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THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

JODI ARIAS

Defendant.

No. CR2008-031021-001

MOTION TO PRECLUDE WITNESS
CONTAINED IN THE STATE'S
TWENTIETH SUPPLEMENTAL LIST OF
WITNESSES

(Hon. Sherry Stephens)

Ms. Arias, through undersigned counsel, pursuant to the dictates of Rule 15.1(i), Arizona Rules of Criminal Procedure, the dictates of *Skipper v. South Carolina* 476 U.S. 1 (1986) and the rights due her pursuant to Fifth, Eighth and Fourteenth Amendments of the United States Constitution, as well as Art. II, § 4 and Art. III of the Arizona Constitution, hereby requests that this Court preclude the witness listed in the State's Twentieth Supplemental List of Witnesses.

The basis for this motion is not only the fact that in disclosing the name of a witness mere days before Ms. Arias is set to rest her case for life stands in direct violation of Rule 15.1, Arizona Rules of Criminal Procedure but because per the dictates of *Skipper v. South Carolina* 476 U.S. 1 (1986), a defendant cannot be put to death on evidence of which she is not aware. Taken as a whole it would be hard to image how the rights due Ms. Arias pursuant to the authorities mentioned above would be protected if the State were allowed to offer the testimony of this witness or any other witness listed in violation of these legal realities as said witnesses would be offering testimony of which Ms. Arias is not aware.

RESPECTFULLY SUBMITTED this 25th day of January, 2015

L. KIRK NURMI
COUNSEL FOR MS. ARIAS

By /s/ L. Kirk Nurmi
ATTORNEY AT LAW

Copy of the foregoing E-FILED/DELIVERED
This 25th day of January, 2015, to:

THE HONORABLE SHERRY STEPHENS
Judge of the Superior Court

JUAN MARTINEZ
Deputy County Attorney

By /s/ L. Kirk Nurmi
L. Kirk Nurmi
Attorney at Law