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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

**JODI ANN ARIAS,**

Defendant.

CR 2008-031021-001

**MOTION TO STRIKE (COMPAQ  
PRESARIO COMPUTER)**

(Assigned to the Honorable  
Sherry K Stephens, Div. SAJ04)

The State of Arizona, by the undersigned Deputy County Attorney, requests that the court strike defendant's Motion to Dismiss all Charges with Prejudice and/or in the Alternative to Dismiss the State's Notice of Intent to Seek the Death Penalty due to Recently Discovered Purposeful and Egregious Prosecutorial Misconduct.

On November 13, 2014, the State requested that the court order defendant to provide the State an exact copy of the image(s) created by the defense expert during his examination(s) of the Compaq Presario laptop computer, item number 390633.

A hard drive ostensibly containing an exact copy was provided to the State on November 14, 2014. The disclosed hard drive is

associated with a Dell computer not the Compaq Presario laptop and has nothing to do with this case.

By motion filed November 16, 2014, the State requested sanctions for defendant's failure to disclose an exact copy of the hard drive. The State requested either an order compelling disclosure or striking defendant's motion to dismiss.

On Monday, November 17, 2014, prior to the start of trial, defendant provided the State with a second hard drive. This hard drive only contains a live folder structure from a computer. The folder or files were only recently created within the last week and cannot be forensically examined. They are not an exact copy of the image purportedly obtained by defense expert from the Compaq Presario computer.

It is apparent that the continuing failure to provide an exact copy of the hard drive is for the sole purpose of thwarting the State's attempt to investigate defendant's claim. This conduct is especially egregious after defendant's expert damaged the Compaq Presario laptop preventing the State from verifying any of the alleged findings. The court should not countenance this conduct and it is requested that it strike the defendant's motion seeking to dismiss the charge or the allegation seeking the death penalty filed on November 10, 2014.

Submitted November \_\_\_\_\_, 2014.

WILLIAM G MONTGOMERY  
MARICOPA COUNTY ATTORNEY

BY: \_\_\_\_\_  
/s/ Juan M Martinez  
Deputy County Attorney

Copy mailed\delivered  
November \_\_\_\_\_, 2014,  
to:

The Honorable Sherry K Stephens  
Judge of the Superior Court

Laurence K Nurmi  
2314 E Osborn Rd  
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BY: \_\_\_\_\_  
/s/ Juan M Martinez  
Deputy County Attorney

JM:jp

Court Chatter