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6

7 IN THE UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,
11 vs.
12 Beatrice Denise Welsh,
13 Defendant
14

No. CR-16-325-PHX-DLR

**MOTION TO PRECLUDE
STATEMENTS**

Defendant Out of Custody

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16 The defendant, Beatrice Denise Welsh, through undersigned counsel,
17 moves the Court to preclude the government from introducing at trial all
18 statements made to Dr. Richard Palmer on October 8, 2014 because the use of the
19 statement would violate the Doctor-Patient privilege.
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21 On October 8, 2014, the defendant, Beatrice Denise Welsh was
22 involved in single vehicle accident. The accident occurred when Ms. Welsh was
23 driving on a dirt road and attempted to navigate a turn when her brakes failed
24 resulting in a rollover. The passenger M.L. was ejected from the vehicle and
25 suffered a severe spinal cord injury. Ms. Welsh immediately called for 9-1-1
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1 assistance and when officers arrived she was questioned about alcohol
2 consumption and a Preliminary Breath Test (PBT) was administered. The PBT
3 indicated that Ms. Welsh had a BAC of .110 and .108 and as a result she was
4 placed under arrest.
5

6 Before Ms. Welsh was incarcerated she was taken to Parker Indian
7 Health Services to get medical clearance. As a result she was placed in an
8 examination room and examined by Dr. Richard Palmer. It appears that CRIT
9 Officer Michelle Iszick was in the room at the time of the exam. During the
10 examination Dr. Palmer asked Ms. Welsh what happened and she indicated that
11 earlier that morning she and M.L. were both drinking 12 ounce cans of Budlight a
12 couple of hours earlier and shared a 40 oz. bottle of Old English just prior to the
13 accident. The government has not listed Dr. Palmer as a witness so it is presumed
14 that it intends to call CRIT Officer Iszick to introduce these statements.
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1 Ms. Welsh objects to the government's use of these statements
2 because to do so would violate the doctor-patient privilege. Fed.R.Evid. 501 and
3 Arizona Rules of Evidence 501.
4

5 Respectfully submitted: January 20, 2017.

6 JON M. SANDS
7 Federal Public Defender

8 s/Jeffrey A. Williams
9 JEFFREY A. WILLIAMS
10 Asst. Federal Public Defender

11 Copy of the foregoing transmitted
12 by ECF for filing January 20, 2017, to:

13 CLERK'S OFFICE
14 United States District Court
15 Sandra Day O'Connor Courthouse
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17 Phoenix, Arizona 85003

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24 Copy mailed to:

25 BEATRICE DENISE WELSH
26 Defendant

27 s/P. Muñoz
28 P. Muñoz