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IN THE SUPERIOR COURT, DIVISION III, OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,

Plaintiff,

Case No. CR-2010-00823

vs.

OMNIBUS HEARING FORM

JOHN CHARLES MCCLUSKEY,

Defendant.

The State of Arizona and the Defendant in this action, by their attorney's, if any, hereby certify that they have conferred concerning the issues involved in this matter and report to the court as follows:

DISCOVERY

A. Defendant hereby certifies:

That he has no objections to the matter or completeness of the prosecutor's disclosures under Rule 15.

That he objects to the manner or completeness of the following disclosures:

- 1. Names, addresses and statements of witnesses;
- 2. Written or oral statements of the defendant or a co-defendant;
- 3. The circumstances surrounding the acquisition of statements from the defendant;
- 4. Names, addresses, results and statements of experts;
- 5. List of items of tangible evidence;
- 6. Production of specific items upon request, to wit:

DISCLOSURE REQUESTED	DATE REQ	DATE RECEIVED (Items in bold still outstanding)
Prison calls by McCluskey on 6/17, 6/19, 6/20, 6/27	8/23/10, 9/24/10	10/15 rec'd 6/19 call. 6/17, 6/20, 6/27 calls still outstanding.
Cad call, pg 75	8/23/10, 9/24/10	Need audio recording.
CML1, Chevron video	8/23/10, 9/24/10	10/15
CML2, Recordings of Prabhjett/Singh interviews, pg 79	8/23/10, 9/24/10	NOT RECEIVED
CML2, Recording Glattfelder call, pg 79	8/23/10, 9/24/10	NOT RECEIVED
CML2, Digital photos of semi, pg 79	8/23/10,	NOT RECEIVED



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	9/24/10	
CML3, pg 75/79	8/23/10, 9/24/10	10/15 rec'd b&w lineups. Need color lineups
CML4, pg 75/79	8/23/10, 9/24/10	10/15 recd written stmts of Going and Prentice. 10/16 recd scale papers. Surveillance video outstanding
CML11, 2 photo lineup forms, 1 consent search, 4 photo lineups, pg 75/79	8/23/10, 9/24/10	NOT RECEIVED
JDE1	8/23/10, 9/24/10	10/15
Interview 8/1, McCluskey, pg 122	8/23/10, 9/24/10	NOT RECEIVED
Interview inmate Leys, pg 122	8/23/10, 9/24/10	NOT RECEIVED
Interview Renwick 8/2, pg 123	8/23/10, 9/24/10	NOT RECEIVED
Photographs taken by Supv George Gould, pg 138	8/23/10, 9/24/10	NOT RECEIVED
Photographic supplement, pg 147	8/23/10, 9/24/10	
Aerial photos, pg 153	8/23/10, 9/24/10	10/15 VS says already disclosed as pg 154 and 155. Need color or better copy
Tower video, pg 158	8/23/10, 9/24/10	10/15
Recorded call between McCluskey and Dianna Glattfelder, pg 160	8/23/10, 9/24/10	NOT RECEIVED
Camera footage of Welch in blue Sebring, pg 162	8/23/10, 9/24/10	10/15
DOC Photos, pgs 272-275	8/23/10, 9/24/10	10/15
Prison calls for July 2010 by McCluskey, pg 376	8/23/10, 9/24/10	10/15
Recorded interview inmate Keys by SI Trapp, pg 385	8/23/10, 9/24/10	NOT RECEIVED
Recorded phone call between Keys and Edmond, pg 393	8/23/10, 9/24/10	NOT RECEIVED
Recorded phone calls, pg 396 and 397	8/23/10, 9/24/10	NOT RECEIVED
Photos from camera in Renwick blazer, pg 402	8/23/10, 9/24/10	NOT RECEIVED
Recorded calls between McCluskey and Washburn, pg 420	8/23/10, 9/24/10	NOT RECEIVED
Copies of SDT and all BofA documents, pg 420	8/23/10, 9/24/10	NOT RECEIVED
Surveillance footage, pg 426	8/23/10, 9/24/10	NOT RECEIVED
Cell phone record request form, pg 448	8/23/10, 9/24/10	NOT RECEIVED
Search warrant, SW application, SW affidavit, property receipt, pg 457	8/23/10, 9/24/10	NOT RECEIVED
Recordings or notes of Renwick interviews, pg 495	8/23/10, 9/24/10	NOT RECEIVED

insanity, self-defense, entrapment, consent, impotency, marriage, invalidity of prior conviction, good character, lack of specific intent due to _____, mistaken identification, other: _____

- 3. Names, addressees and statements of defense witnesses;
- 4. List of items of tangible evidence;
- 5. Production of specific items upon request, to wit:
- 6. Names, addresses, results and statements of experts;
- 7. That it requests additional disclosures under the court's discretionary authority, as follows: _____
 Deposition, material or information requested: _____
 Reasons for request: _____

ISSUES WHICH WILL BE RAISED IN THE CASE

The parties hereby notify the court and each other of their intentions to raise the following issues in this case: [Check motion which will be made in box of party which will make the motion; if uncontested, check both boxes.]

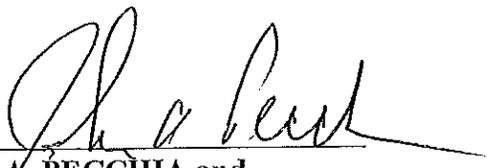
State	Defendant	
<input type="checkbox"/>	<input type="checkbox"/>	1. To challenge the jurisdiction of the court;
<input type="checkbox"/>	<input type="checkbox"/>	2. To dismiss an information or indictment under Rule 16.7 on the grounds that: _____
<input type="checkbox"/>	<input type="checkbox"/>	3. To review the determination of probable cause under Rule 5.5 Rule 12.9;
<input type="checkbox"/>	<input type="checkbox"/>	4. To disqualify a judge under Rule 10.1/Rule 10.2;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. To change the place of trial under Rule 10.3;
<input type="checkbox"/>	<input type="checkbox"/>	6. To withdraw as counsel under Rule 6.3;
<input type="checkbox"/>	<input type="checkbox"/>	7. To request a determination of defendant's competency under Rule 11;
<input type="checkbox"/>	<input type="checkbox"/>	8. To request a determination of defendant's sanity under Rule 11;
<input type="checkbox"/>	<input type="checkbox"/>	9. To amend an information or indictment under Rule 13.5;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. To sever defendants or counts under Rule 13.4;
<input type="checkbox"/>	<input type="checkbox"/>	11. To consolidate defendants or counts under Rule 13.3(c);
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12. To determine the voluntariness of a statement made by the defendant, to wit: To be determined
<input type="checkbox"/>	<input type="checkbox"/>	13. To suppress evidence based on unlawfulness of an arrest;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14. To suppress evidence based on unlawfulness of a search or seizure;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. To suppress evidence based on unlawfulness of an identification;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16. To determine the admissibility of evidence (motion in limine) to wit: To be determined
<input type="checkbox"/>	<input type="checkbox"/>	17. To modify the conditions of release;
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18. To request subpoena of an out-of-state witness;
<input type="checkbox"/>	<input type="checkbox"/>	19. To require a material witness to enter into an undertaking under A.R.S. §13-1841 and 13-1842;

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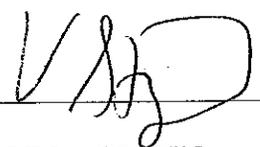
20. Other: Admissibility of statements made by defendant.

All parties hereby certify that they have reviewed the entire omnibus hearing form and know of no motion or issue specified in the form that they desire to raise at any time during this case other than those noted. Counsel for the defendant hereby certifies that he knows of no problems concerning the securing of evidence, including statements of confessions of the defendant, identifications of the defendant, and the results of a search and seizure, electronic surveillance or arrest or any other constitutional issues raisable by any of the motions specified in this form, other than those included in the motions noted herein.

RESPECTFULLY SUBMITTED THIS ^{2nd} ~~25th~~ DAY OF ^{NOVEMBER} ~~OCTOBER~~, 2010.



**JOHN A. PECCHIA and
JASON STEFFEN**
Attorneys for Defendant



VICTORIA STAZIO
Deputy County Attorney