

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2005-011629-001 DT

02/22/2006

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

FILED: 03/03/2006

STATE OF ARIZONA

SUZANNE E COHEN

v.

STEPHEN FRANK KARBAN (001)

PAUL C KLAPPER

VICTIM SERVICES DIV-CA-CCC

COMPLEX CASE ORDER

8:50 a.m. This is the time set for trial.

State's Attorney:	Suzanne E. Cohen
Defendant's Attorney:	Paul C. Klapper
Defendant:	Present
Court Reporter:	Dotty Reaume

The Court has reviewed counsels' proposed case management plan.

IT IS HEREBY ORDERED granting the motion for complex case designation and designating this a complex case.

IT IS FURTHER ORDERED setting the last day as **October 31, 2006**.

IT IS FURTHER ORDERED adopting the following case management plan:

1. Firm trial date: **September 25, 2006**. **This is a firm trial date and will not be continued.**

2. Length of Trial: **21** trial days. Number of witnesses: **30+**

3. Final trial management conference and oral argument on all pending motions *in limine*: **September 15, 2006** at **10:00 a.m.**

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4. Brief summary of the alleged facts:

The defendant is accused of molesting his three adopted daughters. The defendant has a prior conviction from Wisconsin for molesting Jasmine, one of the adopted daughters. The defendant faced two jury trials in Michigan for molesting these same 3 daughters. One jury trial hung and the other was an acquittal.

5. Discovery production schedule: All disclosures shall be completed by the state **completed to date**. Any other items will be disclosed as soon as they become available. Items not produced or disclosed by that date shall not be used at trial except upon a showing of good cause.

6. Witness interview schedule: All witness interviews shall be conducted by **August 31, 2006**.. Counsel shall provide the Court a specific schedule for the interviews of all witnesses at the next case management conference and shall indicate on that schedule the interviews they have completed. Counsel shall provide the Court at each subsequent case management conference a list of the interview that they have completed since the preceding case management conference. Counsel may stipulate to conducting interview after this date, but the trial will not be continued because of facts or opinions learned during any interview occurring after **August 31, 2006**.

7. Motions needing evidentiary hearing: Any Rule 11 evaluations to be done expeditiously. However, there are no issues known at this time.

8. Schedule of filing motions: All motions, including motions *in limine*, shall be filed by **September 1, 2006**. Responses shall be filed by **September 11, 2006**. Oral argument on all motions is set for **September 15, 2006** at **10:00 a.m.** Copies of all pleadings shall be either hand-delivered to opposing counsel or sent via e-mail on the same day of filing with the court. Motions *in limine* must meet the test of *State v. Superior Court*, 108 Ariz. 396, 499 P.2d 152 (1972): "The primary purpose of a motion *in limine* is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." Each motion shall be limited to one issue and no more than five (5) such motions per side will be considered by the court.

9. Jury instructions, requested voir dire and joint pretrial statement: All requested jury instructions and requested voir dire shall be lodged with the court by **September 15, 2006** A joint pretrial statement shall be lodged with the court by **September 15, 2006**

10. Expert witness issues: To be determined – the State noticed Wendy Dutton and expert in victimology and the offender offense cycle. The State may also call a computer expert. The defense may hire a computer expert, a psychologist on victimology, a medical expert. The State shall disclose its expert witnesses, their opinions and reports no later than **May 31, 2006** except rebuttal experts. With each state expert disclosed, disclosing counsel shall also provide

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three dates prior to **August 31, 2006** on which the expert and disclosing counsel are available for an interview by opposing counsel. The defense shall disclose its expert witnesses, their opinions and reports no later than **June 30, 2006**. With each defense expert disclosed, disclosing counsel shall also provide three dates prior to **August 31, 2006** on which the expert and disclosing counsel are available for an interview by opposing counsel. Any rebuttal opinions not previously disclosed or discussed during interviews shall be disclosed no later than **August 31, 2006**. Counsel acknowledge that failure to timely retain and disclose opinions of an expert will not be grounds for a trial continuance and may result in preclusion of that expert's testimony.

12. Special investigative needs: The State has none. The defense investigative needs are unknown at this time. Any request to the Court for assistance with investigative needs must be made by **June 30, 2006**.

13. General status of plead negotiations: plea offer has been made.

14. Plea cutoff date: None at this time

15. Settlement conference date: None at this time. Counsel are aware that the scheduling of a settlement conference will not be cause for trial continuance.

16. Interpreter needs: none

17. Schedule of regular case management conferences:

April 14, 2006 at 8:30

May 26, 2006 at 8:30

July 10, 2006 at 8:30

August 25, 2006 at 8:30

8:52 a.m. Matter concludes.