

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF COCONINO**

**Dan R. Slayton, Presiding Judge**

**Division 2**

**Date: May 5, 2020**

**Carrie Faultner, Judicial Assistant**

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**ORDER**

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**THE STATE OF ARIZONA,**

**Plaintiff,**

**vs.**

**TIMOTHY MAX DURAN,**

**Defendant.**

**Case No. CR 2019-00338**

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**ACTION: PRE-TRIAL ORDERS**

The following are orders of this Court and are not subject to change unless prior permission by the Court is granted:

1. The parties are directed to meet and confer one week prior to trial and determine if stipulations to the admissibility of exhibits, foundation and/or uncontroverted facts can be agreed upon. Such agreements shall be in writing and presented to the Court at the time of the comprehensive pretrial conference. If such evidence is to be made part of the evidence to be presented to the jury, the parties must present an agreed upon stipulation to be read to the jury.
2. All exhibits must be marked by the Friday prior to the start of trial. Exhibits not marked will be allowed only by permission of the Court. This will require that counsel meet with the clerk before the start of the first trial day to have those exhibits marked. Counsel are responsible for setting the time for meeting with the clerk to have the exhibits marked.
3. Objections to any expert or fact witness testimony must be filed in writing two weeks prior to the comprehensive pretrial conference noting the page and line if in writing or elapsed time if video. This Court will consider a failure to object as a waiver of such testimony.
4. Any document offered shall be subject to the rules of authentication. Any party objecting to a document based upon an authentication objection shall file said objection two weeks prior to the comprehensive pretrial conference. Authenticity objections to copies shall also be filed two weeks prior to the comprehensive pretrial conference.

5. Motions in limine, motions to preclude/exclude, and motions to suppress shall be filed no later than thirty days prior to the comprehensive pretrial conference. These motions will be set for oral argument for 30 minutes. If the party offering the motion believes additional time is necessary, that party must specify the time they believe is necessary to have the motion heard. A failure to comply with this order may result in a continuation of the trial and/or other appropriate sanctions. Failure to file those motions may result in waiver attaching to those late-filed motions.
6. Speaking objections are not allowed. Counsel shall state the legal basis for the objection. If a response is requested, counsel shall state only the legal reason for the offer of the testimony.
7. Jury instructions and proposed jury voir dire are due *one week prior* to the comprehensive pretrial conference unless granted permission by the Court to present them to the Court after the CPTC. Jury instructions shall be WORD format in **TWO (2)** separate files: (1) Annotated jury instructions and, (2) Clean copy of jury instructions. The clean copy must be in the form the attorney wishes to present to the jury, i.e., free of brackets, parentheses, inapplicable personal pronouns and elements of the crime. Jury instructions not comporting to these requirements will be returned to the attorney.
8. All Evidence Rule 404(c), Rule 609 criminal conviction motions must be filed 60 days prior to trial. Evidence Rule 404(b) and Rule 608 motions must be filed 30 days prior to trial.
9. All time limits for reciprocal disclosure under Criminal Rule 15 must be strictly adhered to unless prior permission is granted by the Court to extend those deadlines. Any disclosure or discovery issues must first be attempted to be resolved by the attorneys before a party may file a motion to compel. This Court will not set a hearing on a motion to compel where there is no certification by the attorney requesting the hearing that they have attempted to resolve the issue with the other party without success.
10. A defendant requesting a jury trial must inform this Court's judicial assistant at least ten days prior to trial the number of jurors that must be seated (either an eight or 12 person jury) and whether a venire in excess of 100 or less than 100 should be called.

***The purpose of the comprehensive pretrial management conference is to allow the Court to address all evidentiary and testimonial issues prior to trial, in order to allow the trial to proceed without unnecessary interruption. Further, it is to allow counsel to then focus solely on preparing for the presentation of evidence and testimony knowing that all issues have been argued and decided.***

***COUNSEL ARE WARNED THAT ANY ATTEMPT TO RAISE EVIDENTIARY AND TESTIMONIAL ISSUES ON THE DAY OF TRIAL, WHICH COULD HAVE BEEN RAISED, ARGUED AND DECIDED AT THE COMPREHENSIVE PRETRIAL MANAGEMENT CONFERENCE, RISK SANCTIONS FOR FAILING TO ABIDE BY THESE ORDERS.***

**IT IS ORDERED** setting the Jury Trial for **January 5, 2021 at 8:30 a.m.** for 3 trial weeks.

**IT IS FURTHER ORDERED** setting the Final Comprehensive Pretrial Conference for **December 8, 2020 at 9:00 a.m.**



tfRcJ

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Dan R. Slayton, Judge

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