

**IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
CRIMINAL DIVISION**

THE STATE OF KANSAS, Plaintiff

vs.

Case No. 2021-CR-000340

JORDY CORNEJO CAMPOVERDE, Defendant

MOTION FOR CONSOLIDATION OF CASES FOR PRELIMINARY HEARING

COMES NOW, Plaintiff, State of Kansas, by Amy L Aranda, First Assistant County Attorney, and moves the Court for consolidation of the above-captioned matter, for purposes of preliminary hearing only, with the preliminary hearings for co-defendants, Armando Nunez, currently filed as Lyon County Case 2021-JV-000038 and to be dismissed and refiled in the Criminal Division, upon stipulation and waiver to prosecution as an adult, and Andrew John Granado, currently filed as Lyon County Case 2021-JV-000033, also to be dismissed and refiled in the Criminal Division upon stipulation and waiver to prosecution as an adult. In support hereof, the Plaintiff alleges and states as follows:

1. All three defendants/juveniles are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting the crimes charged. All three Complaints/Informations charge the same crimes.
2. The State previously requested three days for presentation of evidence at the preliminary hearing. The State anticipates the need to call numerous witnesses.
3. Juvenile, Armando Nunez, stipulated to prosecution as an adult and a preliminary hearing date of November 8, 2021 to November 10, 2021 was scheduled with Division 2. However, the State filed a Motion for further hearing on Nunez's stipulation and waiver to prosecution as an adult in order for the Court to make the requisite findings on the record for the same. This hearing is currently scheduled for September 23, 2021 at 1:00 p.m. in Division 2. Upon stipulation and waiver to prosecution as an adult, 2021-JV-000038 will be dismissed and a new criminal case filed. Upon dismissal of the juvenile case and filing with the criminal division, the State will formally file a Motion for Consolidation of Preliminary Hearing in that case as well.
4. Juvenile, Andrew John Granado, has advised that he wishes to stipulate to prosecution as an adult. His case is currently scheduled on September 10, 2021 at 9:30 a.m. for

- hearing to accept his stipulation and waiver to prosecution as an adult in with Division 2. Upon stipulation and waiver to prosecution as an adult, 2021-JV-000033 will be dismissed and a new criminal case filed. Case number 2021-JV-000033 was previously scheduled for two days on October 14 and 15, 2021 on the State's Motion for Authorization for Prosecution as an Adult with Division 2. This hearing will no longer be necessary upon Granado's stipulation and waiver to prosecution as an adult. Upon dismissal of the juvenile case, and filing in the criminal division, The State will formally file a Motion for Consolidation of Preliminary Hearing in that case as well.
5. The State anticipates calling many of the same witnesses in all three matters for purposes of preliminary hearing. Currently, 2021-CR-340 is set for preliminary hearing on the November 8 to 10, 2021 before this Court. Nunez's case was provided a preliminary hearing date of November 8 to 10, 2021 as well, but before Division 2.
 6. The State respectfully requests consolidation for preliminary hearing for judicial economy, ease of presentation, and convenience to the numerous State's witnesses.
 7. Further, the State requests consolidation of the preliminary hearings for the family of the victim, Jesus Avila, Jr. Pursuant to the Kansas Bill of Rights for Victims of Crime, K.S.A. 74-7333, and 74-7335, the family of Jesus Avila, Jr., has a right to be present at all public hearings, including the preliminary hearings, for all defendants charged with the murder of Jesus Avila, Jr. Pursuant to the current scheduling of these cases, the victim's family will be forced to choose which preliminary hearing to attend, and will be unable to be present during *each* of these hearings on November 8 to 10, 2021. Additionally, separate preliminary hearing would require the victim's family to return multiple times to court to be present for the proceedings.
 8. Plaintiff further shows the Court that defendants, Cornejo Campoverde, Nunez, and Granado, are not opposed to a consolidation of the cases for purposes of preliminary hearing.
 9. The State asserts that the defendants will suffer no prejudice as a result of consolidation for purposes of preliminary hearing. This Court is in a position to properly apply the rules of evidence to avoid any prejudice when determining if the State has met its burden of proof of probable cause as to each defendant individually.

WHEREFORE, the State of Kansas prays for an Order of this Court granting consolidation of the above described case for preliminary hearing with Mr. Nunez's and Mr. Granado's cases, and for such other and further relief the Court deems just and equitable in the premises.

/s/ Amy L. Aranda
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing Motion for Consolidation was provided to the following via e-file and email as designated below:

Honorable Jeffry J Larson, District Judge
D1@5thjd.org

Honorable W. Lee Fowler, District Judge
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this 1st day of September, 2021.

/s/ Amy L. Aranda
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First Assistant County Attorney
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