DeRienzo & Williams, P.L.L.C.
State Bar #00510200
3681 N. Robert Road
Prescott Valley, AZ 86314
Tel.: (928) 759-5572
Fax: (928) 759-5573
Craig Williams
Attorney for Defendant

SUPERIOR COURT
2011 AUG -8 PM 5:03
SANDRA K MARKHAM, CLERK
BY: Kelly Gresham

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,	**P1300CR201001325**
Plaintiff,	
vs.	**REQUEST FOR DEPOSITION: Mike Sechez**
STEVEN DEMOCKER,	
Defendant	**(Hon. Warren Darrow)**

The Defendant, by Counsel undersigned, requests that this Court order Mike Sechez, Investigator for the Yavapai County Attorney's Office, to participate in a Deposition. On June 8, 2011, the Defense interviewed state's Investigator Mike Sechez. Investigator Sechez has been involved recently with gathering the DNA biological sample Item #603, found under the fingernails of the victim, Carol Kennedy. Det. Brown assisted Investigator Sechez. During the Defense interview on June 15, 2011, the state prevented Det. Brown from answering question regarding how the DNA biological sample Item #603 got under the fingernails of the victim, Carol Kennedy. The Defense anticipates the state will take the same position when Mr. Sechez is asked the same question.

This Request is made pursuant to Rules 15.3(a)(1) and 19.3(b), Arizona Rules of Criminal Procedure, and Kirkendall v. Fisher, 27 Ariz.App. 210, 553 P.2d 243 (1976).

> "According to Rule 15.3, a court may order the deposition when '[a] party shows that the person's testimony is material to the case ... and that he will not cooperate

in granting a personal interview.' Rule 15.3(a)(2), Arizona Rules of Criminal Procedure."

"A witness is uncooperative within the meaning of Rule 15.3 when the witness attaches such conditions to an interview that 'it makes the situation untenable for defense counsel to discover needed material.'"

Arcaris v. Superior Court, 160 Ariz. 533, 534, 774 P.2d 837, 838 (Ariz.App.,1989), citing Kirkendall, at 245.

The fact that DNA from a previous autopsy was found under the victim's fingernails is a vital area for pre-trial discovery. Information regarding the identity of biological DNA sample Item #603 was not available during the previous trial, and therefore the Defense had no prior opportunity to ask Investigator Sechez these questions. The state's theory of *how* that biological material got there is a proper subject for discovery.

The Defense request that the deposition be held at the Defense Attorney's office, and Lott Reporting be the reporter.

RESPECTFULLY SUBMITTED this August 8, 2011.

Craig Williams
Attorney for the Defendant

Copies of the foregoing faxed / mailed / or delivered this date to:

Copies of the foregoing delivered this date to:
Hon. Warren Darrow, Judge of the Superior Court
Jeff Paupore, Steve Young, Yavapai County Attorney's Office
The Defendant
By:_____