psg

FILED
TIME 1013A M
OCT 21 2010
VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: SC DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

HONORABLE STEVEN F. CONN
DIVISION 3
DATE: OCT. 19, 2010

VIRLYNN TINNELL, CLERK

COURT NOTICE/ORDER/RULING

STATE OF ARIZONA,
Plaintiff,

vs.

JOHN CHARLES MCCLUSKEY,
Defendant.

No. CR-2010-00823

Counsel for the Defendant has filed a Motion for Complex Case Designation. The State has indicated on the record at a prior hearing that they oppose the motion and will be filing a written response. Under Rule 8.2(a)(3)(iii), a case can be designated a complex case as determined by a written factual finding by the court. The effect of designating a case as complex is that it has to be tried within 270 days from arraignment, rather than the shorter time frames which apply to a case which is not designated as complex. However, this does not mean that a case cannot be tried any earlier than 270 days later. It only means that a defendant's speedy trial right under Rule 8 is not implicated until at least 270 days have run from the arraignment. The State has already objected to the granting of a continuance of an omnibus hearing in the case of one of the co-Defendants at which presumably a trial date would have been set. If nothing else the State is putting on notice the Court and defense counsel that they will not be agreeing as a matter of course to requests for continuances and that their desire is to try these cases as expeditiously as possible. At some point the Court may likely be called upon to balance this desire against the Defendants' right to investigate these cases

CAN2

and get fair trials. In the Court's opinion granting the defense request may have no more than cosmetic effect at this point.

IT IS ORDERED setting this matter for hearing on the above motion on Tuesday, November 2, 2010, at 9:30 a.m.

The Court will not order the Defendant transported to the above hearing unless notified by either counsel at least 48 hours ahead of time of their desire that it do so.

cc:

Mohave County Attorney*

Mohave County Public Defender*
John Pecchia

Mohave County Jail*

Honorable Steven F. Conn*
Division 3

ICAN2