

1 **LAW OFFICE OF GREGORY T. PARZYCH**

2 Gregory T. Parzych, Bar ID. 014588
3 2340 West Ray Road, Suite 3
4 Chandler, Arizona 85224
Telephone (480) 831-0200
Attorney for the Defendant
gparzlaw@aol.com

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DATE AND TIME:
6/29/2021 3:25 PM
VALERIE WYANT, CLERK
BY: KD, Deputy

5 SUPERIOR COURT OF ARIZONA

6 COCONINO COUNTY

7 STATE OF ARIZONA

8 Plaintiff,

9 vs.

10 TIMOTHY MAX DURAN

11 Defendant.

) CR 2019-00338

) MOTION TO CONTINUE

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13 COMES NOW the defendant, by and through his attorney undersigned, and
14 respectfully moves this Court, pursuant to Rule 8, Arizona Rules of Criminal
15 Procedure, to continue the current jury trial of August 17, 2021;

16 AS GROUNDS THEREFORE, defense counsel submits that he has just
17 completed a two-month First Degree murder jury trial in *State of Arizona vs. Jesse*
18 *Dakins*, CR 2018-12446-001 DT in Maricopa County before the Honorable Jay
19 Adleman. The *Dakins* trial was supposed to begin on January 12, 2021.
20 However, the *Dakins* trial continually was delayed due to Covid related issues.
21 Counsel was in limbo awaiting the start of the *Dakins* trial. The *Dakins* trial
22 finally began on April 27, 2021 and ended with a jury verdict on May 20, 2021.

23 Furthermore, Defense anticipates a *Christensen* defense and has retained an
24 expert. The expert has completed testing in this matter. However, delays
25 occurred due to Covid related issues with the Coconino County jail. Counsel
26 anticipates providing the State with his expert's report shortly. Once the report is
27 provided to the State, Defense will be requesting a settlement conference to see if
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1 this matter can be resolved prior to trial.

2 While most of the State's witnesses have been interviewed, a number of
3 interviews were requested to be done in-person and those are now being scheduled.
4 Given all of the above mentioned reasons, counsel does not believe an August trial
5 date is a realistic trial date and requests this continuance.

6 The defendant will waive time. Defense counsel certifies that this Motion
7 is made in good faith and not for the sole purpose of delay.

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9 Respectfully submitted this 29 day of June, 2020.

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By /S/ Gregory T. Parzych
Gregory T. Parzych

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14 Original of the foregoing Pleading
15 mailed/hand-delivered this 29 day
of June, 2021, to:

16 Clerk of Superior Court – Coconino County
17 200 N. San Francisco Street
Flagstaff, AZ 86001

18 Copy of the foregoing Pleading
19 e-mailed this 29 day
of June, 2021, to:

20 The Honorable Dan Slayton

21 Bryan Shea
22 DEPUTY COUNTY ATTORNEY

23 Robert Swinford
Arizona Voice for Crime Victims

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