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

THE STATE OF ARIZONA,

Plaintiff,

vs.

MELISSA SUZANNE DIEGEL,

Defendant.

CR2019-001522-001

STATE'S RESPONSE TO DEFENDANT'S
MOTION TO TRAVEL

(Assigned to the Honorable Michael C
Blair, Div. CRJ20)

The State of Arizona, by and through undersigned counsel, opposes Defendant's motion to travel. Victim guardians of Victims from when Victims were minors objects to travel and the State joins in that objection.

I. FACTS

Defendant has been charged in this case with a multitude of child abuse charges and these charges date back to when the victims were minors. Defendant just attended a settlement conference where she was advised of the decades of prison, she is facing following trial. During that time, they had Victim Guardians (hereafter Guardians) appointed. Guardians object to the proposed travel. Recently the minor victims, now adults, have decided to represent themselves but Guardians still retain victim rights and counsel. State's counsel conferred with their appointed attorney's office, Guardians object to the travel because Defendant and Victims will be at the same location. While Victims may represent themselves there is still a no contact provision in place due to their status as witnesses. There is a need to prevent inappropriate contact with witnesses. Guardians also express concern for Defendant not returning to Arizona.

II. LEGAL ARGUMENT

A. Prohibition against victim/witness contact by Defendant is vital to a fair trial.

To ensure all parties have a fair trial, it is an established limit on defendants that they not contact a witness and or communicate directly with victims/witnesses. In a small situation, as a funeral, is it will be difficult if not impossible for the parties not to interact.

B. Limiting interaction is a minimum necessary precaution.

The State requests, at a minimum, if the court is inclined, in this difficult situation to allow travel; Defendant should be ordered not to unnecessarily interact with Victims. Additionally, should they interact, Defendant should be prohibited from any discussion of the pending legal matters and specifically the testimony of anyone. Advising either the court or PTS of pending travel plans with an itinerary will allow supervision and assure Defendant's return.

III. CONCLUSION

For the foregoing reasons, the State opposes Defendant's travel request and asks that the court deny the motion. In the alternative the State requests Defendant provide detailed travel information to PTS and be advised of the restrictions should Victims be in the same location.

Submitted August __, 2022.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

BY:



/s/ Frankie Grimsman
Deputy County Attorney

Copy mailed/delivered August __, 2022, to:

The Honorable Michael C Blair
Judge of the Superior Court

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