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MARK BRNOVICH
Attorney General
Firm Bar No. 14000

MAURA C. QUIGLEY
State Bar No. 030058
Assistant Attorney General
1275 West Washington Street
Phoenix, Arizona 85007-2926
Telephone 602-542-3881
crmfraud@azag.gov

Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL**

STATE OF ARIZONA,

Plaintiff,

v.

**VICTORIA VILLA TIZNADO,
GABRIEL PEREZ,
ERIC THOMAS,**

Defendant.

Case Nos:

CR2016-03386

CR2016-03387 X

CR2016-03388

**STATE'S MOTION TO DESIGNATE
MATTER AS COMPLEX**

Assigned to the Hon. Jason R. Holmberg

The State of Arizona, by and through undersigned counsel, respectfully requests that the Court designate the above referenced cases as complex. Victoria Tiznado ("Tiznado"), Gabriel Perez ("Perez"), and Eric Thomas ("Thomas"), are co-defendants in this case which arises out of a mortgage fraud scheme. Tiznado and Perez are each charged with one count of Fraudulent Schemes and Artifices (Class 2 Felony), three counts of Mortgage Fraud (Class 4 Felonies), three counts of Forgery (Class 4 Felonies), and one count of Criminal Trespass (Class 6 Felony). Thomas is charged with one count of Fraudulent Schemes and Artifices (Class 2 Felony), three counts of Mortgage Fraud (Class 4 Felonies), and one count of Forgery (Class 4 Felony).

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The discovery in this case is voluminous, including search warrants for multiple cellular devices and/or email accounts, hundreds of pages of bank records and investigative reports, and over 5 hours of recorded interviews. The State anticipates a significant amount of time will be needed to prepare either for trial or resolution by plea agreement in light of the nature of the case, the voluminous amount of discovery, and the number of anticipated witnesses and exhibits.

Pursuant to Ariz. R. Crim. P. 8.2(3)(iii), "... every person against whom an indictment, information or complaint is filed shall be tried by the court having jurisdiction of the offense within...270 days from arraignment...if the person is charged with...any complex case as determined by a written factual finding by the court." The Superior Court examines the following factors (though not limited to) in determining whether a case should be designated as complex:

- a. Source of evidence from interception of wire
- b. Number of defendants
- c. Number of counts
- d. Nature of charges
- e. Number of witnesses/victims to be called
- f. Expert witnesses
- g. Out of town witnesses
- h. Number of exhibits
- i. Nature of exhibits
- j. Defendant's pro se status
- k. Complex legal issues
- l. The timing of the motion to designate complex

See Criminal Complex & Capital Case Designation & Mgmt., Maricopa County Superior Court Administrative Order No.2010090 (September 28, 2010).

A. The Nature of the Charges Support Complex Designation

Based on the nature of the charges, the parties are going to need a greater amount of time than normal for pre-trial planning. The charges in this case arise from allegations of a complex mortgage fraud scheme committed by the Defendants, whereby they created fraudulent documents for the conveyance of real property, filed these same documents with the Pinal County Recorder's Office, and then moved into the residence located on the real property at issue. The State alleges that these actions were committed in furtherance of a known sovereign citizen organization, the Moorish Science Temple of America.

The FBI executed two search warrants related to this case – one in Buckeye, Arizona at Defendant Thomas' residence and one in Casa Grande, Arizona at Tiznado's/Perez's residence. Thousands of documents were seized at the two locations which directly relate to the State's charges in this case, and the FBI is still in the process of reviewing all of the evidence. The evidence seized includes numerous cellular devices, which the FBI is also in the process of imaging, reviewing, and preparing for disclosure.

In the light of the foregoing facts, this case involves a significant amount of evidence for the parties to discuss in order to reach a pre-trial resolution or prepare for trial. A complex designation will fairly provide defense counsel and the State enough time to review the evidence in this case and engage in meaningful settlement discussions.

B. The Nature and Number of the Exhibits Support Complex Designation.

The number and nature of exhibits supports complex designation. As stated above, thousands of documents were seized in the course of two search warrants in this case, and those documents are key exhibits in the State's case. Further, some of the evidence that is also crucial to the State's case originates from seized cellular devices, and is in the form of text messages and emails. This type of evidence necessitates a computer forensics analysis which takes a significant time to complete. At this time, the State is still in the process of completing the computer forensics for the items seized, and will disclose the results of the analysis as soon

it is completed.

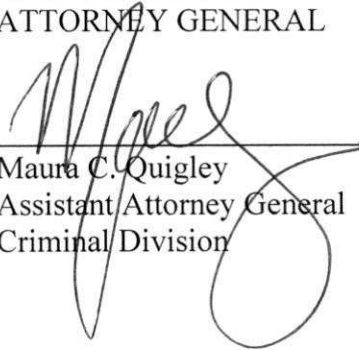
C. The Complex Legal Issues Inherent in the Case Support Complex Designation

Finally, complex legal issues warrant a complex designation. As stated above, the State alleges that the crimes in this case were committed in furtherance of a sovereign citizen organization known as the Moorish Science Temple of America. This case also involves three co-defendants, all of whom played a different role in the mortgage fraud scheme involved here.

In short, the State requests that this Court designate all the above matters as complex. The nature of the charges, the nature of the exhibits, and the complex legal issues involved all support a complex designation and will ensure that the parties and effectively engage in pre-trial plea negotiations.

RESPECTFULLY SUBMITTED this 15th day of February, 2017.

MARK BRNOVICH
ATTORNEY GENERAL



Maura C. Quigley
Assistant Attorney General
Criminal Division

ORIGINAL of the foregoing filed
this 15th day of February, 2017, with:


Clerk of the Superior Court
Pinal County Superior Court
971 Jason Lopez Circle
Florence, AZ 85132

COPY of the foregoing mailed
this 15th day of February, 2017, to:

Sequoia DuBose, Esq.
Fitzgibbons Law Offices, PLC
1115 E. Cottonwood Lane, Suite 150
P.O. Box 11208
Casa Grande, AZ 85130
Attorney for Defendants Tiznado and Perez

Eileen L. Spangrud, Esq.
Pinal County Public Defender's Office
P.O. Box 2457
400 South Central Avenue
Florence, AZ 85132
Attorney for Defendant Thomas

Ursula H. Gordwin, Esq.
Gordwin Law, PLLC
290 W. Chandler Hgts. Rd., Suite 1
Chandler, AZ 85248
Attorney for Defendant Thomas

/s/  _____

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