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OCT 25 2010

IN THE SUPERIOR COURT
MOHAVE COUNTY, STATE OF ARIZONA

VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: [Signature] DEPUTY

Judge: Honorable Steven F. Conn
Division: 3 Courtroom: A
Court Reporter: Jim Glover

Virlynn Tinnell, Clerk of Superior Court
By: Jennifer Johnston (hg), Deputy Clerk
Hearing Date: October 25, 2010

STATE OF ARIZONA,

vs.

JOHN CHARLES MCCLUSKEY,

Plaintiff,

Defendant.

CASE NO: CR-2010-00823

OMNIBUS HEARING

START: 1:29 P.M.

APPEARANCES: Victoria Stazio, Deputy County Attorney; John Pecchia and Jason Steffen, Attorneys for and with the Defendant.

This is the time set for Omnibus Hearing. The Court is not sure why this hearing did not appear on the calendar today but it should have.

The Court has set this matter for hearing next week on the Defense Motion to Designate this as a Complex Case.

Ms. Stazio makes statements regarding the Federal Attorneys filing a Writ and picking the Defendant up as soon as tomorrow and transporting him to New Mexico. She further states that at this point, the State will not be proceeding with its case. She believes that no future hearings such as an Omnibus or a Trial date will need to be set.

The Court finds that the State will be acquiescing in the Federal Authorities taking custody of this Defendant.

The Court proposes vacating any hearings subject to being re-set upon the request of either counsel and affirming the appointment of the Public Defender's Office to represent the Defendant, so that sometime in the future if the Defendant is returned to this jurisdiction to be tried on these charges, there is two different attorneys that represent interests involved in this case.

The State concurs with the Court's proposal.

Mr. Pecchia makes statements regarding his client's constitutional rights and his client's wish to stay and resolve this matter before leaving this jurisdiction.



The Court confirms with the State that it is their understanding that if nothing happens in this case, someone on behalf of the Federal Authorities is going to come and remove the Defendant as early as tomorrow.

The Court proposes to set a hearing on Wednesday addressing the issue of whether or not the Defendant should be removed from this jurisdiction.

Ms. Stazio states that she has not personally talked to any Federal Attorneys but her understanding is that they could be here as soon as tomorrow to pick up the Defendant. She doesn't believe a hearing is necessary. The State will not be dismissing the charges, but the State's understanding is that if the Federal Authorities come and take the Defendant to New Mexico to prosecute him there, the State could then make a decision in the future to either dismiss or re-file if necessary.

The Court asks that if a hearing is set on Wednesday would the State be able to contact the Federal Authorities and ask that they hold off on picking up the Defendant so that a hearing can be held first. Ms. Stazio states that she can do this.

IT IS ORDERED setting this matter for a **Status Conference on Wednesday, October 27, 2010 at 2:30 p.m.**

The Court advises counsel to file any Motions prior to that hearing addressing any issues that they think would be relevant.

The Court addresses the parties regarding the agencies determining who is going to prosecute the Defendant first and whether or not the Defendant has to agree upon the order in which the prosecutors determine he is going to be tried.

IT IS ORDERED directing the State to contact the Federal Authorities and to let them know that they will not be able to pick up the Defendant until the Court orders otherwise.

IT IS ORDERED directing the Mohave County Sheriff to not release the Defendant to authorities from any other jurisdiction until this Court specifically authorizes that to be done.

The Court recesses at 1:42 p.m.

cc:

MOHAVE COUNTY ATTORNEY *

HONORABLE STEVEN F. CONN *

Division 3

MOHAVE COUNTY PUBLIC DEFENDER *

MOHAVE COUNTY JAIL *