

# OFFICE OF THE PUBLIC DEFENDER MARICOPA COUNTY

---

JAMES J. HAAS  
Public Defender

JEREMY MUSSMAN  
Deputy Director

December 18, 2018

██████████  
Deputy County Attorney  
Maricopa County Attorney's Office  
301 West Jefferson  
Phoenix, Arizona 85003

RE: State v. Jorge Luis Molina, PF2018-160599-001

## **Request for Dismissal of PF2018-160599-001 and Release of Mr. Molina or in the Alternative That the Maricopa County Attorney's Office to Present Evidence to Grand Jury**

Based on our initial investigation in this case we believe at this time that Mr. Molina is innocent and wrongfully accused. Below is a summary of the interviews of two witnesses who were with Mr. Molina the night of the murder. I have also attached screen shots of their text messages and the Uber transaction supporting their version of events. We are asking that you please dismiss this case and stipulate to Mr. Molina's release.

On behalf of Defendant Jorge Molina, and pursuant to [Arizona Revised Statute § 21-412](#), the Arizona Supreme Court's ruling in [Trebis v. Davis](#), 189 Ariz. 621, 944 P.2d 1235 (1997), and the "rule of completeness" ([State v. Prasertphong](#), 206 Ariz. 70, 80-81, 75 P.3d 675, 685-86 (2003) (vacated on other ground sub nom. [U Prasertphong v. Arizona](#), 541 U.S. 1039 (2004)); [AZ Evid. Rule 106](#)), I hereby formally request the Maricopa County Attorney's Office to read the following to the Grand Jury and then present the option of listening to the attached recorded interviews:

- Mr. Molina spent the day at his mother's home with Alesia ██████████, whom defense counsel has already interviewed.
- Mr. Molina picked up Ms. ██████████ at the nail salon that day. The two spent time at Mr. Molina's home while they waited for Brenda ██████████ to get out of work so they could all see a movie together.
- Mr. Molina and Alesia went to Brenda's home, hung out for a bit and went to the movies.
- The trio did not get to the movie theater, located at 7700 W Arrowhead Towne Ctr Ste 1079, Glendale, AZ 85308, until about 9:00-10:00 for the movie.
- They watched the movie until around 11:30. Before they left the mall they ran into Brenda's siblings and chatted for a bit.
- After leaving the theater Mr. Molina dropped Brenda off at her home.
- Alesia came back to Mr. Molina's home with him and ordered an Uber. Mr. Molina waited with Alesia until her uber arrived sometime around 12:08, it took a few minutes after that for Alesia to actually get into her Uber.

### LAW FIRM

Downtown Justice Center • 620 West Jackson, Suite 4015 • Phoenix, Arizona 85003  
(602) 506-7711 • FAX (602) 372-8777 • TT (602) 506-1646

- Brenda and Alesia never observed Mr. Molina with a gun that day, the two have known him for over a dozen years and have never known him to possess a firearm.
- Brenda and Alesia have never observed Mr. Molina act violently.
- 4 screen shots of text messages between Alesia and Mr. Molina
- A screen shot of Alesia's Uber transaction.
- Recorded Defense interviews of Alesia [REDACTED] and Brenda [REDACTED].

If the prosecution decides to inform the Grand Jury on any material normally in the province of an expert witness, such as fingerprints, DNA, ballistics, blood spatter, forensics, witness recantation, characteristics of victimology, identification issues, gang dynamics, forensic accounting, and/or any other issue normally the province of an educated expert, then the prosecution should be mindful of the Arizona Court of Appeals' decision in [Korzep v. Superior Court](#), 155 Ariz. 303, 746 P.2d 44 (1987). There, the court held that "If there exists a high probability that the grand jury would not have indicted had they heard the testimony of the expert declarant rather than a hearsay version, then the matter must be remanded to allow the grand jury to make that determination." [Korzep](#), 155 Ariz. at 306, 746 P.2d at 47 (citing [United States v. Estepa](#), 471 F.2d 1132 (2d Cir.1972)).

The prosecution is reminded that the duty to provide a fair and impartial presentation includes a duty to adequately instruct on the law, including defenses, whether the grand jury asks for additional instruction or not. [Crimmins](#), 137 Ariz. at 41, 884; [Korzep v. Superior Court](#), 172 Ariz. 534, 540-41, 838 P.2d 1295, 1301-02 (App. 1991). The prosecution should provide all relevant law to the grand jury, and correctly advise them of their rights as applicable under [C.A.R.S. § 21-412](#) ("The grand jurors shall weigh all the evidence received by them and when they have reasonable ground to believe that other evidence, which is available, will explain away the contemplated charge, they may require the evidence to be produced.")

Sincerely,  
/s/ Jack Litwak  
Jack D. Litwak  
Defender Attorney  
Maricopa County Public Defender