

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

Susie Charbel
Deputy County Attorney
Bar Id #: 018270
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
MCAO Firm #: 00032000
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,)
)
) Plaintiff,)
)
) vs.)
)
) JOHN CHESTER STUART,) CR 2008-106594-001 DT
)
) Defendant.) **STATE'S RESPONSE TO DEFENDANT'S**
) **REQUEST FOR CONTINUANCE OF OCTOBER**
) **31, 2008, ORAL ARGUMENT: REMAND TO THE**
) **GRAND JURY FOR REDETERMINATION OF**
) **PROBABLE CAUSE**
)
) (Assigned to the Honorable
) Paul J. McMurdie, Saj04)

The State of Arizona, by and through undersigned counsel, opposes Defendant's motion. The defendant's cites no proper reasons for the continuance. On September 12, 2008, the Court set the Oral Argument on the Motion for Remand for October 31st, 2008. That is seven weeks ago and plenty of time to get all defense's arguments ready. The defendant wants the court to hold off on hearing arguments to see if the defendant gets released or not. The State considers that blackmail. As far as the law is concerned, the defendant's custody status has no bearing whatsoever on the merits of his Motion for Remand or Dismissal. The court and the law are not subject to the defendant's whim. The victim's family oppose a continuance and ask the Court's help in seeking some finality to their case. For the reasons stated above, the

State respectfully requests the Court to deny the defendant's Motion in its entirety and proceed with the hearing..

Submitted October __, 2008.

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

BY: /s/ _____
/s/ Susie Charbel
Deputy County Attorney

Copy mailed\delivered
October __, 2008,
to:

The Honorable Paul J. McMurdie, Saj04
Judge of the Superior Court

Law Offices of David Cantor
2141 East Broadway Road, Suite 220
Tempe, Arizona 85282-1705

BY: /s/ _____
/s/ Susie Charbel
Deputy County Attorney