

1 Bruce S. Griffen (005673)
2 **GRIFFEN & STEVENS LAW FIRM, PLLC**
3 609 N. Humphreys Street
4 Flagstaff, Arizona 86001
5 Tel. (928) 226-0165
6 Fax (928) 752-8111
7 office@flagstaff-lawyer.com
8 *Attorney for Defendant*

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

10 **IN AND FOR THE COUNTY OF APACHE**

11 STATE OF ARIZONA,

12 Plaintiff,

13 vs.

14 MICHAEL B. WHITING,

15 Defendant.

16 *No.* CR2024-00230

17 **STIPULATION FOR 30 DAY EXTENSION
18 TO SUPPLEMENT DEFENDANT'S
19 PREVIOUSLY FILED MOTION TO
20 DISMISS OR REMAND**

21 The Parties, through counsel, hereby submit this Stipulation requesting 30 additional days to
22 supplement the previously filed Motion to Remand. The current Court-approved deadline is April
23 28, 2025. This requested 30 day extension will extend the deadline until May 29, 2025. The
24 Stipulation is supported by the information below.

25 On March 26, 2025, (12 days after the oral argument on the Motion for Remand) the Arizona
26 Attorney General's Office (AGO) disclosed an additional 357 bate-stamped exhibits (AG0010337-
AG0010694). Contained in the over 15 GBs of additional disclosure, are at least 25,000 additional
documents to review.

For example, bate-stamp exhibit AG0010677, which is an "overview" of a single computer
drive in this case, contains over 37,845 "results" or files. Each one of these almost 38,000 files, may
contain one document or thousands of documents. Reviewing AG010677, an AGO investigator
pulled a total of 9,920 documents into the report. These 9,920 documents are from just one of the
357 exhibits.



1 Another example is AG010675, which contains many thousands of pictures, financial
2 records, spreadsheets, reports, word documents, PNG files, PDF files, attachments, screenshots,
3 automobile records, and gym equipment information – to name a few. Just these two bate-stamped
4 exhibits mentioned above contain approximately 15,000 newly disclosed documents/files. Both
5 AG010675 and AG010677 were obtained through search warrant during early June of 2024, but
6 disclosed March 26, 2025.
7

8 Also in this March batch of disclosure are 10 additional interviews or written statements that
9 were conducted prior to the grand jury presentation of August 19, 2024. They are currently being
10 transcribed (if recorded) and compared (if written) to the AGO recordings of interviews with these
11 same persons. Five of these interviews were with Apache County Attorney's Office employees; one
12 appears to be with Mr. Timothy Hinton, the County Finance Director (Counts 3, 4, 5, 6, and 7) and
13 another with Mike Latham, the Apache County Superior Court presiding judge (a former employee
14 of the Apache County Attorney's Office). Defendant is still waiting to receive the remainder of this
15 interview as only the first four minutes were disclosed. At least 10 of these exhibits relate to Counts
16 4 and 8; AG0010382-10392. An additional 27 exhibits are additional investigator reports or
17 supplements to original reports (AG00108 to AG00114). There is also a 15 hour phone call with
18 Apache County Engineer, Ferrin Crosby, that needs to be reviewed. Finally, there are at least seven
19 separate exhibits from the AGO's Celeste Robertson that appear exculpatory (AG0010375-10378;
20 10466-10468).
21

22 Further, on April 16, 2025, the State disclosed another 498 bated-stamped exhibits. (AG
23 10695-11193). Defendant and counsel have not had time for more than a cursory glance at these 498
24 exhibits. Based on past disclosures of over 10,000 bate-stamped exhibits from the AGO, Defendant
25 anticipates another 20,000 to 35,000 "files/documents" with this most recent disclosure.
26

1 Finally, as the AGO offered at the last hearing, the Defendant is going to be working with
2 the AGO to obtain the approximately 450 GBs of additional disclosure from various computer drives.
3 These drives were physically removed from the computers or a forensic copy of the drive was
4 allegedly made. Also, there is at least one drive physically removed by and hand-delivered to the
5 AGO by Celeste Robertson that has not been disclosed. (July 19, 2024; AG001601-AG001602).
6 These drives and items still need to be provided by the AGO and reviewed.
7

8 As a basis for time reference, some exhibits take only a few minutes to conduct an initial
9 review, while other AG exhibits (that contain thousands and thousands of files) may take several
10 days. As a result, it is hard to estimate the amount of time it will take to review the March and April
11 batches of disclosure. Based on reviewing many exhibits previously disclosed by the AGO,
12 Defendant hopes that 30 days will be sufficient. Defendant may ask for additional time depending
13 on how the examination progresses and whether the disclosure from the AGO and the 450 GBs of
14 disclosure are available.
15

16 **CONCLUSION**

17 For the reasons stated, the Court is requested to approve the Stipulation and withhold ruling
18 on the Motion to Remand until no sooner than May 30, 2025.

19 **DATED** this 25th day of April, 2025.

20
21 **ARIZONA ATTORNEY GENERAL**

GRIFFEN & STEVENS LAW FIRM, PLLC

22
23 *Kimm Mum*
24 By _____
25 Assistant Attorney General
26 Attorney for the State

By */s/Bruce S. Griffen* _____
Bruce S. Griffen
Attorney for Defendant

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COPY of the foregoing delivered
April 25, 2025 to:

Arizona Attorney General
Assistant Attorney Krista Wood
Assistant Attorney Catherine Ferguson-Gilbert
crmfraud@azag.gov

By: /s/Lisa Cureton