

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Juan M. Martinez
Deputy County Attorney
Bar ID #: 009510
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
mcaomod@mcao.maricopa.gov
MCAO Firm #: 00032000
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

JODI ANN ARIAS,

Defendant.

CR 2008-031021-001

**MOTION FOR SANCTIONS
(COMPAQ PRESARIO COMPUTER)**

(Assigned to the Honorable
Sherry K. Stephens)

The State of Arizona, by the undersigned Deputy County Attorney, requests that the court sanction defendant for failing to provide the State a copy of the mirror image created by the defense expert during his alleged examination of the Compaq Presario computer, item number 390633. The court's order required defendant to provide a copy no later than 5:00 p.m. on Friday, November 14, 2014.

An external hard drive was disclosed to the State by the imposed deadline. It contained a copy of a hard drive image from a Dell computer, not the Compaq Presario laptop. The Dell computer purportedly belongs to an individual named Tony and has nothing to do with this case.

The State has conducted further examination of the original hard drive image from the Compaq Presario computer belonging to the victim and seized by police on June 10, 2008. It has been determined that Travis Alexander's laptop computer was equipped with the Spybot Search and Destroy anti-virus software program. The program prevented the computer user from accessing any of the specific porn sites listed in defendant's recently filed motion to dismiss. The program also immunized the computer from outside infection by specified websites, including the specific porn sites listed by defendant.

The information on the hard drive provided to the State failed to comply with the court's order and it appears that defendant is attempting to stall disclosure of the hard drive image. This tactic is especially egregious after defendant's expert damaged the Compaq Presario laptop preventing the State from verifying any of the alleged findings.

Therefore, it is requested the court again order defendant to disclose a copy of the mirror image(s) created by the defense expert during his examination(s) of the Compaq Presario computer, item number 390633. This disclosure should be accomplished no later than noon on Monday, November 17, 2014. As an alternative sanction, it is requested that the court strike defendant's Motion to Dismiss all Charges with Prejudice and/or in the Alternative to Dismiss the State's Notice of Intent to Seek the Death Penalty due to Recently Discovered Purposeful and Egregious Prosecutorial Misconduct filed on November 10, 2014.

Submitted November 16, 2014.

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

BY: /s/ Juan M. Martinez
/s/ Juan M. Martinez
Deputy County Attorney

Copy mailed\delivered
November 16, 2014,
to:

The Honorable Sherry K. Stephens
Judge of the Superior Court

Laurence K. Nurmi
2314 East Osborn Road
Phoenix, AZ 85016

BY: /s/ Juan M. Martinez
/s/ Juan M. Martinez
Deputy County Attorney

Court Chatter

JM:ar