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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.

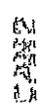
No. CR-2010-0823

**MOTION TO ADD ALLEGATION
OF AGGRAVATING FACTORS AS
AN ADDENDUM TO THE
INDICTMENT**

14 The State of Arizona, by the Mohave County Attorney, and through the
15 undersigned Deputy County Attorney, moves this Court to permit the filing of an
16 Allegation of Aggravating Factors as an Addendum to the Indictment in this cause.

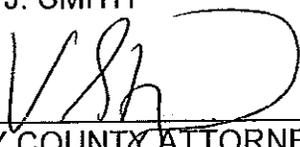
17 This Motion is made in pursuant to Rule 13.5(a), 16.1(b) and 19.1(b) of the
18 Arizona Rules of Criminal Procedure and State ex rel. Smith v. Conn(Tinnell), 209
19 Ariz. 195, 98 P.3d 881 (App. 2004). The Addendum will allege the following
20 aggravating factors pursuant to A.R.S. §13-701 exist in this case:

- 21 1. Presence of an accomplice, A.R.S. §13-701 (D)(4).
- 22 2. The physical, emotional or financial harm caused to the victim or, if the victim has
23 died as a result of the conduct of the defendant, the emotional and financial harm
caused to the victim's immediate family, A.R.S. §13-701 (D)(9).
- 24 3. Lying in wait for the victim or ambushing the victim during the commission of any
25 felony; A.R.S. §13-701 (D)(17).



1 RESPECTFULLY SUBMITTED THIS 23RD DAY OF MAY, 2011.

2 MOHAVE COUNTY ATTORNEY
3 MATTHEW J. SMITH

4 By 
5 DEPUTY COUNTY ATTORNEY
6 VICTORIA STAZIO

7 A copy of the foregoing
8 sent this same day to:

9 HONORABLE STEVEN F. CONN
10 SUPERIOR COURT JUDGE

11 JOHN A. PECCHIA
12 PUBLIC DEFENDER
13 Mohave County Public Defender's Office
14 P O Box 7000

15 Kingman AZ 86402

16 By _____ vs _____
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