

August 6, 2003

Dear BFA Investor,

The Attorney General's Office is continuing the prosecution of the defendants in this case. This office has been responding to defendants' motions and appeals of rulings in the State's favor.

After the case was sent back to the State Grand Jury on September 26, 2002, the Attorney General's Office successfully obtained a new indictment of William Crotts, Thomas Grabinski, Dwain Hoover, Harold Friend and Richard Rolfes. The attorneys for the defendants filed nine motions attempting to dismiss the indictment, to disqualify the Attorney General's Office, to disqualify the Grand Jury foreman and to set aside the plea agreement of Don Deardoff. Judge Galati heard oral argument on these motions on Friday, April 11, 2003 and he ruled in the State's favor, denying all of the motions. You can access Judge Galati's April 11, 2003 and May 5, 2003 orders on the Maricopa County Superior Court website at: [www.superiorcourt.maricopa.gov](http://www.superiorcourt.maricopa.gov). To retrieve this case on the website, type in the case number listed above.

The defendants appealed Judge Galati's rulings by filing two petitions for special action relief with the Arizona Court of Appeals. Our Office filed response briefs in opposition. On July 10, 2003 the Court of Appeals ruled in the State's favor, denying jurisdiction to even review defendants' petitions. The defendants have the option of appealing these rulings to the Arizona Supreme Court.

On June 27, 2003 defendants filed ten new motions requesting additional disclosures; a bill of particulars; dismissal of the indictment or certain counts in the indictment; severance of the counts against the various defendants and change of venue. The State filed its opposition to these motions on July 28, 2003. Defendants' replies are due August 11, 2003.

Altogether, this Office has successfully opposed three appeals brought by the defendants. In addition to the two appeals described above, Defendant Grabinski filed an appeal regarding his first motion to disqualify the Attorney General's Office that he filed in February 2002. Judge Galati denied that motion. Grabinski filed a petition for special action with the Arizona Court of Appeals seeking a reversal of Judge Galati's ruling. The State filed a response in opposition to Grabinski's petition. On January 7, 2003 the Court of Appeals issued a memorandum decision denying Grabinski's petition. On May 28, 2003 the Arizona Supreme Court denied Grabinski's petition for review of the Court of Appeals' ruling.

The judge assigned to this case has changed. As of July 22, 2003, Judge Gregory Martin will

preside over this matter. Oral argument on the ten pending motions, and a status conference, is scheduled for Friday, October 3, 2003 at 10:30 a.m. in Judge Martin's courtroom, located in the Maricopa County Central Court Building, 201 West Jefferson, 11<sup>th</sup> Floor, Phoenix, AZ 85003. As the victim of a crime, you have the right to attend this hearing, but are not required to do so. Please keep in mind, you will not have the right to speak at this hearing. In addition, please disregard September court dates as they are no longer correct.

Once all of the pending motions have been argued and ruled upon, the State and the defendants will engage in a discovery process in which witnesses will be interviewed and exhibits will be exchanged. The State has already produced hundreds of thousands of documents and provided a preliminary witness and exhibit list to the defendants. The Arizona Attorney General's Office is proceeding as swiftly as possible and within the bounds of the Arizona Rules of Criminal Procedure.

We hope that this information has been helpful to you. The Attorney General's Office of Victim Services will continue to keep you updated as to the status of the case. For the most current information, you may check our website at [www.ag.state.az.us](http://www.ag.state.az.us) or call our BFA help line at (602) 364-1275, or if you are outside Maricopa County call 1-866-823-6577. Should you need additional assistance, our advocates can be reached via email at [bfa@ag.state.az.us](mailto:bfa@ag.state.az.us).

Sincerely,

The Office of Victim Services