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SUPERIOR COURT
 YAVAPAI COUNTY, ARIZONA
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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 FOR RECONSIDERATION: re
vs.)	STATE'S INTENT TO USE
)	STATEMENTS OF GLEN CROSHAW
ANTHONY RICHARDS,)	
)	
Defendant.)	
<hr/>)	(Hon. Tina Ainley, Div. 3)

The Defendant, through undersigned Counsel, hereby moves for reconsideration of this Court's ruling regarding statements made by Glen Croshaw.

Det. Zavos talked to Glen Croshaw two years after Larry's disappearance. During this interview Croshaw initially denied knowing Larry Powers, then eventually remembered he knew him by "LP." Croshaw said that Larry was very peculiar, a "real weirdo," and it appeared that Anthony was his only friend. Croshaw also said that "LP" had been kicked out of his store a couple of times because he was making passes at the girls that worked there. Croshaw remembered Anthony stayed with him for about 3 days around April 16, 2007. Croshaw said that Anthony mentioned he ordered airplane fuel and parts while there. Croshaw said he assumed Anthony picked up the fuel at LP's house. Croshaw told Det. Zavos that he had not seen Defendant and L.P. together. (Zavos/Croshaw at 11:28). This recording does not really specify the time frame for that statement. Croshaw also said that he did not know Anthony to be dishonest.

What isn't on the Zavos recording, and is only in Det. Zavos' report, is that after Det. Zavos hung up and then he called Croshaw back and asked Croshaw if he knew how Anthony paid for the fuel. Croshaw said "that he had no idea."

In Det. Chastain's Report, he claimed to have spoken to Glen Croshaw a few times. There was no recording of these conversations. In fact, only one paragraph in Chastain's Report *summarizes* the "few" conversations. Det. Chastain said:

I spoke to Mr. Glen Croshaw on a few occasions. Croshaw indicated he was not fond of Powers and was a friend of Richards. Croshaw told me that when Richards returned to Murphys on April 16, 2007 Richards stayed with him and he did not see Powers. He stated that he did not receive a phone call from Powers at his home during that time. ***He did not know if Richards did.*** On Powers and Richards return from Arizona in February, 2007 Croshaw was aware the men returned with mining material that wound up having no gold in it. I asked him if he heard Richards comment on the gold he and Powers supposedly found on the April trip. Croshaw stated that Richards did not mention finding gold.

(Chastain Report, Bates # 001300, emphasis added).

The proposed use of the Croshaw statement came about not by the state filing an independent Notice of Intent to use the statements, but rather a sentence in the middle of its "State's Response to Defendant's Notice of Intent to Use Statement's of an Unavailable Witness: Dean Knight." (E-mailed to the Defense on 2/20/20). The state wrote this ambiguous statement:

Further, and for the same legal justifications stated in Defendant's Motion, the State provides notice of its intent to use Statements of Unavailable Witnesses

The state did not offer the specifics of its foundational burden regarding Croshaw's statements. In Court, the state argued that the Croshaw information should be used to directly rebut an alleged statement by the Defendant to Det. McDormett that L.P. was sitting in the same room as Croshaw when the Defendant ordered the airplane fuel on or about April 16, 2007.

However, the Defendant told Lt. Boelts that he ordered airplane fuel *without* stating that L.P. and Croshaw were present:

Lt. Boelts: Okay the airplane fuel you ordered.
Anthony Richards: Yeah.
Lt. Boelts: He didn't order that.
Anthony Richards: No, I ordered it and I said that.

(Richards/Boelts, bates 00391).

The Defendant also told Det. McDormett and Det. Chastain that he ordered the airplane fuel. Anthony explained that he called Larry from Glen Croshaw's phone, and that he believes Larry called him on Glen's home phone. (Richards/ McDormett/ Chastain, Bates # 000340-000341). Later in that same conversation, Det. McDormett confronted the Defendant about how Larry Powers heard him order the fuel, but Glen Croshaw never saw LP during that entire trip. The Defendant explained to Det. McDormett that there were *two separate orders of fuel*. One for Anthony and one for Glen Croshaw. Anthony said, "No I ordered Glen's fuel. I, I bought Glen fuel." (See attached Bates # 000359). No questions were asked about where the Defendant was when Larry heard him order the airplane fuel using Larry Power's credit card. The Defendant also told McDormett that Glen Croshaw lied to him (the Defendant) because Croshaw told him that he had never been interviewed by law enforcement. (Richards/ McDormett/ Chastain, Bates # 000370).

The Defendant did tell Detective Crabtree that "When he was here that day and **that night on May 3rd** uh, uh that's when he made his order and I was sitting right there and made the order for the uh **F18 model airplane.**" (Crabtree/Richards, Bates # 000184, emphasis added).

There is no known statement, that has been disclosed to the Defendant, where Anthony Richards said *that the fuel was purchased with Glen Croshaw and Larry Powers present together*. This would not have happened in any event, because Croshaw did not like L.P., and L.P. had been kicked out of Croshaw's store on more than one occasion. L.P. would not have gone to Croshaw's house.

Thus, any statements attributed Glen Croshaw are not reliable hearsay because of the interpretations made about what he said after the fact. There is one recording of what Croshaw said. In order to provide the jury with what Croshaw actually said, all of this recorded statement should be played. The recorded telephone conversation between Glen Croshaw and Det. Zavos is only 16:16 long. (Zavos Recording, attached).

Rule 106. Remainder of or Related Writings or Recorded Statements

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part--or any other writing or recorded statement--that in fairness ought to be considered at the same time

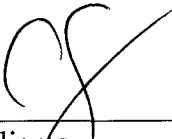
(Ariz. R. Evid. 106)

After the Court has had a chance to review the Zavos Recording, the Defendant is requesting reconsideration of its ruling as to the admissibility of the statement, and a Rule 403 analysis should be done to determine if the probative value is outweighed by the prejudice.

If another officer/detective attempts to summarize what Croshaw said, the Zavos Recording should be allowed for impeachment.

The Defendant does not waive the Crawford arguments previously made.

RESPECTFULLY SUBMITTED on March 3, 2020.



Craig Williams
Attorney at Law

Copies of the foregoing delivered and/or faxed this date to:

Hon. Tina Ainley, Judge of the Superior Court

Josh Fisher, Yavapai County Attorney

By 