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Attorneys for Plaintiff

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

STATE OF ARIZONA,

Plaintiff,

v.

MICHAEL LEE HAM,

Defendant.

Case No: P1300CR201901558

**STATE'S MOTION FOR
PROTECTIVE ORDER
PURSUANT TO RULE 15**

The State, by and through undersigned counsel, respectfully requests that this Court grant a protective order, under its discretion as permitted by Arizona Rules of Criminal Procedure, Rules 15.5 and 15.4(d), to prohibit the dissemination of documents containing medical records, which have been or shall be disclosed, unredacted, by the Attorney's General's Office to Defendant.

The State also requests that this Court order the defense not to copy, disseminate, or retain the documents for future cases. The defense may allow the Defendant in the above captioned case to view the documents, but a copy should not be provided to the Defendant or anyone else, unless a document is being utilized in connection with trial preparation including, but not limited to, use during interviews of potential witnesses by either the State or defense counsel(s).

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

The Attorney General's Office has or may obtain possession of documents that may or may not be used at trial, but must be disclosed by the State pursuant to Rule 15. The documents contain personal and sensitive material relating to medical records.

II. LAW AND ARGUMENT

Rule 15.4 (d) and Rule 15.5 permit the Court to order that counsel should not disclose information to the public. Furthermore, the comments in Ethical Rules of Professional Conduct, 3.8, state that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.

III. CONCLUSION

For the reasons stated above, the State respectfully requests that the Court grant a protective order, under its discretion as permitted by Arizona Rules Crim. Proc., Rule 15, and prohibit the defense from copying, disseminating, or retaining the above referenced materials after this case has resolved, with the exception of use during trial preparation, including use during the pretrial interviews.

RESPECTFULLY SUBMITTED this 10th day of March, 2022.

MARK BRNOVICH
ATTORNEY GENERAL

/s/ Brett Harames _____
BRETT HARAMES
Assistant Attorney General
Criminal Division

ORIGINAL of the foregoing e-filed
this 10th day of March, 2022, with:

Clerk of the Superior Court
120 S. Cortez Street
Prescott, AZ 86303

COPY of the foregoing delivered via email
this 10th day of March, 2022, to:

The Honorable John Napper
Yavapai County Superior Court

COPY of the foregoing emailed
this 10th day of March, 2022, to:

James J. Belanger
jjb@jbelangerlaw.com

Attorney for Defendant Ham

By: /s/ P. Cox