WILLIAM P. RING 110 E. CHERRY AVENUE FLAGSTAFF, ARIZONA 86001-4627 (928) 679-8200

WILLIAM P. RING COCONINO COUNTY ATTORNEY FILED
Valerie Wyant
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DEPUTY

Michael Tunink, Deputy County Attorney Bar # 027602, mtunink@coconino.az.gov 110 E. Cherry Avenue Flagstaff, Arizona 86001 4627 PHONE: (928) 679-8200 FAX: (928) 214-6115 Attorney for the State

IN THE SUPERIOR COURT, THE STATE OF ARIZONA IN AND FOR THE COUNTY OF COCONINO

STATE OF ARIZONA,

Case No. CR2020-00631/632/633

Plaintiff,

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VS.

STATE'S ALLEGATION OF AGGRAVATING FACTORS

ANTHONY MARTINEZ, ANN MARIE MARTINEZ, ELIZABETH ARCHIBEQUE,

Hon. Ted Reed, Division 1

Defendants.

The State of Arizona, pursuant to A.R.S. § 13-701(D), hereby gives notice of its intention to prove the following aggravating factors upon a determination of guilt:

- Infliction or threatened infliction of serious physical injury (A.R.S. § 13-701(D)(1));
 - Presence of an accomplice (A.R.S. § 13-701(D)(4));
- Especially heinous, cruel or depraved manner in which the offense was committed (A.R.S. § 13-701(D)(5));
- The victim or, if the victim has died as a result of the conduct of the defendant, the victim's immediate family suffered physical, emotional or financial harm (A.R.S. § 13-701(D)(9));

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- 5. The offense was committed in the presence of a child and any of the circumstances exists that are set forth in section 13-3601, subsection A (A.R.S. § 13-701(D)(18));
- 6. Any other factor that the state alleges is relevant to the defendant's character or background or to the nature or circumstances of the crime (A.R.S. § 13-701(D)(27)) (all counts), to wit:
 - Defendants were in a position of trust. a.
 - b. Age of the Victims

Of course, once a single aggravating factor has been proven to the jury, the Court may appropriately find any additional factors (including under the catch-all) by a preponderance of the evidence at a subsequent hearing. A.R.S. § 13-701(F); see also State v. Martinez, 210 Ariz. 578, 585-586, 115 P.3d 618, 625¬-26 (2005), Van Norman v. Schriro, 616 F.Supp.2d 939, 953–955 (D. Ariz. 2007).

RESPECTFULLY SUBMITTED this <u>29th</u> day of April, 2022.

WILLIAM P. RING COCONINO COUNTY ATTORNEY

Michael S. Tunink Deputy County Attorney

WILLIAM P. RING 110 E. CHERRY AVENUE FLAGSTAFF, ARIZONA 86001-4627		1 2 3	COPY of the foregoing mailed/delivered this day of April, 2022, to:
		4 5	Hon. Ted Reed Division 1 Coconino County Superior Court
		6 7	Joseph Carver, Taylor Fox Attorney for Defendant Anthony Martinez
		9	Greg Parzych, Ryan Stevens Attorney for Defendant Ann Marie Martinez
		10	Christine Brown, Alexis Petrosino Attorney for co-defendant Elizabeth Archibeque
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	-F, ARIZONA 8 (928) 679-8200	15	
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