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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2020 FEB 20 AM 10: 55 ✓

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P. RUGGLES

BY: _____

Attorneys for STATE OF ARIZONA

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

STATE OF ARIZONA,

Plaintiff,

vs.

ANTHONY JAMES RICHARDS,

Defendant.

CAUSE NO. P1300CR201600476

**STATE'S RESPONSE TO
DEFENDANT'S MOTION IN LIMINE**

Assigned to Hon. Tina R. Ainley

1 The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and
2 her deputy undersigned, do not oppose Defendant's *Motion In Limine* to prohibit the
3 State from eliciting testimony regarding prior convictions and/or character evidence of
4 the defendant to prove conformity therewith. The State, however, reserves the right to
5 introduce character evidence in rebuttal should the defendant attempt to introduce
6 evidence of some pertinent trait of character. Similarly, the State reserves the right to
7 utilize appropriately sanitized prior convictions to impeach the Defendant should he
8 choose to testify.

9 The State would remind Defendant that similar restrictions apply to his use of
10 character attacks on the victim. In his motion entitled *Notice of Intent to Use Statements*
11 *of an Unavailable Witness: Dean Knight*, the defendant indicates a desire to introduce
12 evidence that Mr. Knight believed the victim was a "jerk" and "a nut," and that

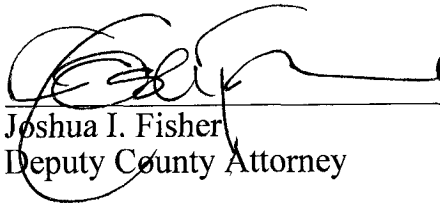
1 Defendant “knew not to bring Powers around because they didn’t like him (Powers).” In
2 addition to being wholly irrelevant under Rule 401, *Arizona Rules of Evidence*,
3 characterizing the victim as a “jerk” and “a nut” do not seem representative of a pertinent
4 trait of character, and thus would also run afoul of the Ariz. Rule. Evid. 404(a)(2).

5 Based upon the foregoing, the State will endeavor to avoid eliciting any testimony
6 prohibited by Rule 404 and asks this Court to instruct Defendant to do the same.

RESPECTFULLY SUBMITTED this 19th day of February, 2020.

Sheila Polk
Yavapai County Attorney

By: _____


Joshua I. Fisher
Deputy County Attorney

COPY of the foregoing

mailed emailed hand-delivered
this 19 day of February, 2020 to:

Hon. Tina R. Ainley
Yavapai County Superior Court Division 3

Craig Williams
Attorney for Defendant

By: _____

