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STATE OF ARIZONA

OFFICE OF VICTIM SERVICES

January 28, 2008

Re: State v. Crotts, William
State v. Grabinski, Thomas
State v. Friend, Harold
State v. Rolfes, Richard
Cause Number: 2001-006183

Re: State v. Deardoff, Donald
Cause Number: 2001-006926
State v. Hunsinger, Jalma
Cause Number: 2001-006927
State v. Kuhn, Edgar
Cause Number: 2001-006928

Dear BFA Investor:

This letter is to inform you of recent appellate activity for the above-referenced defendants.

Defendant Richard Rolfes has sought review of his sentence through a Petition for Post-Conviction Relief (PCR Petition). A PCR Petition is a request to the original trial court to change either the conviction or sentence associated with the case. Under Arizona's procedural rules, a defendant has the right to file such a Petition seeking relief from his conviction and/or sentence on various specific grounds. In evaluating the Petition, the court may schedule a hearing to hear testimony regarding the issues raised in the PCR Petition. If the Petition is denied, the defendant may still exercise his options to appeal that decision.

Our office will inform you if an oral argument or a hearing is scheduled and of the trial court's decision when it is issued. Please be aware that the average PCR Petition takes a year to resolve. Assistant Attorney General Monica Klapper will be handling the case for the State and may be reached at (602) 542-3881.

Defendants Donald Deardoff, Harold Friend, Jalma Hunsinger and Edgar Kuhn each had the right to file a PCR Petition within 90 days after sentencing as well. Our records show that these defendants elected not to pursue this avenue of relief, and the time for doing so has expired. There are limited circumstances in which a court may allow a defendant to file a PCR Petition late. In addition, a defendant may still have the option of petitioning the federal court for a Writ of Habeas Corpus. However, the circumstances that would allow for further PCR activity and the filing of a Petition for Writ of Habeas Corpus are very rare and are not likely to occur in this case. Our office will notify you if any defendant files either of these two petitions.

As you know, *Defendants William Crotts and Thomas Grabinski* have each appealed to the Arizona Court of Appeals, seeking review of their convictions and sentences. The appeals process is very different from the trial proceedings in Superior Court. Written documents, called appellate briefs, are filed with the appellate court that address the defendant's and the State's positions on any claim of error. These two cases are currently in the briefing stage. After the briefing is complete, the appellate court may schedule an oral argument before ruling or it may make a decision without an oral argument. Oral arguments do not require any defendant to be present, and no testimony or evidence will be presented. An appellate oral argument

provides the Court of Appeals judges who are assigned to the case the opportunity to ask questions of both the State and the defense as it considers its findings.

Assistant Attorney General Monica Klapper will also be handling these appeals for the State. Please be aware that the average appeal takes between two and three years to resolve. **In accordance with A.R.S. § 13-4437 and § 8-416, as a victim you have standing to file a notice of appearance in an appellate proceeding seeking to enforce or challenge your rights.**

Our office will inform you if the Court of Appeals schedules an oral argument. We will also contact you when the court issues its decision regarding the appeal.

If you have any questions or concerns, please contact our office at bfa@azag.gov.