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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 MOTION IN LIMINE TO  
PRECLUDE DEFENDANT'S  
HEARSAY STATEMENTS**

Assigned to Hon. Tina R. Ainley

1           The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and  
2 her deputy undersigned, hereby move In Limine to preclude the defense from introducing  
3 self-serving hearsay statements of the defendant regarding an unknown male driving a  
4 Dodge Dakota pick-up/mini-motorhome. Based upon Defendant's Motion of Certificate  
5 to Secure Attendance of Witness from Without the State, it would appear the defense  
6 intends to call Sgt. Joshua Crabtree of the Calaveras County Sheriff's Office for the sole  
7 purpose of establishing that the defendant reported the victim as having last been seen  
8 with an unknown male driving an older Dodge Dakota pickup with a mini-motorhome  
9 attached. No other witness or document supports the existence of such an individual, and  
10 the multiple references contained in departmental reports stem only from the statements  
11 of the defendant.

12           Hearsay is defined as a statement the declarant does not make while testifying at

1 the current trial or hearing and offered to prove the truth of the matter asserted in the  
2 statement. See Arizona Rules of Evidence 801(c). The challenged statements made by  
3 Defendant were clearly made out-of-court. The only dubious relevance to be found in  
4 Defendant's statements regarding the unknown male is the inference that someone else  
5 may have been responsible for the victim's demise, and thus the statement would be  
6 offered to prove the truth of the matter asserted. The rules governing hearsay specifically  
7 exempt from the definition an opposing party's statement, however, here the statements  
8 in question would be offered by a party proponent, and thus would still be subject to the  
9 rule. *See Ariz. Rule. Evid.* 801(d)(2). As a result, any questioning of witnesses by the  
10 defense regarding Defendant's self-serving hearsay statements should properly be  
11 deemed inadmissible.

**RESPECTFULLY SUBMITTED** this 20<sup>TH</sup> 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 27 day of February, 2020 to:

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

Craig Williams  
Attorney for Defendant

By: 