

FILED ✓
DOCKETED BY: _____

2010 APR 19 PM 3: 38

SUE HALL, CLERK
APACHE COUNTY SUPERIOR COURT

Michael B. Whiting
Apache County Attorney
Martin Brannan
Chief Deputy County Attorney
Arizona State Bar Number 017151
mbrannan@co.apache.az.us
groupmail@apachelaw.net
P.O. Box 637
St. Johns, AZ 85936-0637
☎ 928.337.7560 ☎ 928.337.2427

In the Superior Court

In and for the County of Apache

State of Arizona,)	
)	Case Number CR2010047
Plaintiff,)	
)	Motion to Strike Non-compliant
-vs-)	Pleading or, in the Alternative, to
)	Exceed the Page Limitations of
Joseph Douglas Roberts)	Rule 35.1(b)
)	
Defendant.)	

The State moves to strike the defendant's non-compliant "Motion for Review of Preliminary Hearing or, in the alternative, to be granted permission pursuant to Rule 35.1(b) to exceed the page limitations contained therein.

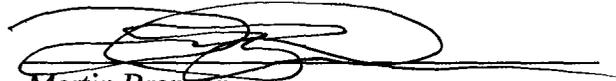
Memorandum of Points and Authorities

Rule 35.1(b) of the Arizona Rules of Criminal Procedure limits the size of a motion and any reply thereto to 10 pages "*unless otherwise permitted by the court.*" ARIZ. R. CRIM. P. 35.1(b) *emphasis added.* Defense counsel has filed a 20 page, exclusive of attachments, pleading entitled "Motion for Review of Preliminary Hearing" without having first moved for leave of the court to file a non-compliant motion. There having been no permission granted for the defendant to exceed the page limitations of Rule 35.1(b), the State moves to strike the non-compliant pleading.

In the alternative, the State seeks leave, pursuant to Rule 35.1(b) to exceed the page limitations of Rule 35.1(b) in order to fully address and rebut the contents of the defendant's pleading.

RESPECTFULLY SUBMITTED this 19th day of April, 2010.

Michael B. Whiting
Apache County Attorney



Martin Brannan
Chief Deputy County Attorney

A copy of the foregoing
mailed/delivered this
19th day of April, 2010, to:

David J. Martin
Attorney for Joseph Douglas Roberts

Honorable Donna J. Grimsley
Judge of the Superior Court

By

