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IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, vs. JAMES ARTHUR RAY, Defendant.	V1300CR201080049 **STATE'S RESPONSE TO DEFENDANT'S MOTION TO EXCLUDE AND OBJECTIONS TO EXHIBITS** **(The Honorable Warren Darrow)**

The State of Arizona, through undersigned counsel, hereby responds to Defendant's Motion to Exclude and Objections to Exhibits. This Response is supported by the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

A. Defendant's Motion is untimely.

Most of the exhibits that are the subject of Defendant's motion were disclosed months prior to trial. Defendant was on notice of the State's intent to use these items during trial well before the motion deadline set by this Court. Defendant's motion is untimely, on the eve of trial, and should not be considered by this Court.

B. Objections to either party's exhibits should be made in the context of the trial.

Defendant is filing pre-trial objections to the State's exhibits based on relevance, foundation, hearsay and prejudice. These are objections that should be made in the context of the trial when the State moves for the admission of the evidence. To rule on the admissibility of exhibits prior to trial would be a mini-trial before the trial. The Defendant's objections to the

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State's trial exhibits are more appropriately made with the context of the trial where foundation and relevance will be established.

Accordingly, the State respectfully requests that this Court decline to rule on the Defendant's objections to exhibits until such time as the issue is ripe for the Court.

RESPECTFULLY submitted this 28th day of February, 2011.

By Sheila S Polk

SHEILA SULLIVAN POLK
YAVAPAI COUNTY ATTORNEY

COPIES of the foregoing emailed this 28th day of February, 2011:

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By: Kathleen Durrer

COPIES of the foregoing delivered this 28th day of February, 2011, to

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