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VIRLYNN TINNELL
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1 Matthew J. Smith
Mohave County Attorney
2 Victoria Stazio
Deputy County Attorney
3 State Bar No. 024838
315 N. 4th Street
4 P O Box 7000
Kingman, AZ 86402
5 Telephone: (928) 753-0719
Fax No.: (928) 753-2669
CAO.Court@co.mohave.az.us
6 Attorney for Plaintiff

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MOHAVE**

9 STATE OF ARIZONA,
10 Plaintiff,
11 vs.
12 JOHN CHARLES MCCLUSKEY,
13 Defendant.

No. CR-2010-0823
**RESPONSE TO MOTION FOR
COMPLEX CASE DESIGNATION**

14 COMES NOW, the State of Arizona, by the Mohave County Attorney and through
15 the undersigned deputy, respectfully requests the Court to deny Defendant's motion.

16 **FACTS**

17 The State has disclosed around 600 pages of information to the Defendant. Some
18 of that disclosure, however, has been in duplicate form. For example, police reports
19 that continue to be supplemented. The Defendant has requested additional items that
20 are not within the possession of the State. However, much of the items requested are
21 things such as recordings of the interviews already disclosed in the police reports. The
22 State will either be able to procure those items in a timely manner, or the parties will be
23 able to argue any relevant motions in a timely manner. Further, the State is not
24 intending nor would it be allowed to present evidence about any other charges or cases
25 pending against the Defendant in other jurisdictions. The relevant subject matter for

this case is very limited.
McCluskey/CR-2010-0823



Stazio/10-F-1085

ICAN2

1 The State has reduced its potential witness list to about fifteen people. The
2 anticipated testimony of many of those witnesses will be brief.

3 LAW

4 Rule 8.2 does not define a "complex case." However case law has defined it as "a
5 case so complicated, by virtue of its nature or because of the evidence required, that
6 the ordinary limits for the time to trial are insufficient and must be extended to afford
7 more time to prepare so that the case can be fairly and fully presented." *See Snyder v.*
8 *Donato*, 211 Ariz. 117, 120, 118 P.3d 632, 635 (Ariz.App. Div. 1, 2005).

9 A case may be complex when the logistics involved are not merely "run of the mill
10 discovery and evidentiary problems". *See State v. Wassenaar*, 215 Ariz. 565, 570, 161
11 P.3d 608, 613 (Ariz.App. Div. 1, 2007).

12 ARGUMENT

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15 Factually, this case is not complex. To put it simply, in order to prove Count 1,
16 Escape, the State would need to show that the Defendant was supposed to be in
17 prison, and was not. The State would rely heavily on the testimony of the two victims to
18 prove the elements of Counts 2-7. There is not a multitude of scientific evidence that
19 would be presented. Nor does the State anticipate there would be any "battle of
20 experts" in this case which would require additional time for analysis and discovery.
21 The trial itself would not be lengthy, either. This case is completely different than the
22 complex case in *Wassenaar*, where the case took nearly two months to try, included 60
23 witnesses and of 500 pieces of evidence.

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RESPECTFULLY SUBMITTED THIS 1st DAY OF NOVEMBER, 2010.

MOHAVE COUNTY ATTORNEY
MATTHEW J. SMITH

By 
DEPUTY COUNTY ATTORNEY
VICTORIA STAZIO

A copy of the foregoing
sent this same day to:

HONORABLE STEVEN F. CONN
SUPERIOR COURT JUDGE

JOHN A. PECCHIA/JASON STEFFEN
PUBLIC DEFENDER/DEPUTY PUBLIC DEFENDER
Mohave County Public Defender's Office
P O Box 7000

Kingman AZ 86402

By VS