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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,)
)
vs.) ***Amended***
) **REQUEST FOR DISCLOSURE**
)
ANTHONY RICHARDS,)
)
Defendant.) **(Hon. Tina Ainley)**
)
)
_____)

This Request for Disclosure is made pursuant to Rule 15.1 and 15.6., Arizona Rules of Criminal Procedure, and Brady v. Maryland, 373 U.S. 83 (1963). At the September 4, 2020 Hearing concerning the previous Request for Disclosure, the Court and the state wanted more specificity concerning the requests records and voice mail(s). This Request provides that specificity, and ask that the Request(s) below be granted.

In his Deposition, Craig Comstock testified that his relationship with Joan Shattuck “pretty much intensified since the death of Larry. We have bonded very good. We have kind of a crusade to see justice done in this case.” (Craig Comstock Deposition, 8-7-20, pg. 6, lns 8-10).

Williams: But like you say, good friends and you have a crusade to seek justice done?

Comstock: That's correct.

(*Id.*, lns. 17-19, also pgs. 51-52).

That “crusade to see justice done in this case” is the backdrop for this Request. That crusade turned into collusion. The Defendant, by and through Counsel undersigned, hereby requests disclosure of the following:

1) The voice mail(s) that Joan Shattuck left on Investigator Paul Chastain’s phone post-mistrial.

The voice mail message(s) are necessary because we know they were left on Chastain’s phone, but we do not know what was said, due to evasive Deposition testimony:

Chastain: Oh, yes. Yes. She called me and left a message on my cell phone, I mean, on the cell phone, about a date change that she was worried about, probably -- not worried about, but she thought she had another clue for me, I think. And what happened was I had no contact with her. And then, at a later time, I think it all happened at once.

Williams: Did she tell you what that clue was?

Chastain: No. Another date.

Williams: Okay.

Chastain: I never -- I never followed up on it.

(Paul Chastain Deposition, pg. 29, Ins. 17-25, pg. 30, Ins. 1-2).

Williams: Okay. So, there's a date involved and that Joan Shattuck wanted to give somebody a date. Who did she want to give the date to?

Chastain: On the voicemail, she wanted to give it to me.

Williams: Okay.

Chastain: And then Comstock, and then I called McDormett, and McDormett told me that this isn't good.

(Paul Chastain Deposition, pg. 38, Ins. 1-7).

Investigator Paul Chastain, while a YCSO volunteer, should be considered to be a part of the state’s team. There is only one way to see what was said on the voice mails: disclosure.

2) Phone records from September 15, 2018, (the date of Joan Shattuck’s original Deposition), made to and from Craig Comstock and Joan Shattuck.

Disclosure of these records is necessary because: 1) There was contradicting Deposition testimony from Joan Shattuck and Craig Comstock regarding their phone conversations, and 2)

there is a strong indication of an ongoing collusion from September 15, 2018 to the present:

Williams: Okay. In that five days¹, how many conversations did you have with Joan?
Comstock: I assume we had a few.
Williams: Okay.
Comstock: I couldn't tell you exactly.

(Craig Comstock Deposition, pg. 64, lns. 8-12).

Williams: -- you did talk to her about the mistrial, after the mistrial?
Comstock: Did I? I don't know. I don't know if that went down.

(Craig Comstock Deposition, pg. 71, lns. 18-21).

Williams: So did she call you any more in the next couple days?
Comstock: I think she was going to try to clarify that date. She wasn't certain.

(Craig Comstock Deposition, pg. 56, lns. 13-16).

Williams: And then, at some point when you left, you went and called Joan to tell her about the day's events?
Comstock: Uh-huh.
Williams: All right.
Comstock: Yeah.
Williams: And you don't know if that was Friday night, Saturday, or Sunday, or am I confusing you?
Comstock: Oh, it had to be one of those days, sir. I imagine it would have been one of those days, because, you know, it was in the moment.
Williams: I gotcha.
Comstock: It could have been. It could have been that Friday, could have been that Saturday, but maybe that Friday. I'm willing to go that far. Yeah.

(Craig Comstock Deposition, pgs. 53, lns. 18-25, pg. 54, lns. 1-6).

Williams: -- you also said that you did -- you were a team, you wanted to see justice done, that you shared information. She was on calls with you when you were talking to Anthony?
Comstock: Yeah.
Williams: So it wasn't like this was done in a vacuum, right?
Comstock: No. No. It was planned, sure.
Williams: Okay.

¹From Comstock's direct examination at Trial until the mistrial.

(Craig Comstock Deposition, pg. 62, Ins. 9-17).

Williams: All right. So did you talk to Joan about her deposition that she was going to do with me and Mr. Fisher?

Comstock: Probably, yeah.

Williams: Okay. Tell me about that.

Comstock: Well, she told me that you guys came up there. I asked her, you know, how'd that go. And she said nice and that I remember distinctly that she said that when you were leaving, you glanced at her wall and there was a grandfather clock. And you said oh, I have a clock just like that at home, and so you got a little laugh out of that.

(Craig Comstock Deposition, pg. 37, Ins. 16-25, pg. 38, Ins. 1-2).

In her second Deposition, Joan Shattuck was evasive concerning her post-original-deposition conversations with Comstock:

Shattuck: I – I literally – I – I cannot remember who I talked to or what I said after the deposition.

(Joan Shattuck Deposition, pg. 11, Ins. 7-8).

Williams: So, you do the deposition, you had all this teamwork with Craig Comstock. Isn't it reasonable to say that after you were done with that deposition, you called Craig Comstock and told him what happened?

Shattuck: It is. It is very reasonable. I can't remember it, but it's very reasonable that I probably would have done that without realizing it could jeopardize the case, I'm, yes, it's reasonable. It's very reasonable.

(Joan Shattuck Deposition video, @ 16:06-16:35).

The phone records from the time of Joan Shattuck's original Deposition (9-15-18), to and from Craig Comstock and Joan Shattuck are necessary to track the collusion between Comstock and Shattuck in this case. That collusion continued through the trial and post-mistrial.

Shattuck: Well, Craig called me right after he was a witness on Friday and he was upset, and then I called him on Saturday because I was going to help him go over the reports that he had to look over for his testimony.

(Joan Shattuck Deposition, pg. 34, Ins. 8-11).

Shattuck: And so then, I was like, "Well, I can help you." And he said, "Okay." And so that's when I said, "Yeah." So. . .

Williams: So that's on Friday night and then you had another conversation on Saturday?

Shattuck: Yeah. So then we decided, "Well, tomorrow, let's jump on and I'll help you do this." So, on Saturday, I called -- let's see, I think I called him. I can't say for sure who called who on Saturday. I believe I called him. And for -- I was trying to remember how long. I don't know positively. I'm -- my guess would be two or three hours we were on the phone going over the conversations. And I would read them and then at another -- and he would say, "Well, I don't understand that. What was that about?" You know, and I would just try to refresh his memory and that's all we were doing. It was no information that he didn't already have. Everything we went over was -- as far as you know the conversations with Anthony, they were -- I mean, they were obviously ancillary because they were his conversations, so I was just trying to clarify for him and go over his memory is what I was doing there.

(Joan Shattuck Deposition, pg. 35, lns. 3-25).

Shattuck: Yeah. Well, it was a concern that, yeah, because he felt like he couldn't remember anything. So we were just trying to get him to remember the whole -- what we've been through for 13 years.

(Joan Shattuck Deposition, pg. 37, lns. 16-19).

There is only one way to see the depth of the phone communication: disclosure.

3) **Texts to and from Joan Shattuck and Craig Comstock from September 15, 2018 to present.**

Disclosure of these records is necessary because: 1) There was evasive Deposition testimony from Joan Shattuck and Craig Comstock regarding their text conversations, and 2)

There is a strong indication of an ongoing collusion:

Williams: All right. So you don't recall whether or not she -- she texted you this, right? At some point on that weekend?

Comstock: Well, it doesn't look like my telephone.

Williams: Right. So she texts you this, and you don't recall when that came in and the pictures we have of this phone don't tell us, it just says 12:59 p.m., so shortly after noon, is when this text came in.

Do you recall what day that was? Because I can't see it on your phone --

Comstock: No.

Williams: -- when it was.

Comstock: No, I don't.

(Craig Comstock Deposition, pg. 62, lns. 21-25, pg. 63, lns. 1-8).

Williams: All right. And how many texts would you say? Because that's one we know.

Comstock: Is that one?

Williams: Uh-huh?

Comstock: Okay.

Williams: Any more that you know of?

Comstock: I couldn't be certain.

Williams: Okay.

Comstock: I believe it.

Williams: Okay. May have been?

Comstock: Sure.

(Craig Comstock Deposition, pg. 64, lns 13-23).

Williams: Do you recall whether or not you sent more than one text, more than this? More information than just this?

Shattuck: I don't recall.

(Joan Shattuck Deposition, pg. 42, lns. 18-21).

Williams: And sitting here today, this is August 14th, you don't recall if you sent Craig Comstock any more texts either Friday, Saturday, or Sunday, more than just this one?

Shattuck: Gosh, I didn't even remember that one. I don't remember. All I remember is, you know, trying to talk to him. I may have.

(Joan Shattuck Deposition, pg. 47, lns. 13-19).

Shattuck and Comstock had to have known how many text messages there were between them post-mistrial, but were unwilling to say. The text messages from Joan Shattuck's original Deposition (9-15-18) to date, *the texts messages to and from Craig Comstock and Joan Shattuck* are necessary to track the collusion in this case. That collusion continued through the trial and post-mistrial.

- 4) **Phone records (calls and texts) to and from Joan Shattuck and Paul Chastain from September 15, 2018 to present.**

Joan Shattuck and Paul Chastain have differing stories about the content of their conversations, and when they took place. Phone records to and from Joan Shattuck and Paul Chastain from September 15, 2018 (Shattuck Deposition) to present are necessary to analyze the disparities. In her second Deposition, Joan testified that she had been asked by Chastain to do some follow-up investigation. Joan testified that she was helping Craig Comstock study during the same period of time she was looking up information for Paul Chastain.

Williams: Okay. I want to talk about a little bit about Paul Chastain. Did you talk with Chastain before the start of the trial?

Shattuck: Did I -- of the trial. Yes.

Williams: Okay. Can you tell me what you talked about?

Shattuck: He called me and he asked me to just look up different information, information that he and I both have had and I -- I know it from the investigation prior, and he just was trying to save himself some time because he had, you know, a lot of work to do, and I'm happy to help whenever I can, so that was it. It was different -- it was only a few things, but I don't remember what they were. I was trying to remember, and I don't remember what they were, but I can tell you I do remember one thing about it. And one was about the other guy in the motor home, because he had an acronym for it, he -- it was called -- I forgot what it was the motor home, the MHG or something, and he said that's just what we call him, and I don't know why I remembered that, but that's what I remember. So --

Williams: Okay.

Shattuck: -- I don't know specifically what he wanted, but it was nothing that we hadn't already discussed over the years.

Williams: And this would have been after your deposition?

Shattuck: Yes.

Williams: This was right before trial, right?

Shattuck: Yes.

(Joan Shattuck Deposition, pg. 30, lns. 20-25, pg. 31, lns. 1-23).

Phone records to and from Joan Shattuck and Paul Chastain from September 15, 2018 (Shattuck Deposition) to present are necessary to analyze when was the last time that Joan Shattuck called and/or texted Paul Chastain:

Shattuck: Yes. I sent -- I called Paul, I believe, and I told him that I found this crazy inconsistency in my notes.

Williams: Right.
Shattuck: And I sent that to John McDormett, I believe.
Williams: Did you send it to Craig Comstock?
Shattuck: Oh, I might have.
Williams: This says at the top, it says [as read]: Subject. It was June 28th, not April 28th.
Shattuck: Yeah. If I sent it to Craig, *I send it to all of them, yeah.*

(Joan Shattuck Deposition, pg. 40, lns. 18-25, pg. 41, lns. 1-3, italics added).

Shattuck: It was *right in the same time frame when, you know, Craig and I were doing this, and also at the same time frame when Paul had asked me to research stuff. It was all happening at once.* I had papers all over the dining room table and I believe I found it and I sent it to -- so it was on my mind. And I sent it to Craig that, wow, I just -- there was this thing, we made that phone call, and it was different. And I think -- I think he didn't even know maybe what I was talking about. I don't know. But he said, "What do you mean?" And he -- he says he didn't understand what I was saying. So I said, "I'll send it to you." And I totally forgot I sent it to him until you pointed it out today, but that is the reasoning behind it.

(Joan Shattuck Deposition, pg. 66, lns. 19-25, pg. 67, lns. 1-7, italics added).

Williams: Do you recall when you sent this?
Shattuck: I don't recall when I sent it but if it says that, then ...
Williams: Well, how about the day? Do you recall the day?
Shattuck: Not on that. Pardon me?
Williams: How about the day? Do you recall the day that you sent it?
Shattuck: No. Absolutely not. I don't remember any of that. I just remember I was going through a lot of paperwork and I saw that and I went, oh, my gosh. What is this all about? Because I thought it was an important piece of evidence, that phone call, and all along I felt it was very important. And so, when I saw that, I just read it and went oh, my gosh. I instantly just went we got to figure this out and I sent it to everybody.
Williams: Do you recall whether or not you sent more than one text, more than this? More information than just this?
Shattuck: I don't recall.

(Joan Shattuck Deposition, pg. 42, lns. 2-21)

Williams: So, right there, you make the reference, right here, right where my finger is, and I hope you can read it. I know it's -- June 28th. Right there. Do you see it?
Shattuck: Right. Right. That's why I sent that to them, to John and Paul and everybody.

(Joan Shattuck Deposition, pg. 45, lns. 19-24)

Paul Chastain said that he left Joan Shattuck a final voice mail. It is unclear if this voice mail was before or after the mistrial was declared.

Chastain: I haven't talked to Joan since I told her I can't talk to you ever again.
Williams: Okay. And that was when, about?
Chastain: I -- I think three or four days after she called me, I called her. She didn't answer.
Williams: Right.
Chastain: I left a message on her phone that I can't talk to you and I can talk to you after it's over with and -- but, physically talking to her, no, never talked to her.

(Paul Chastain Deposition, pg. 45, lns. 1-10).

Williams: You got a call from Joan Shattuck and that went to your voice mail?
Chastain: That's correct.
Williams: Do you recall what day that was?
Chastain: No, but I believe it was over that weekend.
Williams: Okay. Did you get the call from Joan Shattuck first or the call from Craig Comstock first?
Chastain: Well, it went to my voice mail.
Williams: Right.
Chastain: I -- I could have talked to him first.
Williams: Okay.
Chastain: Although, I may have received the phone call prior to that phone call.

(Paul Chastain Deposition, pg. 36, lns. 17-25, pg. 37, lns. 1-5).

It is also important to know where in the chain of events that Paul Chastain talked to Joan Shattuck to inform her about the Rule of Exclusion. Was this before or after the County Attorney's office told Joan Shattuck about the Rule of Exclusion.

Shattuck: And Paul had mentioned to me that when -- and this is what -- this was what was going on, he said when my testimony -- my deposition gets viewed at trial, then I can't talk to anybody, I'm not allowed to talk to anybody after that. And I can say when I did talk to Craig, it was after that, and I recognize that I wasn't supposed to.

(Joan Shattuck Deposition, pg. 38, lns. 16-22).

Fisher: I can inform the court that, first of all, the State had admonished all its witnesses not to speak to each other. And Ms. Shattuck, on no less than three times, I think far more than three times by three separate individuals, she was instructed not to speak to other witnesses. She seems to have some difficulty complying with that

directive. And we had an indication before the trial began she may be contacting witnesses. And that is why we went to great lengths to put it on the record or to make sure that she was clear on that point.

(Jury Trial, Day 4, pg. 7, lns. 16-25).

5) Phone records (calls and texts) to and from Craig Comstock and Paul Chastain from September 15, 2018 to present.

Craig Comstock and Paul Chastain have evasive and differing stories about the content of their conversations, and when they took place. Phone records to and from Craig Comstock and Paul Chastain from September 15, 2018 (Shattuck Deposition) to present are necessary to analyze the disparities. Craig Comstock said that he called Paul Chastain one time and was informed that they could not talk. Paul Chastain is unsure if Craig Comstock called him one or two times, or maybe even if he called Craig Comstock. Neither party remembers which day any of the phone calls happened. With the information provided it is conceivable that there may have been more calls. Both parties remember the conversation when Paul Chastain told Craig Comstock he could not talk to him. It is important to know the date of that "last" conversation:

Comstock: I haven't talk to Chastain either. I did call him up at one point and he said I can't talk to you. I can't talk to you, Craig.

(Craig Comstock Deposition, pg. 42, lns. 21-23).

Williams: All right. Now, at some point, you had some conversations with law enforcement. I believe that you called Paul Chastain first.

Comstock: Is this during this interlude?

Williams: Yes.

Comstock: Between the dates?

Williams: Yes.

Comstock: Yea.

Williams: Is that correct?

Comstock: Did I call Chastain?

Williams: Yeah.

Comstock: I don't remember Chastain much. Did I call Chastain? I called him one time, he said I can't talk to you. I'm a live witness.

(Craig Comstock Deposition, pg. 64, lns 24-25, pg 65, lns. 1-12).

Comstock: I believe it was Joan that talked to Chastain.
Williams: Oh, okay. It wasn't you?
Comstock: I don't remember talking to anyone about this.
Williams: Okay.
Comstock: I got a called from McDormett.
Williams: The next week and said I'm coming out to your job site?
Comstock: I'm coming out, I'm going to take those photographs. I can vaguely remember that, yeah.

(Craig Comstock Deposition, pg. 66, lns 7-15).

Chastain: He was just concerned about being able to get off work to attend the trial. And I just told him if -- *he may have made a statement about the case*, and I told him don't worry about it, just tell the truth, you know, and that kind of talk.
We -- we -- there was no reason to go into anything that for -- he never asked me a question about it or anything like that.
Williams: Okay.
Chastain: He did call me.

(Paul Chastain Deposition, pg. 31, lns. 4-13, italics added).

Williams: -- that you got a call from Comstock, right?
Chastain: Yes.
Williams: What phone did he call you on?
Chastain: Could have been my cell phone. I don't know.

(Paul Chastain Deposition, pg. 35, lns. 7-10).

Chastain: I -- I could have talked to him first.
Williams: Okay.
Chastain: Although, I may have received the phone call prior to that phone call.
Williams: Okay.
Chastain: In fact, I may have -- I didn't connect anything when he called me. He just said, hey, I got a phone call from her, blah, blah, blah, and I says call McDormett.

(Paul Chastain Deposition, pg. 37, lns. 1-11).

Williams: Did he tell you the substance of what Joan Shattuck told him?
Chastain: It had something to do with a date she wanted to give me.
Williams: Give you?
Chastain: Yes.

(Paul Chastain Deposition, pg. 37, Ins. 17-22).

Williams: Okay. So -- so Craig Comstock has talked to you twice since the trial started?
Chastain: Yes.
Williams: And you went to the county attorney's office on Monday to report what happened?
Chastain: Well, I'm thinking it was right after that.
Williams: Okay.
Chastain: Because I think McDormett told me to come to his office.
Williams: Okay. And after that, Comstock talked to you one more time that you can recall?
Chastain: Yeah. Yes

(Paul Chastain Deposition, pg. 41, Ins. 12-23).

5) Phone records (calls and texts) to and from Detective McDormett and Joan Shattuck, Paul Chastain, and Craig Comstock, from September 15, 2018 to present:

It is unclear how Detective McDormett came upon the information that there was a conversation between Joan Shattuck and Craig Comstock. Paul Chastain said that when he received a phone call from Craig Comstock and he told him to call Detective McDormett. Craig Comstock said that he did not call Detective McDormett. Joan Shattuck said that she sent the information in the text to all parties, "I sent that to them, to John and Paul and everybody."
(Shattuck Deposition, pg. 45, Ins. 23). Paul Chastain was inconsistent in recounting if he had called Detective McDormett or not, but said that Detective McDormett was aware when he arrived at the County Attorney's office on Monday. Nobody remembers which day the phone calls happened and/or texts happened.:

Williams: And he [McDermott] had independent information on his own from whatever he gathered and whatever people showed him?
Chastain: Who? Josh?
Williams: No. Mr. McDormett, excuse me, Detective McDormett?
Chastain: Yes.

(Paul Chastain Deposition, pg. 47, Ins. 23-25, pg. 48, Ins. 1-4).

Williams: And Detective McDormett, you -- you had referred Craig Comstock to Detective

McDormett. Did you refer Joan Shattuck to him?
Chastain: I didn't talk to her.
Williams: Okay. She had left a message for you. Do you know whether or not she called him independently?
Chastain: Don't know.
Williams: Okay. Did he ever mention that?
Chastain: Oh, I think -- I think he received -- he may have received a phone call himself that weekend.
Williams: From Joan Shattuck?
Chastain: Yes.

(Paul Chastain Deposition, pg. 46, lns. 1-12).

Williams: So you didn't know -- you hadn't talked with an officer, either Detective McDormett or Paul Chastain, to tell them something --
Comstock: I believe it was Joan that talked to Chastain.
Williams: Oh, okay. It wasn't you?
Comstock: I don't remember talking to anyone about this.
Williams: Okay.
Comstock: I got a called from McDormett.
Williams: The next week and said I'm coming out to your jobsite?
Comstock: I'm coming out, I'm going to take those photographs. I can vaguely remember that, yeah.

(Craig Comstock, Deposition, pg. 66, lns. 4-15)

6) E-mails to and from Detective McDormett and Joan Shattuck from September 15, 2018 to present:

Joan Shattuck said that she sent the same information that she sent to Craig Comstock to everybody, including Detective McDormett.

Shattuck: Yes. I sent -- I called Paul, I believe, and I told him that I found this crazy inconsistency in my notes.
Williams: Right.
Shattuck: And I sent that to John McDormett, I believe.
Williams: Did you send it to Craig Comstock?
Shattuck: Oh, I might have.
Williams: This says at the top, it says [as read]: Subject. It was June 28th, not April 28th.
Shattuck: Yeah. If I sent it to Craig, I send it to all of them, yeah.

(Joan Shattuck Deposition, *Supra*).

Shattuck: No. Absolutely not. I don't remember any of that. I just remember I was going

through a lot of paperwork and I saw that and I went, oh, my gosh. What is this all about? Because I thought it was an important piece of evidence, that phone call, and all along I felt it was very important. And so, when I saw that, I just read it and went oh, my gosh. I instantly just went we got to figure this out and I sent it to everybody.

Williams: Do you recall whether or not you sent more than one text, more than this? More information than just this?

Shattuck: I don't recall.

(Joan Shattuck Deposition, *Supra*)

Williams: All right. What about Detective McDormett; did you have any discussions with Detective McDormett before this deposition?

Shattuck: I believe I called him or I e-mailed him, I don't know which, because while I was looking through, you know, paperwork, I came across this date that was conflicting with what I thought the date was another time and I went, "Oh, what is this? I better let them know that."

So I sent that to them and I never heard back from him and I also told Paul that, too.

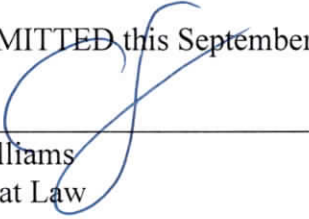
(Joan Shattuck Deposition, pg. 32, lns. 7-17).

Conclusion:

It is clear the Shattuck/Comstock "*crusade to see justice done in this case*" is an ongoing enterprise, which includes Paul Chastain and Det. McDormett. It was deep, and collusive. The tip of this iceberg was exposed when Joan Shattuck – who listened to the entire trial – contacted Comstock in the middle of his testimony, to correct his testimony.

The Defense requires the above-requested disclosure to analyze and make sense of the obvious contradictions between the witnesses. The disclosure is clearly Brady material. See: Rule 15.1 and 15.6., Arizona Rules of Criminal Procedure, and Brady v. Maryland, 373 U.S. 83 (1963).

RESPECTFULLY SUBMITTED this September 9, 2020



Craig Williams
Attorney at Law

Copies of the foregoing delivered this date to:
Hon. Tina Ainley, Judge of the Superior Court
Josh Fisher, Casi Harris, Yavapai County Attorney's Office

By:  _____