

Michael K Jeanes, Clerk of Court
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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 COMPEL; BUSINESS
RECORDS FROM WAL-MART AND
TESORO

(Hon. Sherry Stephens)

Ms. Arias, pursuant to Rule 15.1, Arizona Rules Of Criminal Procedure, hereby moves that the prosecutor make available to the defendant for examination and reproduction of any and all business records from Tesoro and Wal-Mart that are related to the States' recently made assertions that the records from these companies show that Ms. Arias did not return a gas can at Wal-Mart and that she made 3 gas purchases at Tesoro. This motion is necessitated by the fact that the State did not fulfill its obligation to disclose these items in advance of trial and instead the State chose to reference the Wal-

Mart records for the first time on or about March 7, 2013 and to disclose partial records from Tesoro on March 8, 2013. Given that these records have been available for years, one can only discern that the timing of this disclosure is strategic and done with the hope that this court will continue to overlook these violation of Rule 15.1 of the Arizona Rules of Criminal Procedure and the due process rights due Ms. Arias pursuant to the 5th, 6th, 8th and 14th Amendments to the United States Constitution as personified for purposes of this motion by *Pool v. Superior Court* 139. Ariz. 98, 677 P.2d 261 (1984).

I. RELEVANT FACTS

On March 7, 2013, after the State had closed its case, Ms. Arias had decided to present evidence including her own testimony, the State asserted that it had records from Wal-Mart that would demonstrate that Ms. Arias did not return a gas can she had purchased from the Wal-Mart in Salinas, California. These records have not been disclosed.

On March 8, 2013, The State disclosed an e-mail sent to them from a representative from Tesoro. The contents of this e-mail indicate that the Tesoro conducted a records check of purchases made at their Salt Lake City location and the results indicate that all three purchases were for gasoline. The records that support this claim have not been disclosed.

Also of note to the motion at hand is that on March 8, 2013, the State supplemented its witness list to include representatives from both companies.

II. RELEVANT LAW AND ARGUMENT

Arizona Rules of Criminal Procedure Rule 15.1(5) dictates that the State provide "[a] list of all papers, documents, photographs or tangible objects that the prosecutor intends to use at trial." Of further note is that pursuant to this same rule the disclosure of these items is to be made 30 days after arraignment. Thus, the deadline for disclosure would have been in late 2008, not in March of 2013. Ms. Arias will address the egregious nature of the conduct that the State has chosen to engage in other pleadings, but for now simply asks that the court cure this error and order that the records at issue be disclosed.

III. CONCLUSION

Pursuant to the Rule 15.1, Arizona Rules Of Criminal Procedure, the 5th, 6th, 8th and 14th Amendments to the United States Constitution hereby moves that the prosecutor make available to the defendant for examination and reproduction of any and all business records from Tesoro and Wal-Mart

RESPECTFULLY SUBMITTED this 12th day of March, 2013

LAW OFFICES OF L. KIRK NURMI

By: s/ L. Kirk Nurmi
L. Kirk Nurmi
Attorney at Law
Attorney for the Defendant

Copy of the forgoing filed/Delivered
this 12th day of
March, 2013, to:

Honorable Sherry Stephens
Judge of the Superior Court

Juan Martinez
Deputy County Attorney

By: s/ L. Kirk Nurmi
L. Kirk Nurmi
Attorney for the Defendant

Michael K Jeanes, Clerk of Court
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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 COMPEL; CRIMINAL
HISTORY OF TRAVIS ALEXANDER

(Hon. Sherry Stephens)

Ms. Arias, pursuant to Rule 15.1, Arizona Rules Of Criminal Procedure, hereby moves that the prosecutor make available to the defendant for examination and reproduction any and all documents related to Mr. Alexander's criminal conviction he incurred in Riverside Superior Court in case number RIM 418038. This request includes a request of RSRC-RI ER02066050A, the Riverside County Sheriff's report that seemingly underlies the charges of Burglary, Shoplifting and Battery. This motion is necessitated by the fact that the State, by not disclosing these records, did not comply

with the duties imposed by Rule 15.1 Arizona Rules of Criminal Procedure and in complete disregard for the rights due Ms. Arias pursuant to the 5th, 6th, 8th and 14th Amendments to the United States Constitution as personified for purposes of this motion by Brady v. Maryland, 373 U.S. 667 (1963), Thus, in an effort to cure this misdeed, Ms. Arias comes forth and requests that this court order the disclosure of the requested criminal history, arrest reports and criminal history.

RESPECTFULLY SUBMITTED this 12th day of March, 2013

LAW OFFICES OF L. KIRK NURMI

By: s/ L. Kirk Nurmi
L. Kirk Nurmi
Attorney at Law
Attorney for the Defendant

Copy of the forgoing filed/Delivered
this 12th day of
March, 2013, to:

Honorable Sherry Stephens
Judge of the Superior Court

Juan Martinez
Deputy County Attorney

By: S/L. Kirk Nurmi
L. Kirk Nurmi
Attorney for the Defendant

Michael K Jeanes, Clerk of Court
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MARICOPA COUNTY ATTORNEY

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MCAO Firm #: 00032000
Attorney for Plaintiff

Submitted March 8, 2013.

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

BY /s/ Juan M. Martinez
/s/ Juan M. Martinez
Deputy County Attorney

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

STATE OF ARIZONA,)
)
Plaintiff,)
)
vs.)
)
JODI ANN ARIAS,) NO. CR 2008-031021-001
)
Defendant.) STATE'S FOURTEENTH SUPPLEMENTAL
) LIST OF WITNESSES
)
) (Assigned to the Honorable
) Sherry Stephens, SAJ-04)
)
)

Copy mailed\delivered
March 8, 2013,
to:

The Honorable Sherry Stephens, SAJ-04
Judge of the Superior Court

Laurence Kirk Nurmi
2314 East Osborn
Phoenix, AZ 85016

BY /s/ Juan M. Martinez
/s/ Juan M. Martinez
Deputy County Attorney

The State of Arizona, by the undersigned Deputy County Attorney, hereby supplements its witness and evidence list dated October 14, 2008, to include the following rebuttall witnesses:

WAL-MART

Amanda Webb
1800 N Main
Salinas, CA 93906

TESORO COMPANIES, INC.

Chelsey Young
19100 Ridgewood Parkway
San Antonio, TX 78259