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**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

**NOTICE OF FILING VICTIM  
STATEMENT IN SUPPORT OF  
REQUEST TO TESTIFY VIA  
VIDEO APPEARANCE**

Assigned to Hon. Debra Phelan

1           The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and  
2 her deputy undersigned, gives notice that attached hereto is the Victim(s) Impact  
3 Statement dated 1/3/2022.

**RESPECTFULLY SUBMITTED** this 11<sup>th</sup> day of January, 2022.

Sheila Polk  
Yavapai County Attorney

By:   
Joshua I. Fisher  
Deputy County Attorney

COPY of the foregoing

mailed  emailed  hand-delivered

This 11th day of January, 2022 to:

Hon. Debra Phelan  
Yavapai County Superior Court Division Pro-Tem A

Tyrone Mitchell  
Attorney for Defendant

By: \_\_\_\_\_

1/3/2022

To The Honorable Judge Debra Phelan;

I am writing this letter to explain why I am unable to attend the State of Arizona vs. Anthony James Richards case # P1300CR201600476 trial in person. I do not take my sanction lightly. I admit that I did wrong and understand why I have been sanctioned. I apologize profusely to the court and everyone involved, for breaking the rule of not talking to anyone about the case.

My intentions for doing so, were not to deceive or manipulate or otherwise affect the trial. Craig was upset after giving his testimony because he could not remember much of the information from so many past years. I was trying to support and encourage Craig by helping him study, in order to remember the material which he already had knowledge of, from investigating the disappearance of my brother along side of me for many years.

I am the primary caregiver for my husband, Randy. He is a Quadriplegic and cannot feel or move any parts of his body below his neck, other than occasional involuntary spasms which he has no control over. Randy needs care 24 hours a day. I'm sure it is difficult for anyone unfamiliar with spinal cord injuries, to imagine - but Randy cannot sit up, roll over, move an arm or leg, eat, bathe, dress, brush his teeth, shave, wipe his face, rub an itch, etc.. He needs help with placement of equipment which he uses in order to operate an iPad with his mouth.

He has to be strapped into his wheel chair in order to keep from falling forward or sliding to the side. He needs regular position changes or his skin will degrade and he will get life threatening bed sores. Randy has an indwelling catheter because he is unable to urinate. His bladder is unable to open on its own. Randy has no control of his bowels and cannot make a bowel movement on his own without help. Randy is completely dependent on my help or the help of others in order to survive.

In the event that an emergency situation arises, Randy's life depends on prompt and timely care from individuals who know what is needed.

When Randy's catheter gets clogged and blocked, which happens about 2 or 3 times a month, his bladder can fill up and burst. If for some reason, Randy's bowels did not get evacuated manually, there would be obvious life threatening results. Another problem which requires immediate attention, is if Randy happens to swallow wrong or in some other way, get saliva, food, liquid or phlegm in his lungs. At that time, he would need to be given a 'quad cough'. If a quad cough is not performed immediately, Randy can die from asphyxiation because he is unable to cough on his own. Choking like this, can happen at any time. I have had to administer many, many quad coughs, and they happen very unexpectedly. It is always a frightening, and stressful experience, every time.

Spinal cord injury patients also deal with an abnormal overreaction to stimulation called Autonomic Dysreflexia and if Randy goes into this state, he can die from a stroke if he is not immediately treated.

Since Covid came into public awareness, along with many businesses, I have had enormous difficulty hiring employees. It has been quite a burden searching for and not being able to hire in-home caregivers.

It is necessary that I have a caregiver to come to our home every other day for a few hours in the morning to help with Randy's needs. Last summer, because of Covid, it was impossible for me to find anyone who was willing to take the job. I was caring for Randy on my own until this October when I finally found a caregiver. Unfortunately, our new caregiver has just recently given us her notice to quit because she is having issues with her hand and arm, so I will be on my own once again and searching for another caregiver.

In addition to needing the help of an in-home caregiver, I try to have a back up caregiver available because quite often our regular caregiver will not be able to come in to work. I have been searching for a back up caregiver for about a year and have had no luck finding one.

If I am to be away from Randy while I attend the trial in Arizona I will not only need to have a trustworthy caregiver, but since I will not be available in the case of the caregiver not being able to come in, I will absolutely need a trustworthy back up, and unfortunately, I have neither.

I will need a family member, to stay at our home 24/7 with Randy while I am in Arizona. Randy's sister Barbara was willing to come stay with Randy but their stepmother passed away in July, so Barbara moved from California to Oregon to live with and care for her father. Barbara has told us that she is no longer willing to stay with Randy now, because of her concerns about travel and because of COVID. We have asked several other family members if they can stay with Randy, but none are able to.

Another possible option for Randy's care while I am in Arizona, is to take him to a Care Facility. I am very concerned about sending Randy to a facility, because of the general inexperience which most skilled nursing facilities have with Spinal Cord Injury patients. As I explained earlier, there are many specific needs that come with SCI's. (When Randy had to go into our local Hospital several months ago, even though visitors were not allowed, because of COVID regulations, they allowed me to stay in the room with Randy to watch him for the above mentioned issues and also to routinely perform the Bowel Treatment Program. None of the staff were trained to do a quad cough or a BTP, nor did they even know about them, because they are performed specifically on SCI patients.

In addition to my concerns regarding inexperience with SCI patients, Care Facilities are not a good option now, because of the likelihood of Randy contracting COVID. In our home, Randy's exposure to people is very limited which reduces his risk of getting it. With Randy's compromised ability to cough, COVID or even a bad cold could be life threatening. My exposure to people is very limited also, in order to reduce COVID risk for Randy. I am very concerned about a flight to and from Arizona, and being confined in an airplane full of people and possibly bringing COVID or any other bug back to Randy.

Despite the fact that it is against my better judgement and I am not at all comfortable sending Randy to a facility, beginning in October, I contacted seven different care facilities. Randy does not qualify for many of them due to various reasons - cost, insurance coverage, no registered nurses, age requirements, vaccine mandates and inability to accept patients sooner than 2 weeks prior to admittance.

I've been working with two of the facilities which looked as though they might meet the criteria for Randy to be admitted. The one facility that looked as though it was going to meet our needs was too expensive and they would not accept our insurance. Josh Fisher, our prosecutor submitted a request to ask that Yavapai County help with payment, but the request was denied. After finding this out, during the last hearing, I have followed through with the second facility we have been working with, and yesterday I was told that their corporate headquarters has directed Brandel Manor to no longer accept any new clients. Although disappointing, this information was not surprising. I have been working with this facility since October. I have had difficulty getting a hold of them. I have had Randy's doctor send them Randy's medical history and charts which they requested. And I have sent them all of Randy's personal info such as his social security number, MediCal and insurance cards, birthdate etc. I have been waiting for final approval and acceptance, then suddenly they now claim they are not accepting any new patients.

I have done everything I can to try to be able to be in Arizona for the upcoming trial. I am so very sorry to have to involve the court in our personal matters but it is my hope that I have been able to shed some light on the severity of my husband's health care needs and how COVID has affected our situation. I hope that this information will clarify the reasons for my request to attend the trial as a witness via Teams or another online conference call.

I hope and pray that my irresponsible choice to break the court's rule, combined with my husband's disability, do not ultimately prevent me from testifying in the trial regarding the murder of my brother.

I beg the court to please consider allowing me to attend the trial as a witness, via online conferencing.

If perhaps there is an alternate sanction which the court can order, I would be very grateful.

Respectfully,

Joan Shattuck