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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA Plaintiff, vs. STEVEN CARROLL DEMOCKER, Defendant.	No. P1300CR20081339 Division 6 **MOTION FOR COURT ORDER SETTING WITNESS INTERVIEW AND EVIDENCE REVIEW SCHEDULE**

Pursuant to Rules 15.1 and 16 of the Arizona Rules of Criminal Procedure, due process, and the Arizona and U.S. Constitutions, Defendant Steven DeMocker requests that this Court assist the parties by entering an order setting a witness interview schedule and dates for further evidence review. This Motion is supported by the following Memorandum and Points of Authorities.

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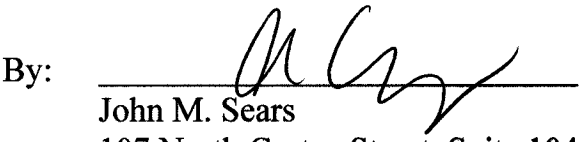
MEMORANDUM OF POINTS AND AUTHORITIES

On May 12, 2009 the Court held a scheduling conference and the parties agreed to work together to schedule and conduct required witness interviews. To date, the State has disclosed 237 fact witnesses and 14 expert witnesses. Despite counsel's repeated requests to schedule additional interviews, a total of 9 interviews have been completed, with the last interview taking place in August and no additional interviews are currently scheduled. Counsel has repeatedly requested additional interview dates and have received no response. On August 12, counsel wrote to Mr. Butner noting that the process of scheduling interviews had stalled, requesting to sit down with Mr. Butner to see if the State's witness list could be narrowed, and advising that given the volume of witnesses, several days per week over the next few months would need to be set aside to conduct these interviews. Counsel received no response to this request. In order to move this process forward and avoid delay of this capital case, counsel is therefore requesting the Court's assistance in setting an interview schedule.

On August 7, counsel requested a time to review evidence in the possession of the County Attorney's Office. On August 27, and 28, counsel reviewed several evidence items in coordination with the County Attorney's evidence technician and investigator. Several hundred items remain to be reviewed. Immediately after the initial review dates counsel requested additional available dates to complete the review. Despite these requests, counsel have received no response. Counsel requires the assistance of the Court to set these dates as well.

With a rapidly approaching trial date only seven months away, neither counsel nor the Court can countenance any further delay on these important issues. Therefore, counsel requests that this Court set an interview scheduling order as well as additional dates by which the County Attorney must provide evidence review dates to counsel.

DATED this 6th day of October, 2009.

By: 

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ORIGINAL of the foregoing mailed for filing this 6th day of October, 2009, with:

Jeanne Hicks
Clerk of the Court
Yavapai County Superior Court
120 S. Cortez
Prescott, AZ 86303

COPIES of the foregoing mailed this 6th day of October, 2009, to:

The Hon. Thomas B. Lindberg
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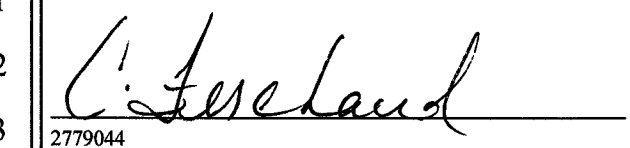

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