

action more probable or less probable than it would be without the evidence.” A.R.E. 402 states that “[e]vidence which is not relevant is not admissible.” Additionally, A.R.E. 403 dictates that “[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by consideration of undue delay, waste of time, or needless presentation of cumulative evidence.”

The charges filed against the defendant in Michigan and Wisconsin, and the status of those charges at any time, are not relevant to prove or disprove the charges against the defendant in Arizona. In addition, testimony regarding the defendant’s custody status and/or living arrangements at any time after the charged offenses is not relevant to prove or disprove the charges against the defendant in Arizona. Finally, whether the defendant has any criminal convictions is not relevant to prove or disprove the charges against the defendant in Arizona. Instead, the defendant hopes to introduce the fact that he has no felony convictions to demonstrate to the jury that he must have been acquitted of his charges in Michigan and/or Wisconsin; the Court has already ruled that such testimony is not admissible.

For the foregoing reasons, undersigned counsel respectfully requests that the defendant be precluded from eliciting any testimony relating to his lack of criminal history, the outcome of any other state’s criminal investigation, and defendant’s custody status.

RESPECTFULLY SUBMITTED this 12th day of February, 2008.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY _____
/s/ Rachel Phipps-Yonas
Deputy County Attorney

Copy of the foregoing mailed/delivered
This 12th day of February, 2008 to:

The Honorable Raymond Lee
Judge of the Superior Court

Stephn Frank Karban
201 South 4th Avenue 2E2-26
Phoenix, Arizona 85003
Pro Per Defendant

Evan Romberg
Office of the legal Advocate
Advisory Counsel for Defendant

By _____
/s/ Rachel Phipps-Yonas
Deputy County Attorney