

2020 FEB 26 PM 4:44 ✓

DONNA McQUALITY, CLERK

BY: T. MAINEZ

Craig Williams, Attorney at Law, P.L.L.C.
State Bar #014929
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

STATE OF ARIZONA,	)	P1300CR201600476
)	
Plaintiff,)	
	)	MOTION TO CONTINUE TRIAL /
vs.	)	NOTICE OF INTENT TO USE
	)	STATEMENTS OF AN UNAVAILABLE
ANTHONY RICHARDS,	)	WITNESS: DEAN KNIGHT Sgt Crabtree
)	
Defendant.)	
_____	)	(Hon. Tina Ainley, Div. 3)

The Defendant, by and through undersigned Counsel, hereby moves this Court to Continue the Trial currently set to begin on March 4, 2020. The reason for the continuance is that securing the attendance of a material witness, Sgt. Joshua Crabtree, has hit a brick wall.

The Defense had previously issued *two* subpoenas to Sgt. Crabtree. On January 15, 2020, Natalie Jackson, Calaveras County Sheriffs Technician III wrote to the Defense:

The Calaveras County Sheriffs Office is in receipt of your Arizona issued subpoena for Calaveras County Sergeant Josh Crabtree's appearance for March 4, 2020. In recent discussions with your office, it was determined that Sgt. Crabtree would only be required to appear for a one day testimony on March 17, 2020.

(See: Attached Letter).

The January 15th letter requested a new, *third*, "subpoena depicting the agreed upon date of testimony." (*Id.*) Also requested, for the first time, was a list of payment demands including, "Hourly Wages" of \$2,188.56, and a total of \$3,458.51. This was unreasonable.

On January 17, 2020, Counsel sent Ms. Jackson an e-mail requesting an explanation for the bill, with the Yavapai County Reimbursement Schedule attached. (Email, attached). In response, we later received a phone call from Gregory P. Wayland, Deputy County Counsel for Calaveras County. The “Hourly Wages” section was to reimburse Calaveras County. Upon information and belief, the Yavapai County Attorney was told the same amount – \$2,188.56 – for “Hourly Wages,” for the “fact witness.” Mr. Wayland did appear to be willing to work on the remaining totals. But, the \$2,188.56 – for “Hourly Wages” is a hurdle that cannot be cleared.

We have made a good faith effort to produce Sgt. Crabtree for trial, only to be frustrated time and again. It became clear that an Order for the Motion for Certificate to Secure Attendance of Witness from Without the State of Arizona in this Criminal Proceeding, per A.R.S. §13-4093 was necessary to secure this witness.

In response to the submission to the Calaveras County Superior Court of this Court’s Order for the “Motion for Certificate to Secure Attendance of Witness from Without the State of Arizona in this Criminal Proceeding, per A.R.S. §13-4093,” the Calaveras Clerk wrote:

OTHER: Regarding the above matter, it appears that the date on line 1 of the proposed order may be incorrect. Also, there is no service of the proposed document(s) on Calaveras County Sheriff’s Department or Calaveras County Counsel. *There seems to be an issue regarding the amount of fees being charged by the Sheriff’s Department and what Yavapai County is paying.* Lastly, you may need to place this matter on calendar with notice to all parties.

(Clerk’s Document, 2/25/20, italics added).

There is no way we could “place this matter on calendar” in Calaveras County Superior Court in time for this Trial. This is evident from the Order this Court signed:

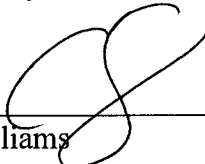
IT IS ORDERED: Sgt. Joshua Crabtree, Calaveras County Sheriff Department, San Andreas, CA, shall appear and give testimony on March 17, 2020 in Yavapai

County Superior Court, Prescott, AZ, per Article 23 Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings, and A.R.S. § 13-4093(A), California Penal Code §§ 1334-1334.6.

In the alternative to a continuance of the Trial, Sgt. Crabtree should be treated as an unavailable witness. His interview with the state and the Defense on August 28, 2019 is admissible under the following Arizona Rules of Evidence: Rule 804(a)(4), unavailable witness and Rule 807, "Residual exception," which states:

- (a) In general. – Under the following conditions, a hearsay statement is not excluded by the rule against hearsay even if the statement is not admissible under a hearsay exception in Rule 803 or 804:
 - (1) the statement is supported by sufficient guarantees of trustworthiness – after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
 - (2) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.
- (b) Notice – The statement is admissible only if the proponent gives an adverse party reasonable notice of the intent to offer the statement including its substance and the declarant's name – so that the party has a fair opportunity to meet it. The notice must be provided in a writing filed with the court before the trial or hearing – or in a filing during the trial or hearing if the court, for good cause, excuses a lack of earlier notice.

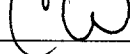
RESPECTFULLY SUBMITTED this of February 26, 2020.



Craig Williams
Attorney at Law

Copies of the foregoing delivered this date to:

Hon. Tina Ainley, Judge of the Superior Court
Josh Fisher, Deputy Yavapai County Attorney

By:  _____

Craig Williams

From: Craig Williams <craigwilliamslaw@gmail.com>
Sent: Friday, January 17, 2020 1:28 PM
To: 'Natalie Jackson'
Subject: RE: State v Anthony Richards - P1300CR201600476
Attachments: Travel Reimbursement Schedule.pdf

Natalie:

This is a Yavapai County, Arizona case. I was told the subpoena for Sgt. Crabtree would be honored. Attached is the Yavapai County reimbursement schedule. Meals total \$44.00 a day (or \$88 for the two day trip estimate). Motel is \$119.00 a night. There is a shuttle service from Phoenix to Prescott, \$39 each way between here and Phoenix. He wouldn't need a car if he stays at the Hassayampa Inn in Downtown Prescott (a landmark hotel). The Trial is also in downtown Prescott a short walk from the Hassayampa. I checked hotels.com. The Hassayampa has a room for \$84/night (see: <https://hotels.com/ho200400/?q-check-out=2020-03-17&FPQ=2&q-check-in=2020-03-16&WOE=2&WOD=1&q-room-0-children=0&pa=4&tab=description&JHR=1&q-room-0-adults=1&YGF=14&MGT=1&ZSX=0&SYE=3>). My investigator can assist with travel if necessary.

Some American Airlines flights between Sacramento and Phoenix are as cheap as \$187 on Expedia.com. Please explain the \$471.90 expense listed in the bill.

I was never told about the "hourly wages" portion of this bill. In any event, the \$2,188.56 for "hourly wages" (listed in the bill) is not reasonable. Is Sgt. Crabtree paid hourly? And, because Sgt. Crabtree worked on this case in an official capacity I am unsure why he should be paid to testify at trial about what he already did. Please explain this expense.

Finally, we already had a second subpoena issued, and previously agreed on a firm date for Sgt. Crabtree's testimony (also agreed to by the prosecutor): March 17, 2019.

Thanks,

Craig Williams

Confidentiality Note: This and any accompanying pages contain confidential and/or privileged information from Craig Williams, Attorney at Law, PLLC. If you are not the intended recipient, you may not disclose, copy, print, distribute nor use any of the contents of this information. If there is an attachment(s) to this e-mail, it may be subject to attorney-client privilege and/or attorney work-product privilege. No waiver of any applicable privilege should be inferred by the unintended receipt of this message by any party not specifically intended to receive the e-mail.

If you have received this e-mail in error, please either 1) call us @ 928-759-0000, or 2) send a reply e-mail and await instructions, or 3) delete the original e-mail and notify us that you have done so. Thank you, and sorry for any inconvenience.

From: Natalie Jackson [mailto:NJackson@co.calaveras.ca.us]
Sent: Wednesday, January 15, 2020 2:45 PM
To: 'craigwilliamslaw@gmail.com' <craigwilliamslaw@gmail.com>
Subject: State v Anthony Richards - P1300CR201600476

Mr. Williams,

Please see attached letter. The original to follow via USPS.

Respectfully,

Natalie Jackson | Sheriff Services Technician III

Calaveras County Sheriff's Office
1045 Jeff Tuttle Drive
San Andreas, CA 95249
njackson@co.calaveras.ca.us
(209) 754-6479 – Direct
(209) 754-6500 – Main
(209) 754-6581 – Fax

+++++

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PHONE: 928-759-0000 ~ FAX 928-441-1121

September 9, 2019

Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

RE: State v. Anthony Richards
P1300CR201600476

Dear Mr. Crabtree:

Enclosed please find a copy of the Subpoena for you to appear on January 29, 2020 at 9:00 a.m., at the Yavapai County Superior Court in Prescott, Division 3. **You don't have to be present on the above date.** Our office will notify you of the date you will be called to testify.

Should you have any questions, please contact our office.

Sincerely,



Craig Williams
Attorney at Law

Encl.:

Craig Williams Attorney at Law, P.L.L.C.
State Bar #014929
P.O. Box 26692
PRESCOTT VALLEY, AZ 86312
TEL.: (928) 759-0000
FAX: (928) 441-1121
Email: craigwilliamslaw@gmail.com
Attorney for Defendant

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

STATE OF ARIZONA,	)	P1300CR201600476
)	
Plaintiff,)	
	)	SUBPOENA
vs.)	
)	
ANTHONY RICHARDS)	
)	
Defendant.	)	(Hon. Tina Ainley, Div. 3)


TO: Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

YOU ARE HEREBY ORDERED to appear at the hour of 9:00 a.m., on the 29th day of January, 2020, at the Yavapai County Superior Court Division 3, located at 120 S. Cortez, Rm 406, Prescott, AZ 86303, and to remain there until excused by the judge conducting the proceeding, to give testimony on behalf of the above-named defendant.

IF YOU FAIL TO COMPLY AS ORDERED, A WARRANT WILL BE ISSUED FOR YOUR ARREST

Given under my hand and seal, this _____ day of ^{AUG 30 2019} _____, 2019.

Craig Williams, Attorney at Law



Attorney for Defendant

Clerk of the Court
DONNA M. QUALITY

By: T. MAINEZ

COURT SEAL

SUBPOENA SERVED TO:

Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

CERTIFICATE OF SERVICE

The undersigned swears (or affirms) that he is qualified to serve this subpoena and did so by showing the original to and informing the witness of its content and by delivering a copy thereof to

_____, at the hour of _____ (a.m./p.m.), on the _____
day of _____, 20__, at _____, Arizona.

Via Certified Mail
PERSON SERVING SUBPOENA



PHONE: 928-759-0000 ~ FAX 928-441-1121

December 5, 2019

Attn: Natalie Jackson - Sheriff Service Technician III
Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

RE: State v. Anthony Richards
P1300CR201600476

Dear Mr. Crabtree:

Enclosed please find a copy of the Subpoena for you to appear on March 4, 2020 at 9:00 a.m., at the Yavapai County Superior Court in Prescott, Division 3. **You don't have to be present on the above date.** Our office will notify you of the date you will be called to testify.

Should you have any questions, please contact our office.

Sincerely,

Craig Williams
Attorney at Law

Encl.:

Craig Williams Attorney at Law, P.L.L.C.
State Bar #014929
P.O. BOX 26692
PRESCOTT VALLEY, AZ 86312
TEL.: (928) 759-0000
FAX: (928) 441-1121
Email: craigwilliamslaw@gmail.com
Attorney for Defendant

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

STATE OF ARIZONA,	)	P1300CR201600476
)	
Plaintiff,)	
	)	SUBPOENA
vs.)	
)	
ANTHONY RICHARDS)	
)	
Defendant.	)	(Hon. Tina Ainley, Div. 3)

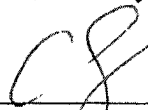
TO: Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

YOU ARE HEREBY ORDERED to appear at the hour of 9:00 a.m., on the 4th day of March, 2020, at the Yavapai County Superior Court Division 3, located at 120 S. Cortez, Rm 406, Prescott, AZ 86303, and to remain there until excused by the judge conducting the proceeding, to give testimony on behalf of the above-named defendant.

IF YOU FAIL TO COMPLY AS ORDERED, A WARRANT WILL BE ISSUED FOR YOUR ARREST

Given under my hand and seal, this 4th day of December, 2019.

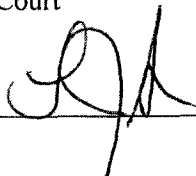
Craig Williams, Attorney at Law



Attorney for Defendant

DONNA McQUALITY

Clerk of the Court

By: 

SUBPOENA SERVED TO:

Sgt. Josh Crabtree
c/o Calaveras County Sheriffs Office
1045 Jeff Tuttle Dr.
San Andreas, CA 95249

CERTIFICATE OF SERVICE

The undersigned swears (or affirms) that he is qualified to serve this subpoena and did so by showing the original to and informing the witness of its content and by delivering a copy thereof to

_____, at the hour of _____ (a.m./p.m.), on the _____
day of _____, 20__, at _____, Arizona.

PERSON SERVING SUBPOENA

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sgt. Josh Crabtree
1045 Jeff Tuttle Dr.
San Andreas Ca.
95249



9590 9402 4968 9063 6079 81

2.

7019 0700 0000 5405 4882

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

SARV D. M. [unclear]

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attn: Natalie Jackson
Sgt. Josh Crabtree
c/o Calaveras County Sheriff's
1045 Jeff Tuttle Dr.
San Andreas, Ca 95249



9590 9402 5051 9092 1577 98

2. Article Number (Transfer from service label)

7019 0700 0000 5405 4851

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

Courtney Burns

C. Date of Delivery

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail Restricted Delivery

Domestic Return Receipt

Office of the Sheriff



Rick DiBasilio, Sheriff

1045 Jeff Tuttle Drive
San Andreas, CA 95249

209.754.6500
sheriff@co.calaveras.ca.us

January 15, 2020

Craig Williams, Attorney at Law
3681 N Robert Rd.
Prescott Valley, AZ 86312
(928) 759-0000

RE: State of Arizona v. Anthony Richards
P1300CR201600476

Dear Mr. Williams,

The Calaveras County Sheriff's Office is in receipt of your Arizona issued subpoena for Calaveras County Sergeant Josh Crabtree's appearance for March 4, 2020. In recent discussions with your office, it was determined that Sgt. Crabtree would only be required to appear for a one day testimony on March 17, 2020. We are requesting a new subpoena depicting the agreed upon date of testimony. Also, below is a breakdown of the costs that the County will expend for Sgt. Crabtree to be present. We will be requiring those funds be reimbursed prior to his appearance. This correspondence outlines fair and reasonable terms for appearance pursuant to collaborative discussions and shall not be binding until a written agreement is signed; the witness and County reserve all rights and objections to the subpoena pursuant to law pending a formal written agreement.

American Airlines Roundtrip	\$	471.90
Parking at Sacramento Airport	\$	72.00
Hotel	\$	299.24
Rental Car	\$	186.81
Fuel (est)	\$	40.00
Calaveras Meal Per-Diem	\$	200.00
Hourly Wages	\$	2,188.56
		<hr/>
Total	\$	3,458.51

Please remit payment to:
Calaveras County Sheriff
1045 Jeff Tuttle Drive
San Andreas, CA 95249

Office of the Sheriff

1045 Jeff Tuttle Drive
San Andreas, CA 95249



Rick DiBasilio, Sheriff

209.754.6500
sheriff@co.calaveras.ca.us

Please submit payment and updated subpoena no later than 2/28/2020. If not received, all travel arrangements will be cancelled.

Respectfully,

A handwritten signature in black ink, appearing to read "N. Jackson", is written over a horizontal line.

Natalie Jackson
Calaveras County Sheriff's Technician III