in the car with his dad. In
19 the passenger seat, though. Said the Isuzu was in front of
20 him in the left turn lane. The FJ Cruiser was next to the
21 Isuzu to the right. Both occupants were yelling at each
22 other. The FJ Cruiser was moving back and forth as he was
23 taunting -- as if he was taunting the Isuzu occupants.
24 Stuart would hit the gas, then the brakes. And, again, using
25 Stuart was the person in the FJ Cruiser who we identified as

1 Mr. Stuart.

2 The driver of the Isuzu got out, went
3 toward the window of the FJ Cruiser, saw the driver's door of
4 the FJ Cruiser open, shut and then open a little, and then he
5 heard a shot. The FJ Cruiser stayed for approximately
6 10 seconds and left, then his dad got the license plate
7 number. Saw the victim's wife pitch towards the FJ Cruiser
8 screaming.

9 The next witness is -- I'm going to spell
10 it -- L-b-b-a-l-d-e-v, Sangha, S-a-n-g-h-a. This person was
11 traveling south on Tatum approaching Pinnacle Peak with her
12 husband Alastair, A-l-a-s-t-a-i-r. Alastair. She saw two
13 vehicles, thought they were in an exhibit and they were
14 discussing that. She saw two people talking. One person she
15 thought was a female on the passenger side of the dark SUV
16 and that dark SUV would be the FJ Cruiser, and the other was
17 standing next to the driver's side of the SUV.

18 She did not think anything was -- anybody
19 was arguing until she heard a pop and smoke from the driver's
20 side of the dark SUV and the victim fall not ground lifeless.
21 A woman got out of the dark SUV and then it left west on
22 Pinnacle Peak. She saw a Ron Paul sticker on the side of the
23 SUV and followed the vehicle to its address and called 9-1-1.

24 After about five minutes later she saw a
25 gold Jaguar pull out of the driveway and then drive eastbound

1 and then saw the same dark SUV, the FJ Cruiser leave and pull
2 out of the driveway. She was with 9-1-1 talking to them as
3 the police were arriving on that scene. Her husband,
4 Alastair Stell, S-t-e-l-l, he was the one driving this
5 vehicle.

6 Thought two vehicles were involved in a
7 collision. She described them as a Toyota SUV and a large
8 white SUV. The large white SUV would be Mr. Beasley's white
9 Isuzu. He saw Mr. Beasley standing by the hood of the Toyota
10 on the driver's side. He had nothing in his hands and was
11 approximately two feet away from the driver's side of the
12 vehicle. He saw another person standing on the passenger
13 side of the Toyota, thought she was a female. He did not
14 think they were arguing, their gestures were not animated.

15 He heard a gunshot and saw smoke from the
16 driver's side of the Toyota, saw Mr. Beasley slump forward
17 onto the hood of the Toyota and then slid off and fell to the
18 ground. The passenger from the Toyota stood there for five
19 seconds and then got in. The Toyota then drove west on
20 Pinnacle Peak, saw Ron Paul for president on the side of the
21 doors. He followed the Toyota to its residence and about
22 three to five minutes after he got there he was talking to
23 9-1-1. He saw the gold Jaguar pull out eastbound and then he
24 saw the Toyota leave shortly after that.

25 And to understand for the Grand Jury

1 later, it was Cindy Cantrell who got into her gold Jaguar and
2 left their scene after they got home.

3 The next witness was Shellani,
4 S-h-e-l-l-a-n-i, Jensen, J-e-n-s-e-n. And she was driving
5 northbound on Tatum in the left-hand lane. Saw Beasley
6 moving his hands and walking back and forth in the roadway in
7 front his Isuzu. Saw a Toyota cut over towards him and she
8 thought Stuart was going to hit Mr. Beasley and crush him.
9 It looked like Beasley was arguing with someone in the
10 Toyota, but it was too dark to tell. She heard one gunshot
11 and saw Mr. Beasley fall to the ground. She made a U-turn
12 and called 9-1-1.

13 Betty Smotherman, S-m-o-t-h-e-r-m-a-n.
14 She was northbound on Tatum at Pinnacle Peak turning east.
15 She saw two trucks approach the light and Mr. Beasley get
16 out. She saw Stuart try to squeeze Mr. Beasley between his
17 Toyota and the Isuzu a couple of times. She drove east and
18 heard one gunshot. She did not see Mr. Beasley reach inside
19 the Toyota.

20 Next person is Joshua Spade. He was
21 stopped at the light behind Mr. Stuart in his FJ Cruiser. He
22 confirmed that Stuart passed him and others at high rate of
23 the speed. Heard both parties arguing at the light. Saw
24 Beasley get out of his Isuzu and approach Stuart arguing with
25 him. Mr. Beasley started to walk back to his Isuzu when

1 Stuart moved his Toyota towards Beasley to continue the
2 argument.

3 Stuart then backed up and hit his vehicle
4 and then moved forward again towards Beasley. Remember about
5 the honking the horn, that was him honking his horn to get
6 his attention.

7 Beasley moved towards Stuart and started
8 to grab at him. He saw Stuart's door open but he did not get
9 out. He then saw Beasley get shot and fall to the ground.
10 Beasley was right at Stuart's door when he got shot. He did
11 not see anything in Mr. Beasley's hands.

12 Mr. Spade left west on Pinnacle Peak and
13 Stuart came upon him quickly. Stuart turned south and away
14 from Josh and then Josh said he was doing about 80 miles an
15 hour when he left. He just got out of there and was on the
16 phone calling 9-1-1.

17 Next one is --

18 Q Question. Where did the suspect Mr. Stuart go
19 after the shooting? Exactly whose house did he go to?

20 A He went to -- actually, he was living with
21 Cynthia -- Cindy Cantrell. It's her house, but they're
22 living together, so it would be that house.

23 Q What did he do while he was there?

24 A He had those Ron Paul stickers on his truck,
25 when he got there, he took those magnets -- or magnetic

1 stickers, he took them off and threw them down in his garage.
2 He went to a closet and took approximately \$2,000.00 cash,
3 got back into his vehicle and left.

4 And as you could see, according to the
5 witnesses that followed him there, that Cindy Cantrell left
6 in the gold Jaguar and then he left shortly after that.

7 Q What kind of gun did the suspect use to shoot
8 Mr. Beasley?

9 A It's a .40 caliber semiautomatic Glock.

10 Q Was it recovered?

11 A Yes, it was.

12 Q Where?

13 A It was recovered inside the passenger
14 compartment of the FJ Cruiser.

15 Q Had he been pulled over a little bit after he
16 took off from the house?

17 A Yes. Obviously the police were on their way
18 from the 9-1-1 calls and he was pulled over shortly -- just
19 before I believe Cave Creek on Pinnacle Peak.

20 Q Was there -- did you -- would you tell us what
21 other evidence was recovered in this case.

22 A In the case? There was the shell casings
23 obviously found at the scene. That was later matched to
24 Mr. Stuart's .40 caliber pistol. That was obviously left at
25 the scene. There was blood spots. A lot of photographs,

1 measurements. There was also inside Mr. Stuart's FJ Cruiser
2 in the back compartment he had a locked box and inside the
3 locked box there was a AR 15 rifle and several magazines, gas
4 masks, shovels, survival equipment. Underneath the passenger
5 seat I found a stun gun like a touch stun gun. It's a stun
6 baton I think it's called and --

7 Q What is an AR 15?

8 A AR 15 is a rifle. It shoot .223 rounds
9 ammunition. It's a high powered rifle.

10 Q You said earlier that Mrs. Beasley told you
11 they had been drinking. What other evidence was there that
12 he had been using alcohol, the victim, that night?

13 A The autopsy report showed that Mr. Beasley had
14 a alcohol content in his cardiac blood and his vitreous,
15 v-i-t-r-e-o-u-s --

16 THE JUROR: How much was it?

17 THE WITNESS: I'm giving that right
18 now.

19 He was a .19 percent.

20 BY MS. CHARBEL:

21 Q So what happened after the suspect was pulled
22 over?

23 A He was taken to police headquarters obviously,
24 he was taken into custody. He was taken to police
25 headquarters where I interviewed him and Ms. Cantrell.

1 Q Detective, was his car, the suspect's car, did
2 it have any blood on the inside of the driver's door?

3 A Absolutely not.

4 Q Anything on his hands or his clothing?

5 A Whose "his"?

6 Q The suspect. Sorry.

7 A No, no, not at all.

8 Q Where was the majority, if not all, of the
9 blood on the FJ Cruiser?

10 A The FJ Cruiser is -- it's hard to explain, but
11 it's kind of like a big Jeep and he has a pretty big rear
12 view mirror on the driver's side of the vehicle.

13 You take a measurement from the rear view
14 mirror forward and it was two feet forward on the hood of the
15 truck. So just as the windshield comes down to the hood and,
16 oh, probably eight to ten inches more towards the front end
17 of the hood there was a spot of blood there and that's the
18 obvious evidence of a where Mr. Beasley fell as he was pretty
19 much dead instantly when he was shot. Or at least fell.

20 Q Detective, based on your training and
21 experience, your 10 years in the homicide division there,
22 where would there be the most blood if Mr. Beasley was at the
23 window?

24 A If he was at the window, for example --

25 Q When he was shot?

1 A When he was shot, if he was shot at the
2 window, or he's going after Mr. Stuart, Mr. Stuart would have
3 been covered in blood, the inside of the doorway would have
4 been covered with blood, blood would have sunk through the
5 window compartment and it would have been on the windows if
6 the window was down, on the both sides of the door inside and
7 out, so...

8 Q Was this testing of the blood, the presence
9 blood, was that done by the police or by an independent lab?

10 A For the inside of the vehicle it was done by
11 an independent lab. An independent lab was hired and they
12 used chemicals to enhance the blood and makes it almost like
13 a luminal, so it makes this glow, but it actually isn't a
14 luminal but that's the best way I can explain it.

15 Q That's fine. I just wanted a briefing on
16 that.

17 Did any of the victims -- sorry -- of the
18 witnesses say at any time that they saw the victim pulling
19 the suspect out of FJ Cruiser?

20 A Pulling out? No.

21 Q Anybody see him punching him, scratching him,
22 threatening him with a knife, gun, anything like that?

23 A No. Maybe one -- I think it was Mr. Spade
24 that may have saw him break the plain of the actual driver's
25 window, his hands breaking the plain of that.

1 Q Were there any weapons found on or around
2 Mr. Beasley's body?

3 A No.

4 Q Any in his car?

5 A No.

6 Q Did his wife have any?

7 A No.

8 Q Did you check Mr. Stuart for any marks of
9 wounds, scratches, redness, anything on his face, neck,
10 et cetera?

11 A Yes, I did.

12 Q Did you take photographs of all those areas?

13 A Yes, I did.

14 Q Did you see anything at all that caused you
15 any concern?

16 A He had no injuries whatsoever.

17 Q Did you at some point place Ms. Cantrell in a
18 room that was being video and audio monitored so talk with
19 Mr. Stuart at her request?

20 A Yes.

21 Q And what happened in there? What did they
22 talk about?

23 A When they got -- they were put together in an
24 interview room, she -- he immediately asked her, you know,
25 "What did you tell the police?" And she basically told him

1 the same story that I gave the Grand Jury.

2 And he said that, "He poked me in the
3 eye," and he said he needs a doctor because his eye was
4 poked. And he said, "He hit me in the neck." And then he
5 said he had to leave because he shit himself, he shit his
6 pants and he had to go change them when he got home. And
7 when he did so, he threw those pants out the window of a
8 passing car and -- when he left the house. And there was no
9 evidence of that at all, smell wise or evidence wise in the
10 house or in his vehicle or anywhere.

11 MS. CHARBEL: No other questions. Thank
12 you.

13 MS. MARICLE: Any questions from the
14 Grand Jury members?

15 THE JUROR: Was he drunk, the other --
16 Stuart, is that his name that shot him?

17 THE WITNESS: Yes.

18 THE JUROR: Was he drunk or had anything
19 to drink?

20 THE WITNESS: I --

21 MS. CHARBEL: Only if you know.

22 THE WITNESS: I do not know. I didn't
23 smell any kind of --

24 THE JUROR: You didn't check him or
25 anything?

1 THE WITNESS: No, not at this time.

2 THE JUROR: So in your professional
3 opinion, how far was Beasley standing away from Stuart?

4 MS. CHARBEL: Well, based on what you saw
5 or --

6 THE JUROR: Yeah. The blood being found
7 in the car as opposed to coming into the window, I guess.

8 He was not standing right at the window
9 when he was shot, then?

10 THE WITNESS: No, he was not. From the
11 rear view mirror to the front of the car would be
12 approximately two feet six inches. If you take a measurement
13 from the middle of the drivers window forward to where the
14 blood was on the hood, it would be over about three feet. So
15 forward of the driver's door.

16 THE JUROR: How many times was the gun
17 actually fired? Because you said some people said one or two
18 and some people said three. How many times did it actually
19 fire?

20 THE WITNESS: It's a good questioned. We
21 often have witnesses who hear more than actually occurred
22 because of echo.

23 THE JUROR: Only once?

24 THE WITNESS: Yes.

25 MS. MARICLE: Other questions?

1 All right. Hearing none, Detective, if
2 you'd take a seat outside I'll be with you in a minute.
3 Remember not discuss your testimony with anybody but the
4 prosecution. Thanks.

5 (Whereupon, the witness exited the Grand
6 Jury room.)

7 MS. MARICLE: Are there any legal
8 questions from any members of the Grand Jury?

9 All right. Hearing none, we'd like to
10 leave you to deliberate and decide which of your options
11 you'd like to pursuant.

12 But before we do that, I'd like to let
13 you know that the suspect in this investigation, Mr. Stuart,
14 has made a written request to appear before you and testify.
15 There's a rule of criminal procedure, Rule 12.6 that's
16 entitled "Appearance of persons under investigation."

17 That rule reads: A person under
18 investigation by the Grand Jury may be compelled to appear or
19 may be permitted to appear before the Grand Jury upon the
20 person's written request. Such persons shall be advised of
21 the right to remain silent and the right to have counsel
22 present to advise the person while he or she is giving
23 testimony.

24 If the person is accompanied by counsel
25 before the Grand Jury, counsel shall not attempt to

1 communicate with anyone other than his or her client. Any
2 communication or attempted communication shall result in
3 counsel's summary expulsion by the foreman from the Grand
4 Jury session.

5 That's the way that particular rule of
6 criminal procedure reads. It's up to you folks to determine
7 whether or not you decide to have Mr. Stuart appear. You are
8 under no duty to do so, but you may hear that testimony if
9 you feel it would assist you in making a determination in
10 this case. If you decide to hear the testimony, the case can
11 be reset for a date when we can arrange to have that witness
12 here to testify for you.

13 I think that what we will do, then, is
14 just leave you to deliberate and decide which of your options
15 you'd like to pursue. But I'd like to ask that along with
16 all of these options, you make a decision on whether or not
17 you'd like to hear the testimony of the target of the
18 investigation.

19 (Whereupon, the Deputy County Attorney
20 and the court reporter were excused from the Grand Jury room,
21 were subsequently recalled into the Grand Jury Room, and the
22 following proceedings were had:)

23 THE FOREPERSON: We've decided we don't
24 need to hear from the suspect -- target -- anyway -- yeah,
25 Stuart.

1 And the jury has also voted and requests
2 the County Attorney to prepare a draft indictment for our
3 consideration.

4 MS. MARICLE: The County Attorney has
5 prepared a draft indictment for your consideration. Please
6 remember those admonitions read to you this morning regarding
7 draft indictments still apply.

8 (Whereupon, the Deputy County Attorney
9 and the court reporter were excused from the Grand Jury room,
10 were subsequently recalled into the Grand Jury Room, and the
11 following proceedings were had:)

12

13 THE FOREPERSON: The clerk will read the
14 Grand Jury findings.

15 THE CLERK: The Grand Jury with 14
16 members present and only members of the Grand Jury present,
17 deliberated upon evidence. And with 14 jurors voting by a
18 vote of 14 do 0, returned a true bill against the defendant
19 on both counts.

20 (Whereupon, Commissioner Steven Holding
21 entered the Grand Jury room and the following proceedings
22 were had:)

23

24 THE FOREPERSON: 446 GJ 609, a true bill.
25 My signature appears on the indictment endorsing it a true

1 bill.

2 MS. MARICLE: Your Honor, I'd like to ask
3 for a summons for that matter. It's been served on that
4 person's attorney I understand.

5 THE COURT: It's ordered to that a
6 summons shall issue.

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C E R T I F I C A T E

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I, TRACI WEBSTER, RPR, Certified Reporter, do hereby certify that the proceedings had upon the hearing of the foregoing cause are contained fully and accurately in the shorthand record made by me thereof, and that such shorthand was reduced to writing under my direction and the foregoing 32 pages of said transcript contain a full, true and correct transcript of my stenographic notes taken by me as aforesaid, all to the best of my skill and ability.

DATED this 5th day of August, 2008, at Phoenix, Arizona.



TRACI J WEBSTER RPR
Certified Reporter, 50466