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APACHE COUNTY SUPERIOR COURT

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In the Superior Court

In and for the County of Apache

State of Arizona,)	
)	Case Number CR2010-047
Plaintiff,)	
)	Motion to Expand Time to
-vs-)	Respond to Motion for
)	Review of Preliminary Hearing
Joseph Douglas Roberts)	
)	
Defendant.)	

The State does not have a complete transcript of the portion of the preliminary hearing held on February 5, 2010 with which to complete its response to the defendant's motion for review of the preliminary hearing. Additionally, the undersigned will be unavailable to work on the response on the 21st of April, 2010, because the undersigned will be appearing for Gila County on a conflict case in Globe, Arizona and will be out of the state in training from April 24, 2010 until April 30, 2010. Upon return to the office, it is anticipated that the undersigned will have a copious amount of back-work to do in addition to this response. Therefore, the State moves to expand the time to respond to the defendant's motion from April 27, 2010, the date set by the prior judge on the case, until May 7, 2010.

If the Court grants the State's motion, the time for reply should also be expanded

until no earlier than May 19, 2010 which accounts for five calendar days for mailing and five days, excluding weekends, for the preparation and filing of a reply. The State also requests that the Court hear oral argument on the motion unless the Court elects to summarily deny it. Therefore, the State requests that the Court schedule oral argument for a non-Monday date following the deadline set by the Court for the filing of a reply.

This motion to expand time is made in the interest of justice to permit the State to fully respond to the defendant's motion for review of the preliminary hearing and not merely and solely for the purpose of delay.

RESPECTFULLY SUBMITTED this 20th day of April, 2010.

Michael B. Whiting
Apache County Attorney



Martin Brannan
Chief Deputy County Attorney

A copy of the foregoing
mailed/delivered this
20th day of April, 2010, to:

David J. Martin
Attorney for Joseph Douglas Roberts

Honorable Donna J Grimsley
Judge of the Superior Court

By  _____