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[REDACTED]

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

STATE OF ARIZONA,

Plaintiff,

JODI ARIAS

Defendant.

No. CR2008-031021-001

DEFENDANT'S SETTLEMENT  
CONFERENCE MEMORANDUM

Assigned to the Honorable Sherry Stephens

To be heard by the Honorable Sally Duncan

In advance of the settlement conference currently scheduled for July 15, 2011, Ms. Arias, submits the following memorandum which details her position relating to resolving this case short of trial. Ms. Arias' submission of this memorandum and her

willingness to participate in this settlement conference is done with the understanding that this court will order the State to comply with the dictates of Rule 408, Arizona Rules of Criminal Procedure. Ms. Arias would also request, in order to preserve the rights due her pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article 2, Sections 4, 10, 15, 23, 24 and 30 of the Arizona Constitution, that all participants in this settlement conference be prohibited from discussing anything that occurs during this conference with any listed witnesses and/or in any public forum.

## MEMORANDUM

### I. FACTS RELEVANT TO RESOLUTION

Ms. Arias is confident that this court has a firm grasp of the facts of the case, thus they will not be relayed herein. Instead, she will focus on the facts she views as relevant to resolution of the matter:

On October 26, 2010, Ms. Arias submitted a plea proposal to the State wherein she pointed out;

- Jodi is charged with First Degree Murder under two theories: premeditation, and felony murder. She is not facing any other charges.
- After an evidentiary hearing, the only aggravator remaining is cruelty.
- While Felony Murder is a legal and factual possibility, the probability is the state will have a difficult time convincing a jury to find Jodi guilty of

capital murder. It will require quite the feat of mental gymnastics to get a conviction under this theory.

- Understanding this dynamic, if the state focuses on the “easier” sell, premeditation, this too is filled with difficulties, and here is why:
  1. Expert testimony will be presented regarding the extremely demeaning, degrading, and abusive behavior Travis exhibited towards Jodi and its effect on Jodi.
  2. Not only will expert testimony be provided, Travis’s own words will paint a tawdry picture not of a choir boy steadfastly practicing his faith, but of a playboy expert manipulator and sexual deviant. Even if the letters are ultimately precluded, Travis’s own words through texts and voice mails/recordings will show the dynamic. Additionally, if the letters are admitted, then the recordings, texts, and emails will add a layer of authenticity to the letters such that a jury may come to the conclusion this was not first degree murder.
  3. Once the factual information regarding Travis’s behaviors and thoughts regarding Jodi come into play, the expert testimony regarding the effects of Travis’s thoughts and actions on Jodi’s psyche will become that much more relevant and compelling.

4. Given the timeline of the incident, the premeditation angle becomes more difficult for the state to prove.
- If we look at the other evidence, that evidence can realistically lead to a conviction on a lesser included offense such as manslaughter. Certainly, the judge will have to give the jury lesser included offense instructions and there is evidence to support that:
    1. Text messages between Travis and Jodi show that while he was upset with her and told her to get out of his life and called her names, he also wanted her for sexual purposes as evidenced by their encounter on June 4<sup>th</sup>.
    2. During the unaired portion of his interview with CBS, Detective Flores makes admissions that there is anger involved in this.
    3. We have an email from Travis to Jodi wherein he tells her the only thing she is good for is oral sex and he calls her a “three hole wonder”.

In addition to the facts listed above Ms. Arias also pointed out to the State that in;  
“State v. Baylee White CR2010- 113971 and State v. Dwight Wesley CR 2010-122333.  
Ms. White stabbed her boyfriend once in the chest during an argument, she was charged with Second Degree Murder and was offered a plea to Manslaughter as a dangerous offense and she was sentenced to 12 years. Mr. Wesley stabs his wife several times and drives her body to the Phoenix Police Department and he gets charged with Second

Degree Murder and it appears that he plead to the court. Certainly, these cases are not identical to the facts that surround this case to be fair some are more favorable to Ms. Arias and some are less favorable, however, these cases are similar in many ways and are illustrative of the sort of outcome that should come out of this case.”

When no response was received Ms. Arias sent a letter to the State in December of last year pointing out that:

One of the things that struck me was the amount of collateral damage to other individuals that would occur during the trial. Mr. Alexander carried on numerous relationships that while in and of themselves are really not a big deal. However, when you consider them in the context of all parties' relationship and affiliation with the Church of Jesus Christ, Latter Day Saints, they become a very big deal. Marriages would be affected, standing within the religious communities would be affected, personal friendships would be affected, and most of all the very poignant and cherished memories of Mr. Alexander would be tarnished.

Shortly after this letter was sent to the State, Ms. Arias was advised that a resolving this case via a plea to second degree murder was not possible and no further proposals or offers have been made since that time.

Since this time even more evidence has come to light that demonstrates the tumultuous nature of this relationship. E-mails sent to Mr. Alexander by his close friends Chris and Sky Hughes that demonstrate their concerns how Mr. Alexander treated Jodi have been discovered. E-mails sent to Mr. Alexander sent by his onetime girlfriend Lisa Andrews demonstrate that he was not only dating Ms. Andrews at the same time he was

dating Ms. Arias but that she had concerns about he was treating her and how the sexual aspects of their relationship made her feel uncomfortable. Finally, the woman that Mr. Alexander had been dating just before he passed away, Marie Hall was recently interviewed and during this interview Ms. Hall described how she was dating Mr. Alexander and how during this time period he described Ms. Arias as a stalker.

The bottom line point being the more evidence related to the relationship between Mr. Alexander and Ms. Arias that is discovered the more apparent it becomes that this relationship was chaotic and unhealthy to say the least. This point perhaps, being one of the most prominent in an otherwise factually complex case.

## **II. PROPOSED RESOLUTION**

As it relates to resolving this case short of trial, it would seem as if the question for both parties will be: What will the jury make of this chaotic relationship and in turn what sort of verdict will they render as to any phase of this trial?

Ms. Arias sees this as the most prominent point related to resolution, as she is of the understanding that Mr. Alexander's family is not concerned about the fact that many details of Mr. Alexander's relationship with Ms. Arias and/or other parties will be made public.

In going back to the question presented Ms. Arias does not see the possibility of a death verdict being very likely. This feeling is in large part based on the fact that Ms. Arias has no prior criminal history and even if the jury were to find her guilty of first degree murder the fact that said murder would be a product of a chaotic relationship would seem to diminish the chances that the death penalty would be imposed. Thus, per

Ms. Arias' thinking the most severe sanction that is likely to be imposed upon her should she lose at trial is a life sentence. Thus, should the State make an offer that would impose a life sentence upon her, such an offer provides Ms. Arias with no incentive to accept such a resolution. Instead, Ms. Arias is of the mindset that she has no incentive to plead guilty to anything more than second degree murder. Ms. Arias takes this position knowing that she could in fact receive a more favorable verdict at trial while at the same time cognizant of the pain Mr. Alexander's family feels and how a long highly contested trial may only create only more pain to Mr. Alexander's friends and family. Furthermore, Ms. Arias is willing to resolve this case in the manner described above because she has grave regrets for the falsehoods she told the media after Mr. Alexander's death and how such falsehoods might have caused the family even more pain.

### III. CONCLUSION

It is Ms. Arias' position that resolution of this case in advance of trial is possible only if the State is willing to discuss resolution of the case within the parameters of the sentences available for second degree murder.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> of July 7, 2011.

THE LAW OFFICES OF L. KIRK NURMI

By /s/ L. Kirk Nurmi

ATTORNEY AT LAW

Copy of the foregoing Filed/delivered  
this 7<sup>th</sup> day of July, 2011, to:

THE HONORABLE SALLY DUNCAN  
Judge of the Superior Court

JUAN MARTINEZ  
Deputy County Attorney

By /s/ L. Kirk Nurmi

L. Kirk Nurmi  
Attorney at Law