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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 IN LIMINE REGARDING
IMAGES ON COMPAQ PRESARIO
COMPUTER**

(Assigned to the Honorable
Sherry K. Stephens)

The State of Arizona, by the undersigned Deputy County Attorney, requests that the court issue an order prohibiting defendant from questioning witnesses regarding pornographic materials allegedly viewed by the victim on his Compaq Presario computer, item number 390633.

In the recently filed motion to dismiss or the notice of intent to seek the death penalty defense counsel complain that someone from the Mesa Police Department "went into the computer without a "write blocker" and sought to alter its content, and alter they did." Defense counsel also allege that "exculpatory and/or mitigation information was intentionally destroyed" between the times of 13:56:19 and 16:51:34 on June 19, 2009. In their

haste to sensationalize the issue defense counsel tripped over the truth.

Defendant was previously represented by Gregory Parzych and Maria Schaffer. On June 19, 2009, between 13:56:19 and 16:51:34 prior counsel for defendant viewed a number of electronic items seized during the investigation, including the victim's Compaq Presario computer, item number 390633. Any deletion of the browser history and registry, if it did occur, was caused by previous defense counsel during their examination. The Compaq Presario computer was in the possession of defense counsel at all times when defendant complains there was a purposeful intent to alter its content. If the history was altered it was changed by defense counsel not the State.

Defendant has failed to provide the State a copy of the mirror image purportedly containing the deleted internet browser and registry history. Verification of the history is especially crucial when it indicates that the victim was accessing these sites on June 10, 2008. He was killed by defendant on June 4, 2008, and it is impossible for him to be engaged in this activity six days after his death. It is also coincidental that the victim allegedly only began to access these sites on May 28, 2008, the same day defendant staged the burglary at her grandparents' home. The court should order defendant to produce a copy of the hard drive image and any forensic report to the State so that the accuracy of the allegations may be verified.


The image of the hard drive originally made by the Mesa Police Department on June 11, 2008, contained 24 viruses and the anti-malware program found 17 malware malicious items. These

viruses apparently redirected the computer sending it to various porn sites for the period of May 28, 2008 through June 10, 2008, when the computer was turned off. Once a computer is powered off viruses no longer have the ability to direct the computer to any websites.

It would be improper to allow witnesses to be questioned on a matter involving clearly erroneous facts. Therefore, the State requests that the court prohibit defendant from questioning witnesses regarding so-called pornographic websites allegedly visited by the victim either before or after his death.

Submitted November 11, 2014.

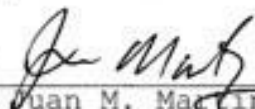
WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

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

Copy mailed\delivered
November 11, 2014,
to:

The Honorable Sherry K. Stephens
Judge of the Superior Court

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

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

JM:ar