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Edward Rawlinson
Attorney for Defendant

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

STATE OF ARIZONA,

Plaintiff

vs.

Edward Rawlinson,

Defendant.

Case No.: CR202300611

MOTION TO DISMISS

Defendant hereby moves the court for dismissal of this matter with prejudice on the grounds of **"Due Process"** and **"Self-Defense"**. Per **"Due Process"** - There are several major 'inconsistencies' and 'untruths' in Milton Ayers statements; regarding his version of events that took place on February 23, 2023, at the time around 16:28 HRS inside and outside the Burger King restaurant located at 5310 N Sunland Gin Rd, Eloy, AZ 85131; that when coupled with the existing "Video Evidence", give grounds to dismissal of this case in its entirety given the whole weight of the state's case against Edward Rawlinson is based on Milton Ayers' truthfulness of statements and allegations he verbally asserted to Corporal Samuel Martinez of the Eloy Police Department on February 23, 2023. Per **"Self-Defense"** - Edward Rawlinson at all times during the incident in question that occurred on February 23, 2023; had the right to exercise **"Self-Defense"** per - {"**Castle Doctrine**"} - purposes of protecting yourself, your family, and

1 your home, Arizona is considered a "**Castle Doctrine**" state, and you are allowed to
2 "**Stand Your Ground.**" You also have the right to use force to protect yourself, your
3 family, and your property. Additionally; Arizona is referred to as a "**Constitutional**
4 **Carry**" state. This means that the state does not require you to obtain any permit, license,
5 or registration card in order to carry a firearm—either open carry or concealed carry.
6 Edward Rawlinson; who is a resident of North Carolina, had in his possession; a "legal
7 camping gun" for protection while hiking and camping outside in a tent while on vacation
8 in Arizona. This Motion is supported by the following Memorandum.
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11 **MEMORANDUM**
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14 This case must be dismissed because all criminal allegations against Edward
15 Rawlinson are based on Milton Ayers on scene "questioning" and "statements" he made
16 to Reporting Police Officer: Corporal Samuel Martinez. The substance and truthfulness
17 of Milton Ayers "statements" on what occurred inside of the Burger King restaurant
18 during the physical altercation and the following moments after; and his "statements" on
19 his and Edward Rawlinson's 'factual interactions' outside of the Burger King restaurant -
20 "carry the whole weight on the "**Scales Of Justice**" of innocence or guilt"; as it relates
21 to Edward Rawlinson and all the criminal 'allegations' made against him on February 23,
22 2023. Recently discovered and verified 'inconsistencies' and/or 'untruths' in Milton Ayers
23 "statements"; in combination and in major part, when combined with the factual events
24 captured on the inside and outside Burger King Surveillance Videos - currently give legal
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1 credence and duty to the court to at this time; dismiss all criminal charges against Edward
2 Rawlinson based on 'significant' inconsistencies that bring into question Milton Ayers
3 accounts of what happened inside of the Burger King restaurant and most importantly
4 outside of the Burger King restaurant on February 23, 2023.

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7 **STATEMENT OF FACTS**
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9 The interior and exterior Burger King restaurant surveillance videos do not backup
10 and/or support any of Milton Ayers criminal allegations against Edward Rawlinson; but
11 they do however bring to light several major 'inconsistencies' that give grounds to
12 dismissal of this case in its entirety. During Edward Rawlinson's Video Conference
13 Dated: Tuesday Aug 15, 2023 · 3pm – 4pm (Eastern Time - New York) with Corporal
14 Samuel Martinez #1684 of the Eloy Police Department - (Recorded By DCA - Chelsea
15 Mitchell) - {chelsea.mitchell@pinal.gov}; Corporal Samuel Martinez stated for the
16 record that; Milton Ayers told him during questioning that after the physical altercation
17 inside of the Burger King restaurant; he left the Burger King restaurant in his vehicle
18 (White SUV) leaving the property and was gone before Edward Rawlinson made his final
19 exit from the Burger King restaurant side door, and only encountered Edward Rawlinson
20 'down the road' implying the "alleged" weapon brandishing incident occurred 'off the
21 property' of the Burger King restaurant and not in the parking lot. However; what is made
22 clear by the exterior Burger King restaurant surveillance video; when sequenced with the
23 interior Burger King restaurant surveillance video; is that in fact Milton Ayers was still
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1 on scene sitting in his vehicle (White SUV) when Edward Rawlinson exited the Burger
2 King restaurant the final time through the side door; and furthermore it is clear Edward
3 Rawlinson is peacefully and dutifully practicing and exercising his rights within the
4 legally defined and legally protected 'self-defense' doctrines and trying to leave the scene,
5 defuse the situation and get somewhere he can compose himself and check his injuries;
6 and that Milton Ayers chooses to pull his vehicle (White SUV) forward in the general
7 direction of Edward Rawlinson and furthermore Milton Ayers exits his vehicle (White
8 SUV) in an aggressive manner and obviously "vocally utters" something towards Edward
9 Rawlinson. In review of this specific fact and matter; Edward Rawlinson subsequently
10 and clearly; on the "Exterior Burger King Restaurant Video Surveillance", does not
11 acknowledge Milton Ayers, does not verbally respond to him and/or approach Milton
12 Ayers and "**most certainly**" and "**most importantly**"; (does not in fact brandish and/or
13 point any weapon at or towards Milton Ayers at this time or at any time in the Burger
14 King restaurant surveillance videos interior and/or exterior recordings). Then after this
15 exchange; the exterior Burger King restaurant surveillance video clearly shows Milton
16 Ayers getting back in his vehicle (White SUV) and make a left turn in his vehicle (White
17 SUV); out of the Burger King restaurant parking lot approximately at 7216 N Sunland
18 Gin Rd, Eloy, AZ 85131 and (**then at some point presumably moments later turns his**
19 **vehicle back around**) proceed to drive toward the Petro Gas Station where he made a
20 left turn; only a few hundred feet away, at approximately 5235 Sunland Gin Rd, Eloy, AZ
21 85131; where the Eloy Police Department were already conducting a "high-risk" traffic
22 stop; nullifying and bringing into question the '**validity**' and '**truthfulness**' of Milton
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1 Ayers allegations against Edward Rawlinson. The summation being that after; the last
2 known video footage of interactions involving Edward Rawlinson and Milton Ayers
3 available from the exterior parking lot of Burger King, it would have been impossible for
4 Edward Rawlinson to brandish and/or point a gun at Milton Ayers without such an action
5 being noticed, recorded on police dash cam, and/or seen by the highly trained Eloy police
6 officers who were already on a 'simultaneous' high-risk traffic stop at the Petro Gas
7 Station. In closing; all these "**inconsistencies**" and "**untruths**" in Milton Ayers
8 statements to Corporal Samuel Martinez, led to the erroneous criminal allegation charges
9 being levied against Edward Rawlinson on February 23, 2023; and furthermore violate
10 Edward Rawlinson's constitutional right to "**Due Process**" and when coupled with
11 Edward Rawlinson's rights to practice 'self-defense'; under the "**Castle Doctrine**",
12 constitute in of itself grounds for dismissal of all criminal charges in this case.
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17 **(4) Evidentiary Noted Related Corroborating Items:**
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20 • 1. (Bates No. 000101 - Burger King Surveillance Video - Exterior)

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22 And

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And

• 3. (Initial and Supplemental Report) - 001 016

(Milton Ayers Statements Per Corporal Samuel Martinez)

And

• 4. (Video Conference in Google Meet) - (Transcript)

Interview - Corporal Samuel Martinez #1684

Eloy Police Department

Tuesday Aug 15, 2023 · 3pm – 4pm (Eastern Time - New York)

Recorded By - DCA Chelsea Mitchell

RESPECTFULLY submitted this 21st day of August 2023.

Defendant



EDWARD RAWLINSON
Pro Per Defendant

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ORIGINAL filed this:
DATE

Pinal County Prosecutor
Clerk of Superior Court

By: