

STATE OF ARIZONA

V.
JODI ANN ARIAS

CR 2008-031021-001

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Jodi Arias P458434

2939 W. Durango St.

Phoenix, AZ 85009

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MICHAEL K. JEANES, Clerk

By *K. Schermerhorn*
K. Schermerhorn, Deputy

To: Honorable Sherry Stephens, Judge of the Superior Court, County of Maricopa

State of Arizona vs. Jodi Ann Arias CR 2008-031021-001

MOTION TO CONTINUE TRIAL CURRENTLY SET FOR SEPTEMBER 8, 2014

I respectfully request that this court continue the trial set for September 8, 2014 and reset it for September 29, 2014, due to a delay caused by MCSO staff, specifically Lieutenant Eastlund of Estrella Jail.

On August 6, 2014, my expert arrived at the jail with mitigation specialist Maria De la Rosa for a scheduled visit for the purpose of completing an evaluation of me. This visit was arranged with the jail ahead of time. As previously agreed upon by my legal team, the court, and Chief Deputy Jack MacIntyre of MCSO, my expert witnesses, whose identities are under seal, are to sign up for visitation in a format apart from the standard computer system to ensure that their names are not accessible by the public. My witness and Ms. De la Rosa arrived just before the appointed time of 8:00 a.m., but were prevented from signing in the way they're supposed to. The visitation officer asked Ms. De la Rosa if I am "pro-per" and Ms. De la Rosa confirmed that I am. The officer then told her to hold on. Several minutes later, Lt. Eastlund arrived. Ms. De la Rosa explained to Lt. Eastlund

what has been the protocol for visiting expert witnesses for the greater part of a year per his superior, Chief Deputy Jack MacIntyre, but Lt. Eastlund refused to comply. At approximately 8:30 a.m., Ms. De La Rosa notified advisory counsel Jennifer Willmott that "MCSO was not allowing the expert to see me. At 8:36 a.m., Ms. Willmott contacted the judicial assistant who then apprised the court of the situation. To my knowledge, the court affirmed that the witness should sign in separately. The judicial assistant suggested that the lieutenant call the courthouse to clarify the misunderstanding, but when Ms. De La Rosa politely suggested that he call, Lt. Eastlund belligerently replied that:

- he was not going to call the courthouse
- the court does not boss him around
- the court does not tell him how to run his jail
- he only answers to his chief commander (Captain Dean)
- he was not going to call his commander's superior, Chief MacIntyre
- he was not going to call Jennifer Willmott for clarification either

At 8:42 a.m., advisory counsel Kirk Nurmi emailed Chief MacIntyre to inform him of the problem at the jail. To my knowledge, the chief was going to call Lt. Eastlund and bring him up to speed. At 1:10 p.m., the chief emailed Mr. Nurmi and asked, "Did the expert visit take place?"

It did not. Despite the combined efforts of advisory counsel, Ms. De La Rosa, the court, and Chief MacIntyre, two hours later Lt. Eastlund was still being uncooperative. Even though this visit was set up with and approved by the jail ahead of time, and even though my legal team had already secured funding for this expert, including travel expenses, by 10:00 a.m. a resolution had not been reached and the expert ran out of time and needed to

leave. In other words, not only did Lt. Eastlund's actions result in a big waste of time and money, but they resulted in a delay. The expert cannot return for 3 weeks. I was ready that day to move forward with this expert in preparation for trial, but preparation was immediately halted when MCSO chose to prevent the expert from meeting with me.

I would like to be very clear that it was MCSO's actions that have caused this delay and necessitated a continuance of the trial, and that the delay has nothing to do with my representing myself. If I were represented by counsel, a continuance would still be warranted because MCSO would have still blocked my expert from completing the evaluation. This is about Lt. Eastlund's refusal to allow the expert to sign into visitation the way MCSO, the court, and my legal team have already established and the delay his refusal caused.

I would also point out the potential domino effect that his actions have initiated. Because Lt. Eastlund would not allow the expert to meet with me, the evaluation has been put on hold. Thus any additional notes this expert would have generated from the visit that day—and will now not generate until a future time—are unavailable for my review and disclosure. Because I am now unable to make further disclosure in a timely manner, depending on the position the State takes, it may also be delayed in disclosing any reports, notes or other materials relating to its expert(s). This will in turn delay my ability to conduct any pretrial interviews with its expert(s).

To summarize, despite everyone's being on the same page, Lt. Eastlund's refusal to cooperate has made MCSO the cause of a delay in my preparation for trial and has rendered me unready to proceed on September 8, 2014. Because my expert cannot

return until the end of August, I am requesting that trial be continued strictly for the space of time that Lt. Eastlund's actions delayed matters, which is a period of 3 weeks, and that trial begin September 29, 2014.

Respectfully Submitted on August 7, 2014,

Jodi Arias