

FILED

2009 AUG -7 PM 1:50

YUMA JUSTICE COURT
FIRST PRECINCT

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6 IN THE JUSTICE COURT -FIRST PRECINCT (THIRD PRECINCT)
7 IN AND FOR THE COUNTY OF YUMA, STATE OF ARIZONA

8 STATE OF ARIZONA,

No. J1403MS2009-00009

9 Plaintiff,

Motion to Continue Trial

10 vs.

11 STEVEN L. ANDERSON,

12 Defendant.


13
14 The State of Arizona, through the Office of the Yuma County
15 Attorney, by the undersigned deputy, hereby moves this Court (without
16 assenting to Hon. Judge Torok's exercise of jurisdiction or waving the State's
17 objection to both Hon. Judge Cooper and Judge Torok's rulings denying remand
18 of this matter to Judge Romine) to continue the bench trial currently
19 scheduled for August 25, 2009 at 10am. Pursuant to A.R.S. §22-318, the State
20 requests this continuance for the following reasons. First, the State has
21 learned that a necessary witness is scheduled to be involved in law
22 enforcement training on the trial date, and the scheduled trial date conflicts
23 with such training. Second, a Rule 10.1 motion for cause has been filed and
24 needs to be reviewed by a Hon. Judge Lozano. The State has received an order
25 indicating that this will occur on August 21, 2009. Third, the Defendant's
26 motion to dismiss/suppress has not been adjudicated as of the date of this

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motion. Both the Defendant and the State should be permitted the necessary fourteen day period by which to review a court's ruling on the dismissal/suppression ruling for the possibility of filing a notice of appeal pursuant to Rule 4 of the Superior Court Rules of Appellate Procedure-Criminal. A trial date should be set after the lapse of this period whereby either party may be able to review a court's ruling and make an informed decision as to whether any grounds exist for appellate relief. Fourth, the deputy county attorney assigned to this case is scheduled to be present at a hearing in superior court in State v. Thompson in S1400CR2007-408 at 1:30PM. The trial in State v. Anderson will likely exceed three hours in length due to the State's need to call numerous witnesses during its case, which will require an extensive amount of time for direct and cross-examination. State v. Thompson is a case which precedes this matter, and involves a Defendant who is presently in custody.

RESPECTFULLY SUBMITTED this 7th day of August, 2009.

JON R. SMITH
YUMA COUNTY ATTORNEY




William P. Katz
DEPUTY COUNTY ATTORNEY

1 ORIGINAL FILED, and Copies Delivered by mail/fax
August 7, 2009 TO:

2 JUSTICE COURT FIRST PRECINCT & Justice Court Second Precincts

3 M. VICTOR

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