Michael K Jeanes, Clerk of Court
*** Electronically Filed ***
Correnia Snyder
5/20/2013 9:14:07 AM
Filing ID 5257605

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
Mcaomjc1@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 **OBJECTION TO MOTION FOR MISTRIAL; SENTENCING PHASE** (Assigned to the Honorable Sherry K. Stephens)

The State of Arizona, by the undersigned Deputy County Attorney, objects to defendant's request for a mistrial "due to the fact that key mitigation witness, Patricia (sic) Womack, has been threatened to the point that she is no longer willing to provide testimony on Ms. Arias' behalf." This request is based on revisionist history and should be denied.

On May 15, 2013, the prosecutor interviewed Patrisha Womack. During that interview, Ms. Womack refused to answer the prosecutor's questions on two separate occasions. One area dealt with the use of illegal substances by the witness and defendant. The other area involved photographs of the defendant taken by the witness. It was at this point that the witness left the interview room with defense counsel. Upon returning defense counsel

attempted to invoke the witness' right to remain silent. The witness was then asked by the prosecutor to personally indicate whether she was invoking those constitutional protections. Once she answered in the affirmative, the interview was terminated shortly thereafter. A copy of that interview is filed with the court.

The following day May 16, 2013, the court appointed Kenneth Countryman to assist the witness. Proceedings were cancelled that afternoon to allow Mr. Countryman and his client to make a decision as to whether or not she would continue to invoke her rights and refuse to testify. Apparently the witness has not changed her mind.

Therefore, the court should deny defendant's request for a mistrial. Similarly, the court should also deny defendant's request to advise the jury regarding any alleged threats.

Submitted May _____, 2013.

WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

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

Copy mailed\delivered
May _____, 2013,
to:

The Honorable Sherry K. Stephens
Judge of the Superior Court

Laurence L. Nurmi
2314 East Osborn Road
Phoenix, Arizona 85016

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