

**LAW OFFICE OF GREGORY T. PARZYCH**

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7 SUPERIOR COURT OF ARIZONA

8 COCONINO COUNTY

9 STATE OF ARIZONA

10 Plaintiff,

11 vs.

12 TIMOTHY MAX DURAN

13 Defendant.

14 CR 2019-00338

15 MOTION TO EXTEND TIME FOR  
16 EXPERT TO COMPLETE REPORT

17 COMES NOW the defendant, by and through his attorney undersigned, and  
18 respectfully moves this Court, pursuant to Rule 8 and Rule 15, Arizona Rules of  
19 Criminal Procedure, to extend the time for defense expert to provide his written  
20 report until August 9, 2021.

21 AS GROUNDS THEREFORE, defense counsel submits that on June 30,  
22 2021, this Court continued the trial date in this case until October 19, 2021. This  
23 Court also ordered that defense expert, Dr. Sullivan, complete his report and  
24 provide it to defense counsel by July 22, 2021. On June 30, 2021, counsel  
25 notified this expert of the Court's order.

26 Counsel subsequently has been in communication with defense expert and  
27 has been informed that due to Dr. Sullivan's current schedule, the earliest he can  
28 complete the report would be on August 9, 2021. Dr. Sullivan has indicated that  
now that courts have begun to proceed with trials again, he has been ordered by  
numerous courts to appear on short notice – especially in federal courts. Also, as  
counsel had explained in his Motion to Continue the trial date, defense counsel had

1 just completed a two-month First Degree murder jury trial in *State of Arizona vs.*  
2 *Jesse Dakins*, CR 2018-12446-001 DT in Maricopa County before the Honorable  
3 Jay Adleman. The *Dakins* trial was supposed to begin on January 12, 2021.  
4 However, the *Dakins* trial continually was delayed due to Covid related issues.  
5 Counsel was in limbo awaiting the start of the *Dakins* trial. The *Dakins* trial  
6 finally began on April 27, 2021 and ended with a jury verdict on May 20, 2021.  
7 Due to defense counsel's uncertainty with the start of the *Dakins* trial, counsel had  
8 not had time to discuss the nature of his expert's report with his expert.

9 Defense counsel has been in contact with Deputy County Attorney Bryan  
10 Shea regarding this Motion. Defense counsel understands this may delay Mr.  
11 Shea's ability to obtain a State expert if the state so chooses. Defense counsel will  
12 not object to any timeliness of any disclosure from the State regarding a State's  
13 expert or report on this issue. Counsel has informed Mr. Shea of this and will  
14 stipulate to this as well.

15 As such, defense requests this court to extend the time for defense expert to  
16 provide his written report until August 9, 2021.

17 The defendant will waive time. Defense counsel certifies that this Motion  
18 is made in good faith and not for the sole purpose of delay and does not believe  
19 this will affect the trial date in any way.

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21 Respectfully submitted this 14 day of July, 2020.  
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23  
24 By /S/ Gregory T. Parzych  
25 Gregory T. Parzych

26 Original of the foregoing Pleading  
27 mailed/hand-delivered this 14 day  
28 of July, 2021, to:

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

3 Copy of the foregoing Pleading  
e-mailed this 14 day  
4 of July, 2021, to:

5 The Honorable Dan Slayton

6 Bryan Shea  
DEPUTY COUNTY ATTORNEY

7  
8 Robert Swinford  
Arizona Voice for Crime Victims

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