

Office of the Yavapai County Attorney

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Attorneys for STATE OF ARIZONA

SUPERIOR COURT  
2011 DEC 12 AM 11:23  
ANDREA W. HARRIS, CLERK  
BY: *[Signature]*

IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YAVAPAI

7 STATE OF ARIZONA,  
8  
9 Plaintiff,  
10 vs.  
11 JAMES ARTHUR RAY,  
12 Defendant.

V1300CR201080049

NOTICE OF CROSS APPEAL BY STATE  
OF ARIZONA  
(The Honorable Warren R. Darrow)

Pursuant to A.R.S. § 13-4032(3), the State provides notice of cross appeal of several rulings of law adverse to the State, including but not limited to:

- (1) The Trial Court's finding that the State committed a violation of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194 (1963);
- (2) The granting of monetary sanctions against the State;
- (3) The denial of certain jury instructions requested by the State;
- (4) The granting of a jury instruction pursuant to *State v. Willits*, 96 Ariz. 184, 393 P.2d 274 (1964);
- (5) The preclusion of State's witnesses Pace, Sundling and Kent;
- (6) Rulings relating to other act evidence pursuant to Rule 404(b), Arizona Rules of Evidence, and certain rulings limiting the admissibility of other relevant evidence, and

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(7) Rulings delaying the imposition of judgment and sentencing.

Pursuant to A.R.S. § 13-4032(5), the State of Arizona also provides notice of cross appeal of certain issues related to the sentencing in this matter, including but not limited to: (1) The imposition of mitigated, concurrent sentences.

The Trial Court pronounced its judgment of guilt and imposed sentence on November 18, 2011. On December 5, 2011, Defendant filed a Notice of Appeal with this Court.

RESPECTFULLY submitted this 12<sup>th</sup> day of December, 2011.

By   
SHEILA SULLIVAN POLK  
YAVAPAI COUNTY ATTORNEY

Original of the foregoing filed this 12<sup>th</sup> day of December, 2011, with the Clerk of the Superior Court

Copy of the foregoing mailed and delivered via email this 12<sup>th</sup> day of December, 2011, to:

Honorable Warren R. Darrow  
Yavapai County Superior Court

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