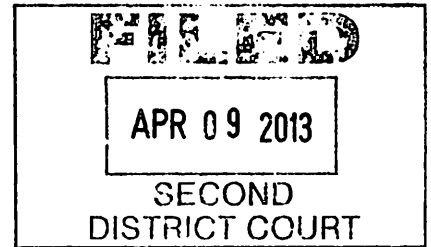


NATHAN D. LYON, USB 10171  
DAVIS COUNTY ATTORNEY'S OFFICE  
800 W. STATE STREET  
FARMINGTON, UTAH 84025  
TELEPHONE: (801) 451-4300



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IN THE SECOND DISTRICT COURT OF DAVIS COUNTY,  
STATE OF UTAH

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STATE OF UTAH,

Plaintiff,

vs.

ANDRES ESQUIVEL,

Defendant.

STATE'S MOTION TO COMPEL  
DISCOVERY

Case No. 111701135

Judge David Connors

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The State of Utah, through Nathan D. Lyon, respectfully requests this Court compel discovery from Defendant.

On July 11, 2012, the State filed a motion for reciprocal discovery. This motion was granted on July 17, 2012. (See Exhibit A). At the time this motion was filed, Defendant was *pro se*, and he never complied with the order. On August 14, 2012, the Court appointed William Albright as Defendant's public defender. The State reminded Mr. Albright of the outstanding discovery motion and requested compliance with the order. However, before Mr. Albright could comply with the order, a conflict of interest arose between Mr. Albright and Defendant. Ultimately Mr. Albright was released as Defendant's attorney, and Defendant elected to proceed *pro se*. The State again requested compliance with the outstanding order. This Court ordered Defendant comply with the discovery order by March 26, 2013.

On March 21, 2013, an associate of Defendant's attempted to comply with the order by delivering 502 pages of discovery. However, in reviewing the discovery supplied by Defendant, the State does not believe it complies with the Court's order. Specifically, the State is unable to locate any documents that comply with paragraphs 3, 4, or 5 of the order (a witness list, whether any relationship exists between Defendant and the proposed witness, and a list of proposed trial exhibits). Additionally, the State received an email from Defendant wherein he specifically stated that not all of the discovery had not been turned over to the State: "Please keep in mind Mr. Lyon that the evidence bundle I gave you does not have evidence from all 11 other Xtagged owners until trial they don't trust you guys because of Holje & Albrights [*sic*] lies but they will be at trial with videos." (Exhibit B, page 2). Withholding this evidence until trial is in direct violation of paragraph 2 of the order.

In the interest of judicial economy, efficiency at trial, and to ensure only relevant and admissible evidence is admitted at trial, the State requests this Court compel Defendant to provide the necessary discovery. Should Defendant fail to comply with this order, the State requests the exclusion of any evidence at trial that does not comply with the discovery order.

Dated this 8<sup>th</sup> day of April, 2013.

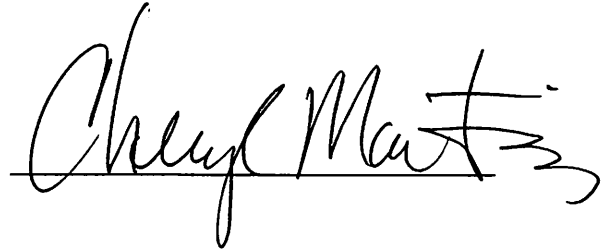
  
\_\_\_\_\_  
Nathan D. Lyon  
Deputy Davis County Attorney

**CERTIFICATE OF DELIVERY**

I hereby certify that a true and correct copy of the foregoing *State's Motion to Compel Discovery* was mailed, postage pre-paid, or hand-delivered to the following:

Andres Esquivel  
990 Upham Street  
Lake Wood, CO 80214

DATED this 8 day of April, 2013.

A handwritten signature in black ink, appearing to read "Cheryl Martinez", written over a horizontal line. The signature is cursive and includes a long, sweeping flourish at the end.

# **EXHIBIT A**

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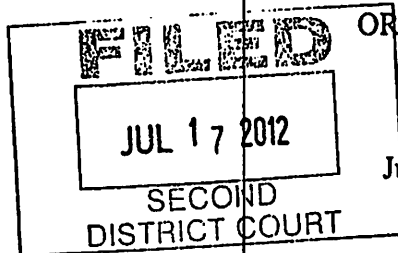
IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF DAVIS, STATE OF UTAH

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THE STATE OF UTAH  
Plaintiff,

vs.

ANDRES ESQUIVEL  
Defendant.



ORDER FOR DISCOVERY

Case No. 111701135  
Judge: David M. Connors

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Pursuant to Rules 12, 16(c) and 16(d) of the Utah Rules of Criminal Procedure, State v. Spry, 21 P.3d 675 (Utah Ct. App. 2001), and on good cause shown,

IT IS HEREBY ORDERED that the defendant provide the State with the following information and/or evidence:

1. That the defendant provide to the State with any information as required by statute relating to alibi or insanity.
2. That the defendant provide in writing to the State a list of each and every document any defense witness may intend to use either at trial or in preparation for trial.
3. That the defendant provide in writing to the State a list of each and every witness which the defense intends to call at the time of trial; and as to each witness, provide (a) the name of said witness, (b) the current address of said witness, (c) the phone number of said witness, (d) the date of birth of said witness, (e) whether the defense anticipates that said witness will be used to testify at any hearings in this case, (f) a summary of the information provided to defense by said witness, and (g) a summary of the anticipated testimony of said witness.
4. That the defendant provide to the State information pertaining to any relationship the defendant has with any witnesses the defense intends to call at trial.

5. That the defendant provide in writing to the State a list of exhibits, intended to be introduced at the time of trial or relied on by any witness in preparation for testifying at the time of trial.

6. That the defendant provide the State with the opportunity to inspect, photograph, and or copy any physical evidence, documents and photographs that the defense intends to introduce at trial.

7. That the defendant disclose to the State any other item of evidence which should be made available to the prosecution in order for the prosecution to adequately prepare its case.

8. That the defendant make all foregoing disclosures as soon as practicable and at least ten days before trial.

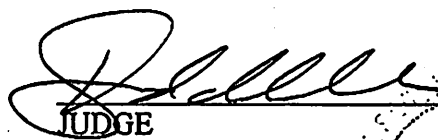
9. That, pursuant to Utah Code Ann. §77-17-13, if the defendant intends to call any expert to testify at trial or any hearing in a felony matter, the defense disclose to the prosecution as soon as practicable, but not less than thirty days before trial or ten days before a hearing, the name and address of the expert, the expert's curriculum vitae and qualifications, a copy of any reports and conclusions of said expert and information concerning any remuneration that the expert may be receiving for such testimony.

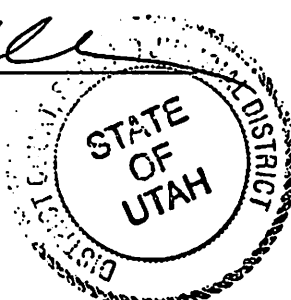
10. That, pursuant to Rule 16(c) and 16(d) of the Utah Rules of Criminal Procedure, if the defendant intends to call any expert to testify at trial or any hearing in a misdemeanor matter, the defense disclose to the prosecution as soon as practicable, but not less than ten days before trial or before a hearing, the name and address of the expert, the expert's curriculum vitae and qualifications, a copy of any reports and conclusions of said expert and information concerning any remuneration that the expert may be receiving for such testimony.

The Court FURTHER ORDERS that to the extent any information or documents are subsequently acquired or discovered by the defendant, which are in any way responsive to the requests contained in the State's motion, that the defendant deliver promptly thereafter such documents or information to the State.

Dated this 17<sup>th</sup> day of July, 2012.

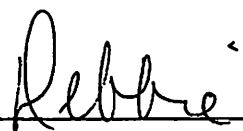
BY THE COURT

  
JUDGE



CERTIFICATE OF MAILING/DELIVERY

I certify that I mailed/delivered an unexecuted copy of the foregoing Motion and Order for Discovery and Supporting Memorandum to Andres Esquivel, 990 Upham Street, Lakewood City, CO, 80214 on July 13, 2012.

  
Secretary

# **EXHIBIT B**



**Nathan Lyon**

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**From:** Karma Cause [karmacause@ymail.com]  
**Sent:** Tuesday, April 02, 2013 11:26 AM  
**To:** Nathan Lyon; Utah Investigator; steve.klemark@yahoo.com; John Steer; shar; Jobita B; chue berriel; j\_park32; Daris Garner; Talor; saeed; Chris E. 1; MOM2; beck  
**Cc:** Digital I-D filed; leo; Steve K; Adam Platt; shar  
**Subject:** Allen delivers my evidence 03/21/13 one year after...  
**Attachments:** 3828809\_116688700\_6712577 (1).jpg; Andys filing.jpg; Bumps filing.jpg; Pub Def.jpg; my evidence.JPG; Andy post truth and Andi connects.png; scan0001.jpg

To: Mr. Lyon & Xtagged owners.

Allen Brady told me that he delivered my bundle of evidence Xtagged, Inc. papers etc. 03/21/2013 exactly one year after the plaintiffs committed massive perjury on the stand.

<http://youtu.be/Hgxf10J-Vo0> <<<----- Video evidence of plaintiffs committing witness tampering.

I have attached attorney Albrights text lie & the 2009 \$2,500 cashiers check to Ryion Butcher that was given to Logan Laws to give to Ryion because Ryion was combative and wanted to fight because he was to be bought out by a black guy Shar Jenkins (Ryion is extreme racist witness: Jeff Nicklaus he went to school with Ryion) that's why white Steve Klemark from the Denver PD Halo project I attached his ID, well Steve



Steve Klemark bought Xtagged.com in 2009 and Holje nor Albright ever contacted Steve, Rebecca Dunn Xtagged CEO 2009-2011 she has never been contacted.

I am going to request new pretrial date asap now that you have seen 2008 Xtagged, Inc paperwork all legit and proof of perjury & witness tampering on behalf of the plaintiffs & Daryl Acumen. I believe if this case is not dropped asap I can asked the judge to move this trial to another court based on my evidence of extreme prejudice.

Oh here's the link that proves extortion by Ryion & Kyle: [http://www.karmacause.info/John\\_Richards-AngelList.php](http://www.karmacause.info/John_Richards-AngelList.php)

Have a great day Andy Esquivel

[http://wisertechnology.com/Home\\_Page.php](http://wisertechnology.com/Home_Page.php)

<http://www.karmacause.info/>

<https://www.diigo.com/user/xtagged>

(Key media bcc)

WWW.KARMACAUSE.INFO

Andres Esquivel KarmaCause CEO:

Sent with my Xraza-phone