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PO Box 143  
Tombstone, AZ 85638

October 13, 2009

City of Tombstone  
PO Box  
Tombstone, AZ 85638  
Mayor and Common Council  
Re: Skinner Assault

Dear Mayor and Common Council,

I am filing a formal complaint against Marshal Talvy and the Tombstone Marshal department.

On 7/23/2009 I was assaulted by Kenneth Skinner on the corner of 5<sup>th</sup> and Allen Street, I suffered numerous injuries and was actually beat while on the ground. I informed Deputy Norris that I wanted to have aggravated assault charges filed due to the severity of my injuries. Deputy Norris told me that he did not feel it fit the description of aggravated assault. Even after I showed him Arizona Revised Statutes he still refused.

I then spoke to Marshal Talvy that I felt it needed to go to the County Prosecutor to see how they felt about it. I was told to get my medical records and he would submit the package to the county prosecutor. I drove around and collected the records and delivered them to Marshal Talvy. I called him a few days later and he told me he put the package together and was going to have "Chris" drop it off.

When I received a letter from the magistrate office stating that a pretrial hearing was being held on September 24, 2009 for Kenneth Skinner I once again called Marshal Talvy and he told me he forgot about it and would have it taken care of.

Approximately a week before the pretrial hearing I called the county to find out if they received the package and was informed that they do not have anything pertaining to this incident. I tried to call Marshal Talvy but found out that he was off with the reserves. I text him a message on Friday asking him when the file was going to the County Prosecutor, but never received a response. On Monday morning I found out that Deputy AJ was in charge of the office and called her to stress that the file needed to go to the county prosecutor, she told me that she would get in touch with marshal Talvy and let me know what happened. About 10 minutes later I received a call from marshal Talvy yelling at me because I called his office about this and complained. I stated to him that he twice told me he was going to send the file to county. He stated something about Anita Skinner wanting to file felony charges also and that he could postpone the pretrial. I told him I didn't care about what anyone else wanted, this file needed to go to county.

The day of the pretrial I went to the court and while waiting, marshal Talvy walked by and told me he wasn't sending the file to the county prosecutor. Luckily I was there because the medical records and bills I gave to marshal Talvy were never submitted to court so the prosecutor nor judge knew of the \$5000 in restitution I was seeking for medical bills until the plea agreement was already made. Judge Curfman put the plea agreement on hold and scheduled a restitution hearing for Nov 19, 2009.

I next went to the marshals department to get a copy of the police report, I brought in my victim protection paperwork and asked for the file. I was informed by Dee that I would have to pay \$5.00 for the report. I showed

here the victim protection paperwork were it stated I did not have to pay and she handing me the report. While sitting in the parking lot reading the report marshal Talvy came to my window and informed me that I had to pay, so I went inside and paid the \$5.00. I next called the victim protection department to inquire about the charge. The woman that handled the department was at a seminar week so I left a message and was called back the next day. She informed me that she would not be back from the seminar until the following week and would call the marshal and inform him of the mistake.

When she called me the next week, we got to talking and I explained the case to her. She asked me for the case# and I gave it to her. She took it to the county prosecutor who had the report sent to him. I was called back and told to give the marshal my medical records and to have him send the file to the county prosecutor that it definitely fit the statutes for aggravated assault. I explained that he refuses to send the file to them. I was then informed to file a complaint with you to instruct the marshal to send the file in and if that doesn't happen to contact the county prosecutor to find out what step to take next.

I am willing to pay for and take a lie detector case to prove these facts.

I am requesting that you instruct the marshal to send a package complete with a felony checklist to the count prosecutor.

Sincerely,

Michael H Carrafa