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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2011 JUL -1 PM 4 11
SANDRA K MARKHAM, CLERK
BY Kelly Gresham

IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, vs. JAMES ARTHUR RAY, Defendant.	V1300CR201080049 **STATE'S NOTICE RE: EXHIBIT 734 AND THE STATE'S OPENING STATEMENT** **(The Honorable Warren Darrow)**

The State of Arizona, through counsel undersigned, herein responds to the allegations of defense counsel made in Court on June 30, 2011, pertaining to Exhibit 734.

Specifically, defense counsel Tom Kelly informed the Court that on March 2, 2011, the State had misrepresented that all the audio clips contained on Exhibit 734 were played for the jury in the State's opening statement made on March 1, 2011. Defense counsel then submitted to the Court Exhibit 1136, a video of the State's opening statement, and represented to the Court that audio clip 31 was not contained in the video. This representation by Mr. Kelly is not true.

As set forth below, all the audio clips contained in Exhibit 734, including clip 31, were played for the jury during the State's opening statement on March 1, 2011. This is reflected in defense Exhibit 1136 as well as the FTR for that date. Attached as Exhibit A is a chart showing the time stamps where each and every audio clip contained in Exhibit 734 was played in both Exhibit 1136 and the FTR.

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RESPECTFULLY submitted this 1st day of July, 2011.

By Sheila Polk
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Audio Clips on Exhibit 734	Time Played on Exhibit 1136 (See Note 1)	Time Played on FTR Gold
01 Tuesday 01.27.54 to 01.29.34.wav	33:57 – 35:37	2:37:08 – 2:38:49
02 Tuesday 01.38347 to 01.39.47.wav	30:35 – 31:35	2:33:45 – 2:34:47
03 Monday 00.10.05 to 00.10.30.wav	08:51 – 09:17	2:12:01 – 2:12:27
03 Sunday 02.43.00 to 02.48.47.wav	36? – 38:46 (See Note 2)	2:40:33 – 2:46:21
04 Tuesday 02.07.14 to 02.07.37.wav	33:17 – 33:40	2:36:28 – 2:36:53
07 and 08 Monday 03.47.00 to 03.49.10.wav	09:18 – 11:26	2:12:30 – 2:14:40
09 Thursday 02.14.56 to 02.17.04.wav	41:09 – 43:16	2:48:44 – 2:50:53
10 Tuesday 02.43.11 to 02.44.00.wav	27:39 – 28:24	2:30:49 – 2:31:37
11 Sunday 05.25.05 to 05.25.33.wav	14:38 – 15:06	2:17:49 – 2:18:18
11 Thursday 02.20.20 to 02.22.17 wav	43:45 – 45:40	2:51:20 – 2:53:17
11 Tuesday 02.47.20 to 02.47.50.wav	26:45 – 27:18	2:29:55 – 2:30:26
12 and 13 Thursday 02.22.17 to 02.25.08.wav	46:01 – 48:52	2:53:37 – 2:56:28
16 Monday 06.40.31 to 06.45.59.wav	18:08 – 23:34	2:21:20 – 2:26:47
22 Sunday 09.52.46 to 09.54.32.wav	11:36 – 13:20	2:14:48 – 2:16:35
24 Sunday 10.08.41 to 10.09.30.wav	13:35 – 14:24	2:16:47 – 2:17:35
25 Thursday 02.44.15 to 02.45.52.wav	49:57 – 51:32	2:57:34 – 2:59:09
26_Thursday_02.46.05_to_02.47.51_2edit2.wav	49:00 – 49:46	2:56:35 – 2:57:21
31 Sunday 10.36.34 to 10.36.54.wav	15:46 – 16:03	2:18:56 – 2:19:19
33 Sunday_10:47.49_to 10:49.57_2edit2.wav	24:22 – 25:46	2:27:33 – 2:28:59
33_Thursday_02.54.48_to_02.55.322_edit2.wav	51:46 – 52:16	2:59:22 – 2:59:52

Note 1: Time Stamps on Exhibit 1136 were taken using VLC Media Player

Note 2: Exhibit 1136 skips during the playing of this clip

Exhibit A