



Maricopa County Attorney's Office

⚖ Annual Report ⚖
2015





MESSAGE FROM MARICOPA COUNTY ATTORNEY, BILL MONTGOMERY

In 2015, the Maricopa County Attorney's Office successfully fulfilled its mission to provide a safe and well-governed community by delivering high-quality prosecution, comprehensive victims' services, crime prevention programs, and legal representation for County government on behalf of the people of Maricopa County. This annual report provides both a quantitative and qualitative assessment of the work our employees performed in service of our mission and underscores our continued commitment to professionalism and integrity.

Over the past twelve months, our prosecutors have been honored by numerous organizations for their dedication to seeing that justice is done in each and every case. Our office has received national recognition for innovative programs and our public outreach efforts have expanded to reach more people. Both inside the courtroom and out in the community, we continue to work hard to make a difference and set high standards that other public prosecution agencies seek to emulate.

As we move forward, our office will seek to build on the accomplishments of 2015 and set the bar even higher for the coming year. The people of Maricopa County can be confident that as we continue to serve, we will live up to the ideals contained in our official seal: service with integrity, justice for all.

Bill Montgomery
Maricopa County Attorney
January, 2016



1 MCAO By The Numbers

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MCAO BY THE NUMBERS



SUBMITTALS, FILINGS AND DISPOSITIONS

In 2015 law enforcement agencies in Maricopa County brought **46,895 submittals** to the MCAO.

We had **32,182 felony filings** in 2015.

2015 saw **28,602 dispositions** (resolved cases). Of these we **resolved 19,600 cases with plea agreements** and secured **213 guilty verdicts**.

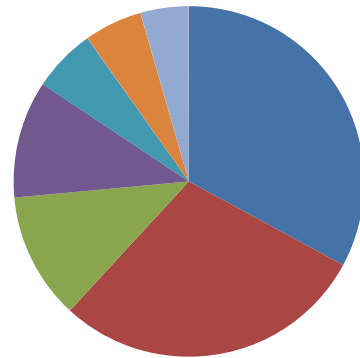
There were **327 trials (58 bench trials and 269 jury trials)**, **70 acquittals** and **3,011 dismissed** cases.

EMPLOYEES

As of December 31, 2015, MCAO had 1,009 authorized positions.

Breakdown of authorized prosecutors, paralegals, support staff, etc.

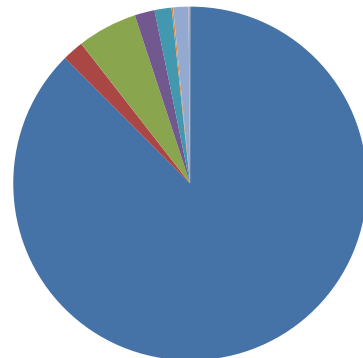
- 332 prosecutors
- 45 civil attorneys
- 109 paralegals
- 292 support staff
- 54 detectives
- 59 advocates
- 118 Executive and Operations



BUDGET

The FY 2016 operating budget for all nine of our funds totaled \$97,760,871.

- General fund – \$85,548,461
- RICO – \$1,910,940
- Grants – \$5,351,226
- Diversion – \$1,792,874
- Fill the Gap – \$1,527,206
- Check Enforcement – \$125,048
- CJEF – \$1,377,000
- Victim Compensation Restitution – \$111,600
- Victim Compensation Interest – \$16,516



TRAVEL & FLEET

The MCAO brought in 122 victims and witnesses for testimony in 67 cases.

In 2015 MCAO employees drove 644,654 miles in 79 County vehicles on official business.

ACCOUNTS PAYABLE

The MCAO processed 1,897 payment vouchers that totaled \$8,453,755.96 for goods & services in 2015.

VICTIM COMPENSATION

The MCAO processed 3,093 victim compensation payments that totaled \$2,776,606.34.

RICO

As of December 31, 2015, MCAO held \$40,884,211.31 for 31 law enforcement agencies within Maricopa County.

RECRUITMENTS

2015 had 2,049 applications that were referred to the MCAO for consideration, 161 of which were ultimately hired.

PUBLIC RECORDS REQUESTS

In 2015, the Office received 760 new public records requests, litigation holds, summons, subpoenas and notices of claim. These requests equal more than 225,000 pages of printed materials and more than 1,000 pieces of media.



NOTEWORTHY ACHIEVEMENTS



FELONY PRETRIAL INTERVENTION PROGRAM

In 2015, the MCAO added another alternative to traditional court prosecution with the launch of a program designed for offenders with minimal criminal history who are willing to do the hard work necessary to get back on track and become productive members of the community. Eligibility for participation in the Felony Pretrial Intervention Program is determined on a case-by-case basis. To participate, an offender must admit to their criminal conduct, agree to make full restitution to all victims, and complete required treatment programs in a timely manner. The program is funded by participating defendants and will be assessed on a regular basis to ensure that the primary goal of reducing recidivism is being achieved and that justice is served in individual cases.



SEX ASSAULT KIT TESTING GRANT

The New York County District Attorney's Office awarded \$1.9 million to the MCAO to analyze approximately 2,300 previously untested sexual assault evidence kits from law enforcement agencies within its jurisdiction. The grant is one of the largest sums provided to 32 agencies in 20 states and will be part of an overall effort to develop investigatory and evidence handling protocols for sexual assault cases similar to existing programs that address the investigation of child abuse and domestic violence cases.



K9 VICTIM SUPPORT PROGRAM

A new four-legged employee joined the MCAO's K9 Victim Support Program to provide comfort and support to victims throughout the criminal justice process. Elle, a two-year-old Golden Retriever, joins K9s Sam and Tori in serving as a reassuring presence for both adult and child victims as they prepare to give testimony, sit through depositions, appear in court and confront defendants. The K9 VSP is believed to be the largest program of its kind for a prosecution agency and is supported through a partnership with PetSmart Inc.



NATIONAL ASSOCIATION OF COUNTIES (NACo) ACHIEVEMENT AWARD

MCAO Citizens Academy

The National Association of Counties recognized the MCAO Citizens Academy with a 2015 Achievement Award as an innovative, effective county government program that enhances services for residents. The daylong program offers a behind-the-scenes look at how a criminal case is prepared for trial, from investigation and arrest to prosecution and sentencing. Participants have the opportunity to tour the county jail, sit in on courtroom proceedings, see how trial exhibits are prepared, and review and charge a mock case.



LEGISLATION INTRODUCED IN PARTNERSHIP WITH THE MARICOPA COUNTY ATTORNEY'S OFFICE

HB2289: repetitive offenders; sentencing

AMENDING SECTIONS 13-703 AND 13-708, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

This MCAO bill clarifies several provisions in the criminal sentencing code that were unintentionally affected by the 2008 sentencing code reorganization. For defendants who are convicted of multiple offenses not committed on the same occasion but consolidated for trial purposes under A.R.S. § 13-703, HB2289 clarifies that they are to be sentenced as first-time offenders for the first offense, category one repetitive offenders for the second offense and category two repetitive offenders for the third and all subsequent offenses. HB2289 also clarifies in A.R.S. § 13-708 that sentences for dangerous offenses committed on release from confinement are to be served consecutively to any other sentence from which the convicted person had been temporarily released or escaped.

HB2299: sexual offenses; definitions; defenses

AMENDING SECTIONS 13-501, 13-1401, 13-1404 AND 13-1405, ARIZONA REVISED STATUTES; RELATING TO SEXUAL OFFENSES.

Establishes a definition of "position of trust" in A.R.S. § 13-1401 that includes a minor's parent, stepparent, adoptive parent, legal guardian, or foster parent; the minor's teacher, coach or instructor, the minor's clergyman or priest; or a person engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent. Proscribes a class 2 Felony for sexual conduct with a minor who is 15, 16, or 17 if committed by a person who is in a position of trust and eliminates consent as a defense to a charge of sexual abuse with a minor who is 15, 16, or 17 if the defendant is in a position of trust to the minor.

HB2300: firearms; prosecutors; law enforcement officers

AMENDING SECTIONS 13-3112 AND 38-1113, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

Confirms Arizona statute to federal law under the Law Enforcement Officers Safety Act, which allows active and retired law enforcement officers to carry a concealed weapon in any state. HB2300 provides that active prosecutors who annually meet qualifications set by the Arizona Peace Officers Standards and Training Board may carry a concealed firearm pursuant to A.R.S. § 38-1102, and includes retired prosecutors in the existing provisions of A.R.S. § 13-3112, which establishes a process for law enforcement officers to obtain the necessary identification to carry a concealed weapon after retirement.

**HB2301: historical prior felony conviction; sentencing**

AMENDING SECTIONS 13-105 AND 13-703, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

Clarifies the A.R.S. § 13-105 definition of historical prior felony conviction to include felony offenses committed outside Arizona. HB2301 ensures that out-of-state prior felonies are treated the same way as Arizona felonies for sentencing purposes.

HB2304: aggravated assault; simulated deadly weapon

AMENDING SECTION 13-1204, ARIZONA REVISED STATUTES; RELATING TO AGGRAVATED ASSAULT.

Uses the term "simulated deadly weapon" that appears in the armed robbery statute (A.R.S. § 13-1904) in A.R.S. § 13-1204 to make an assault committed with a simulated deadly weapon punishable as a nondangerous Class Three Felony instead of a Class One Misdemeanor.

HB2307: court ordered treatment; hearings

AMENDING SECTION 36-539, ARIZONA REVISED STATUTES; RELATING TO COURT-ORDERED TREATMENT.

Makes changes to two statutes relating to civil commitment hearings: Clarifies that the 72 hours medication affidavit requirement applies to the mental health evaluation agency when the patient is being treated inpatient, and provides that a court may only proceed with a court-ordered treatment hearing in the patient's absence when the patient, for medical or psychiatric reasons, is unable to attend and cannot appear by other reasonably feasible means. This language mirrors existing provisions in A.R.S. § 36-543(G).



PRETRIAL DIVISION



CHARGING BUREAU

The 21 attorneys and 11 support specialists of the Charging Bureau conduct the initial review of all case submittals to the MCAO except those that are submitted directly to a specific crime bureau. Each case is evaluated to determine whether or not it presents a reasonable likelihood of conviction or whether additional investigation is necessary. In 2015, the Charging Bureau reviewed 22,586 submittals and charged 13,512 cases by filing a direct complaint or presenting the case to a Grand Jury and securing an indictment (these numbers do not include cases that are submitted directly to, and charged by, a specialized crime bureau). Charged cases are then assigned to one of the crime bureaus for prosecution.

NOTEWORTHY CASES *These cases are examples of the variety of offenses that can involve the use of a vehicle. They represent a small sample of the wide range of crimes that are filed by the Charging Bureau.*

State v. Dennis Lee Burnette

On May 21, 2015, the suspect drove a stolen pickup truck in excess of 90 miles per hour, striking other vehicles on US 60. He exited the freeway in Scottsdale, striking one vehicle and pushing it through the intersection at Miller and Thomas Roads. He then rammed a second vehicle causing it to roll over. At Scottsdale Road and McKellips, he drove at a uniformed officer who then fired ten shots at him, striking him three times. A high speed pursuit then followed with speeds in excess of 100 miles per hour. During the pursuit, the suspect rammed three more vehicles on the freeway. He then exited the freeway, drove through a fence at a construction site and began running through residential yards until he was taken into custody. He was initially charged via direct complaint alleging one count of aggravated assault and subsequently indicted on 28 counts including endangerment, aggravated assault with a deadly weapon, unlawful flight, criminal trespass and driving under the influence with a blood alcohol concentration in excess of .08. The case was assigned to the Central Valley Bureau for prosecution.

State v. Semaj McFarlin, De Zhon Randolph, Airen Randolph

On October 11, 2015 a victim reported seeing a gun fire from the passenger side of the suspect's vehicle while entering the US 60 at McClintock. Minutes later, while on I-10 at about 40th Street, a second victim saw a second suspect stick his head out of the rear passenger window along with a handgun and fire a shot. While officers were attempting to locate the subjects' vehicle, a third and fourth victim on I-10 near 63rd Avenue heard a shot fired and saw a muzzle flash. When they stopped, the victims discovered that their vehicle had been struck by a bullet. A police helicopter followed the subjects until they parked and exited their vehicle. The three occupants were arrested. Police found spent shell casings in the car along with live rounds and 16 grams of marijuana. A direct complaint charged all three with one count of drive-by shooting. A Grand Jury subsequently indicted them on multiple counts including drive-by shooting, aggravated assault with a deadly weapon, illegal discharge of a firearm and marijuana possession for sale. The case was forwarded to the Southwest Valley Bureau.



State v. Christopher Hoffman

On October 3, 2015 at approximately 11:00 a.m., a victim driving northbound on Loop 101 just south of West Bell Road was fired upon four times after pulling his vehicle in front of the suspect's car. The victim was not injured. The suspect's mother located the handgun under his mattress. He also told his brother he was scared and shot at someone. An anonymous caller subsequently contacted police and indicated that Christopher Hoffman was the shooter. An investigation revealed that he was driving his mother's truck and had taken his stepfather's 40 caliber handgun which was hidden in the bedroom. Hoffman eventually admitted to police that he took the gun and fired the shots because he believed people were following him and he believed the victim was following him. He was suspected of being under the influence of methamphetamine at the time of the shooting and was found in possession of methamphetamine during his arrest. Physical evidence found in the victim's car and the truck Hoffman was driving also tied him into the shooting. Hoffman was on parole at the time of the shooting and has multiple felony convictions for violent offenses which prohibited him from possessing a firearm. He was charged with drive-by shooting, aggravated assault with a deadly weapon, prohibited possession of a firearm, possession of a dangerous drug and disorderly conduct. The case was assigned to the Northwest Valley Bureau for prosecution.

PRELIMINARY HEARING BUREAUS

Attorneys and staff in the two Prelim Bureaus handle misdemeanor cases heard in Maricopa County's 26 Justice Courts and felony matters in the four Regional Court Centers (RCC) and Early Disposition Court (EDC). Matters before these courts can include pretrial resolutions and preliminary hearings in criminal cases, DUI offenses, contracting without a license, animal cruelty and drug possession/use cases.

PRELIMINARY HEARING BUREAU A

Prelim Bureau A is staffed with 11 attorneys, one part-time coverage attorney, one paralegal and seven support specialists. In 2015, this bureau resolved 2,264 cases in the RCC, 2,185 cases in EDC and 3,484 matters in the Justice Courts.

NOTEWORTHY CASES *Cases involving animal cruelty are frequently resolved by attorneys in Prelim Bureau A. Here are three examples from 2015.*

State v. Andrea Mikkel

On January 5, 2015, officers executed a search warrant on the Defendant's home, finding and taking multiple animals that were sick, injured, dehydrated and malnourished. She was charged with 50 counts of animal cruelty. Prosecution was deferred pending the Defendant's successful completion of a supervised treatment program that includes counseling and community service and limitations on the number of animals she can own. **Prosecutor: Serena Pokrass**

State v. Eduard Yakubov

The Defendant was charged with cruelty to animals, a class 6 felony after fatally shooting his neighbor's cat when the cat entered his back yard. The Defendant claimed he shot the cat with an airsoft gun. He subsequently pled guilty to the charge and was sentenced to a three year term of probation. **Prosecutor: Chelsea Hesla**

State v. Silvano Tena

Officers responded to the Defendant's address regarding an anonymous tip from a neighbor that a cockfight was taking place. The officers found several individuals, some of whom possessed cockfighting paraphernalia and medications, as well as cocks prepared for fighting and cocks that were suffering from a variety of injuries consistent with fighting. During an interview, the Defendant admitted to owning the property and that he rents spaces, basically chicken coops, to others who keep the cocks at the property. While initially denying that he knew cockfighting was occurring on the property, he admitted that the evidence of such was present and pled guilty to attempted cockfighting. He was sentenced to two years' probation and prohibited from owning any animals other than several goats and dogs already in his possession. **Prosecutor: Chelsea Hesla**

PRELIMINARY HEARING BUREAU B

Prelim Bureau B is comprised of 11 attorneys, one part-time coverage attorney, one paralegal and seven support specialists. In 2015, this bureau resolved 2,726 cases in the RCC, 1,376 cases in EDC and 3,423 matters in the Justice Courts.

NOTEWORTHY CASES *The following cases represent the types of violent offenses that are frequently resolved by Prelim Bureau B.*

State v. Michael Koker

Three members of a specialized task force known as the “East Street Team” were called in order to bring this Defendant into custody because he was on bench warrant status in a Superior Court case and he had made threats to a civilian victim to “break his arms, cut out his tongue, and then put him in a 55 gallon drum and bury him where no one would find him.” On October 31, 2006, they went to the Defendant’s known location to scout out the property to prepare for a future apprehension. When they arrived, they saw the Defendant and made the decision to apprehend him. After verbally threatening the officers the Defendant lunged towards one of them. Over the next 30 minutes, Defendant made continuous threats against the officers including promises to hunt down the officers’ family members and kill them. At trial all three victim officers testified that they were used to threats in their line of work; however, they sincerely believed that Defendant would follow through on his threats and that he was one of the most dangerous men they had ever encountered. He was found guilty of three counts of threatening or intimidating. **Prosecutor: Julia VanHelder**

State v. Justin Allen Jokela

After obtaining a search warrant to place a GPS tracking device on the Defendant’s vehicle, police observed him from a fixed-wing aircraft as he kicked in the door to a residence and made off with \$10,000 worth of property. He then fled in his vehicle and was later arrested. He pled guilty to burglary in the second degree, a class 3 felony, with one prior felony conviction; unlawful flight from law enforcement, a class 5 felony; and possession of narcotic drugs, a class 4 felony. He was sentenced to seven years in the Department of Corrections, followed by a two-year supervised probation tail. **Prosecutor: Josh Maxwell**

State v. Joshua Ugarte

The Defendant is the victim’s nephew. On November 17, 2014, the 55-year-old female victim was on the telephone when she heard the doorbell ring. She saw her nephew, the Defendant, standing outside the front of her house yelling at her to let him in. She immediately called 9-1-1. While she was on the phone, the Defendant smashed in the front window and climbed through it into the family room. Once inside, he picked up a drinking glass and threw it at the victim’s face, shattering the glass and cutting the victim’s ear and nose. He then picked up a large wooden dining room chair and struck victim’s head 3 to 4 times, causing the chair to break into several pieces and inflicting multiple injuries on the victim. He pled guilty to aggravated assault, a class 3 dangerous felony, and was sentenced to nine years in the Department of Corrections. **Prosecutor: Maureen Feeney**



CHECK ENFORCEMENT PROGRAM

The mission of the Check Enforcement Program is to pursue bad check writers and secure payment for individuals and businesses who are owed money. Staffed with one part-time attorney, one part-time investigator and five support specialists, the program is largely funded by fees paid by bad check writers. In 2015, the Check Enforcement Program dismissed 182 cases after all restitution was paid to victims.

NOTEWORTHY CASES

State v. Todd R. Schenzel

The Defendant wrote 38 bad checks between 1988 and 2006, totaling approximately \$16,775.00. He pled guilty in all of his cases and had agreed to make restitution as a result of his several plea agreements. The CEP staff has been closely monitoring Schenzel's cases and communicating with him on a regular basis since 1995 attempting to collect full restitution for the victims. Schenzel has been making small payments towards his total balance for the past 19 years. In December 2014, Schenzel came to the CEP office and paid his balance of \$3,447.72 in full. In January, 2015, after 19 years of continuous effort, CEP secured restitution for the final four victims.

State v. Michael Hilliard

In November 2007, the Defendant wrote a bad check to the Millionaires Co. in the amount of \$4,600.00 and failed to respond to Demand for Payment letters from the Check Enforcement Program. An arrest warrant was then issued by the Encanto Justice Court and Hilliard's attorney contacted the bureau to resolve the matter. On February 8, 2012, Hilliard pled guilty and was placed on three year summary probation. He was also ordered to pay \$5,315.00 in eleven monthly payments of \$100 with a final balloon payment of \$4,115.00. After he failed to make the payments another warrant was issued in October 2013. Hilliard appeared in court again the following June and had the three year probation reinstated and was ordered to make full restitution. In June 2015, after eight years of persistence in tracking the Hilliard case, the CEP staff was able to obtain full restitution for the victim

Petia Strashilova

Over a period of time, the Defendant befriended an elderly husband and wife while working as a caretaker at an assisted living home in Sun Lakes where the wife's mother lives. In early 2014, Strashilova asked the couple for a \$6,000.00 loan to pay for an operation for her sick mother in Bulgaria. The couple deposited \$6,000.00 into Strashilova's bank. Strashilova told the Phelps she would repay them as soon as a Bulgaria real estate transaction took place in a few weeks. The Phelps continually had to ask for their money back. In August 2014, Strashilova wrote the Phelps a \$6,000.00 bad check that was returned for non-sufficient funds. The Phelps, who lives in Gila County, reported the bad check case to the Gila County Prosecutor's Office. The Gila County Prosecutor's Office forwarded the felony case to the MCAO in early June 2015 for review, because the \$6,000.00 bad check had been passed in Maricopa County. An investigator with MCAO interviewed Strashilova and as a direct result of this interview, Strashilova made full restitution of the \$6,000.00 in addition to \$1,225.00 in statutory fees.

COMMUNITY-BASED PROSECUTION DIVISION



The majority of felony prosecutions are handled by one of the four bureaus of the Community-Based Prosecution Division. These bureaus are organized geographically to address the specific crime trends and public safety issues that vary across the 9,200-square-mile jurisdiction of Maricopa County. Each bureau works closely with local law enforcement agencies in their particular region to handle a wide variety of cases ranging from property crimes to homicides.

CENTRAL VALLEY BUREAU

The Central Valley Bureau prosecutes cases submitted by the Central City, Mountain View and Desert Horizon precincts of the Phoenix Police Department as well as cases originated in the cities of Paradise Valley and Scottsdale and District 4 of the Maricopa County Sheriff’s Office. With 12 attorneys, five paralegals and four support staff members, the Bureau filed 1,538 felony cases in 2015. The bureau resolved 1,153 cases with plea agreements and secured 30 guilty verdicts. Eight cases resulted in acquittals and 57 cases were dismissed.

Central Valley Bureau

Phoenix PD

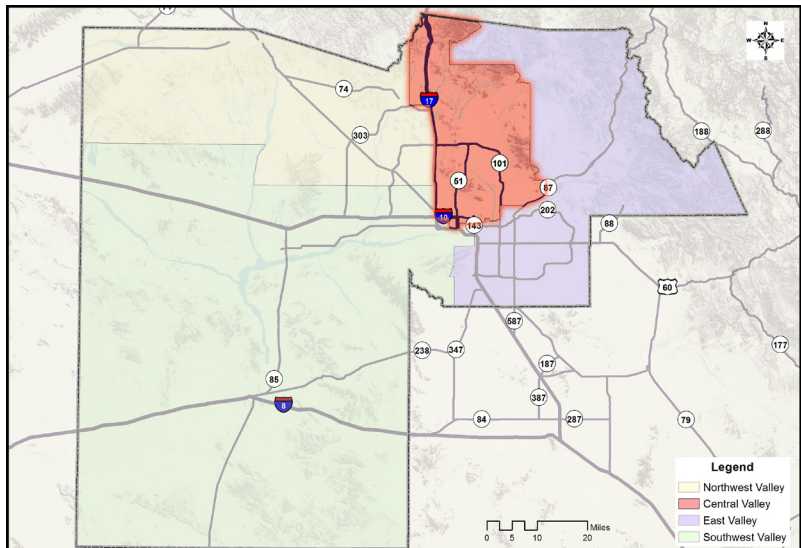
- Central City
- Mountain View
- Desert Horizon

Paradise Valley PD

Scottsdale PD

MCSO

- District 4





NOTEWORTHY CASES

State v. Douglas Chandler

The Defendant, a homeless man, shoplifted from a store and was confronted by the store's loss prevention officer outside the business. During their discussion, the Defendant refused to provide his name. A woman, who was seated nearby and knew the Defendant, identified him to the loss prevention officer. This infuriated the Defendant and he snapped at her before leaving the scene. About 40 minutes later, a person wearing clothes similar to the Defendant was captured on the store's surveillance video. He is seen walking to an area just off camera and moments later the woman who identified him is seen stumbling into the store where she collapsed. She had been stabbed multiple times but the actual stabbing was not captured on video. The Defendant was subsequently located nearby with a backpack that contained several different knives, none of which could be definitively identified as the murder weapon. There was no other blood, DNA or other specific physical evidence linking him to the crime. The Defendant denied committing the crime and refused to consider any resolution short of trial. Despite the challenges to the case, the jury convicted the Defendant of second degree murder after a 15-day trial. He was sentenced to 24 years in prison. **Prosecutors: Shawn Steinberg and Lacey Gray**

State v. Sky Neal

During a family fight, a man shot his female cousin and was subsequently charged with aggravated assault. As the trial approached, the victim became unwilling to testify against the Defendant. Despite an immunity agreement and a letter from the U.S. Attorney precluding any possible federal prosecution, the court would not order the witness to testify. Prosecutors appealed and the judge ultimately reversed his ruling but imposed strict limitations on admissible evidence and issued jury instructions that prompted another appeal to reverse the trial court. Despite these challenges, the jury found the Defendant guilty on all counts. He was sentenced to 7.5 years in prison. **Prosecutors: Jessica Gattuso and Ashlee Weeks**

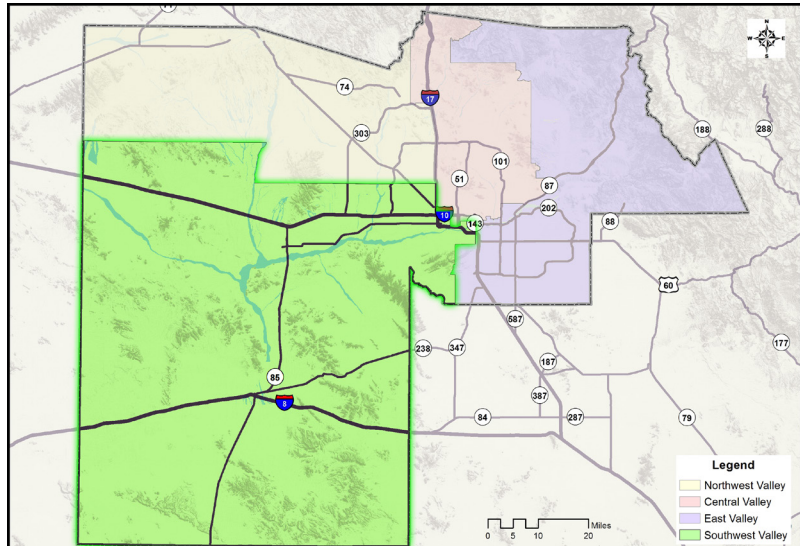
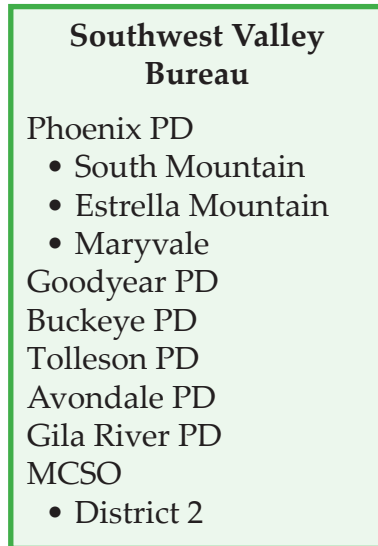
State v. Chase Rebich

The Defendant was caught shoplifting at a grocery store and loss prevention officers tried to contact him as he was leaving with the stolen items. The Defendant told the officers he had a pistol and then got into his truck and drove off. Police officers were contacted and, after spotting him in his car, attempted to pull him over. The Defendant began to pull over but sped off at the last minute, driving through two red lights. With officers in pursuit, the Defendant made a U-turn and headed directly at the officers. They exited their patrol car and drew their weapons but then reholstered them because of the high volume of nearby pedestrians. They were able to avoid getting hit by the Defendant who continued to drive through another intersection, smashing into at least two other cars and injuring several elderly occupants. The Defendant then crashed his car into a bus stop and ran inside a local business where he was taken into custody. He pled guilty to two counts of aggravated assault with a stipulation to 10.5 years in the Arizona Department of Corrections followed by a three years of supervised probation. **Prosecutor: Ashlee Weeks**

Dana Barney was named CBP Division and MCAO Paralegal of the Year

SOUTHWEST VALLEY BUREAU

The 12 attorneys, five paralegals and three support staff members of the Southwest Valley Bureau handle cases submitted by the South Mountain, Estrella Mountain and Maryvale precincts of the Phoenix Police Department as well as cases from the cities of Goodyear, Buckeye, Tolleson, Avondale, the Gila River Indian Community and District 2 of the Maricopa County Sheriff's Office. The bureau had 1,446 cases filed for prosecution in 2015. Dispositions for 2015 included 1,204 pleas, 43 guilty verdicts, 13 acquittals and 36 dismissals.



NOTEWORTHY CASES

State v. Fernando Lopez

The victim in this case was involved in a love triangle with the Defendant's estranged wife. The Defendant arranged to meet the victim at a convenience store in May 2014 to discuss the situation. When the victim arrived, the Defendant brutally assaulted him with a box cutter, inflicting multiple slash wounds all over his body. The Defendant pursued the victim as he attempted to flee inside the store. After the assault the Defendant threw the box cutter onto the roof of the store. At trial, the Defendant attempted to claim self-defense, asserting that it was the victim who was initially armed with a knife or box cutter. The jury saw through his story and convicted him of aggravated assault. He was sentenced to an aggravated term of 8.5 years in the Arizona Department of Corrections. **Prosecutor: Gregg Thurston**

State v. Thomas Panasewicz

The Defendant recklessly displayed a gun while outside a gas station in Phoenix. Police were called and the Defendant fled the scene. When an officer attempted to conduct a traffic stop, the Defendant pointed a gun at the officer and then attempted to continue to flee, driving very dangerously at a high rate of speed. Police called off the pursuit due to the danger posed to the public. The Defendant eventually collided with another vehicle, causing serious injury to the driver of the other car. He was convicted at trial on two counts of aggravated assault, one count of disorderly conduct and one count of unlawful flight from law enforcement and sentenced to multiple consecutive sentences totaling 20.25 years in prison. **Prosecutor: Cecilia Yvette Munoz and Kristen Lynn Fetter**



State v. Tolly Allen and State v. Carl Allen

The day after an argument with the victim, the two Defendants in this case forced entry into the victim's residence in Phoenix while armed with swords and baseball bats. While one held a sword to the victim's neck and threatened to kill him, the other Defendant broke down a locked door in pursuit of a second victim, who was able to successfully call 9-1-1. As officers were arriving, the Defendants fled from the residence and jumped over a wall in an effort to escape. They attempted to reach a nearby car which was later found to contain additional weapons. A jury convicted both Defendants on all counts which included burglary, aggravated assault and kidnapping. They were sentenced to 16.25 years and 10.5 years in prison. **Prosecutor: Jason Diekelman**

Gregg Thurston was named 2015 Violent Crimes Prosecutor of the Year. **Ashley Humphryes** was named Community-Based Prosecution Division Legal Support Staff Member of the Year. **Geoff Balon** was named Community-Based Prosecution Division Attorney of the Year and was nominated for Attorney of the Year.

NORTHWEST VALLEY BUREAU

The Northwest Valley Bureau is comprised of 19 attorneys, 4 paralegals and 4 support staff members who prosecute cases submitted by law enforcement agencies in the cities of Glendale, El Mirage, Peoria as well as the Cactus Park and Black Mountain precincts of the Phoenix Police Department and District 3 of the Maricopa County Sheriff's Office. In 2015, the bureau filed 1,700 felony cases. The breakdown of dispositions for the bureau was 1,404 pleas, 30 guilty verdicts, five acquittals and 42 dismissals.

Northwest Valley Bureau

Phoenix PD

- Cactus Park
- Black Mountain

Glendale PD

El Mirage PD

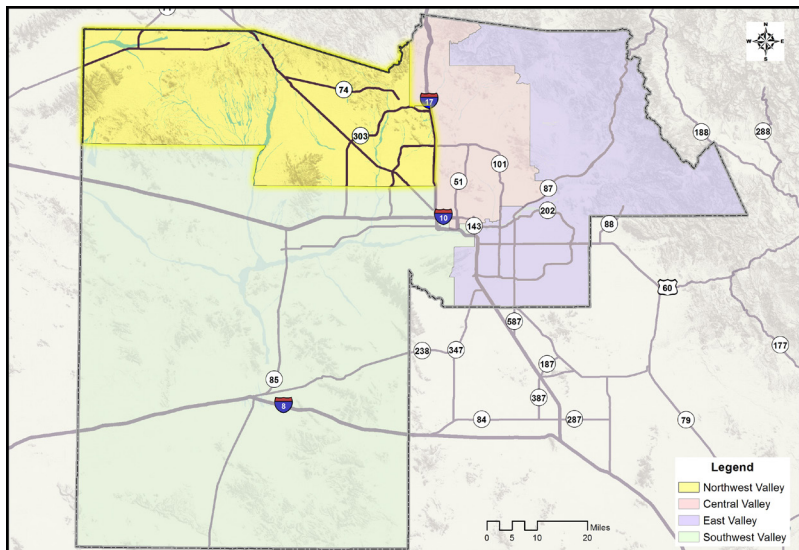
Peoria PD

Surprise PD

Wickenburg PD

MCSO

- District 3 (including Lake Pleasant)



NOTEWORTHY CASES

State v. Scott Hagee

On June 20, 2103, at approximately 12:47 p.m., officer responded to a report of an attempted armed robbery at an auto restoration business in Phoenix. An employee called 9-1-1 from outside the location and reported hearing two gunshots and that a masked suspect was demanding that his boss open the safe. Officers surrounded the business and took the Defendant into custody. The victim owner was found with a gunshot wound to the chest and extensive trauma to his head and face. He later died from his injuries. The cause of death was blunt force trauma and a gunshot wound. During the investigation, officers learned the identity of the Co-defendant getaway driver. They also learned that the Defendant and his accomplice staked out the shop and the victim's home in the weeks leading up to the incident. The Defendant was tried and found guilty of four counts including first degree murder. He was sentenced to a term of natural life in prison without the possibility of parole. The Co-defendant

pled guilty to second degree murder and conspiracy to commit armed robbery and was sentenced to a 12-year term in the Arizona Department of Corrections. **Prosecutor: Linda Garcia and Gina Godbehere**

State v. Silas Clitso

In September 2009, the Defendant brutally attacked a secretary who worked at the group home in which he had resided for less than two weeks after the victim refused to give him a nighttime snack on demand. Two eyewitnesses reported seeing the Defendant stomp on the victim’s head over a dozen times as she tried to escape through the front door. The victim was rushed to the hospital where surgeons diagnosed and repaired multiple facial fractures. He was found guilty of two counts of aggravated assault and sentenced to the maximum available prison term of 15 years. **Prosecutor: Jennifer Sheriff**

State v. Chad Hartz and Joshua Cunnington

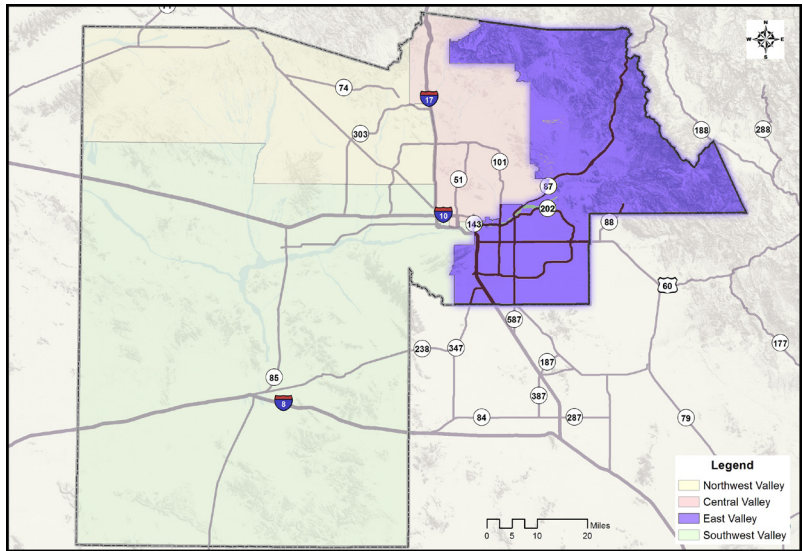
Between the dates of November 17, 2014 and January 14, 2015, the two Defendants stole catalytic converters from more than a dozen victims’ vehicles and then sold them for scrap value. Their theft spree occurred throughout Peoria, Surprise and the northwest area of Maricopa County, causing more than \$22,000 in damages. Both Defendants pled guilty to multiple counts of Burglary in the third degree and were sentenced to ten years in the Arizona Department of Corrections followed by four years of supervised probation. **Prosecutor: Tamara Barnett**

Jennifer Sheriff represented the office as an expert on graffiti-related crimes and prosecution, accepting numerous invitations to serve as a keynote speaker at various public functions, including the 2015 Zero Graffiti International Conference in California.

EAST VALLEY BUREAU

The East Valley Bureau handles cases originating from police departments in the cities of Tempe (including ASU PD), Mesa, Chandler, Gilbert, Fountain Hills, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation and Districts 1, 5, 6, and 7 of the Maricopa County Sheriff’s Office. The bureau is staffed with 14 attorneys, 5 paralegals and 6 support employees. In 2015, the bureau filed 1,709 felony cases. The breakdown of dispositions for the bureau was 1,438 pleas, 31 guilty verdicts, seven acquittals and 75 dismissals.

- East Valley Bureau**
- Tempe PD
 - ASU PD
 - Mesa PD
 - Chandler PD
 - Gilbert PD
 - Fountain Hills PD
 - Ft. McDowell Tribal PD
 - Salt River PD
 - MCSO
 - Districts 1, 5, 6, 7





NOTEWORTHY CASES

State v. Terry Dwayne Clayton

On October 4, 2013, the Defendant told his recently separated wife that people would die that night and it would be all her fault. When Mesa Police officers arrived at his home for a welfare check, the Defendant opened fire with a rifle, narrowly missing them. During a subsequent seven-hour standoff with the police, the Defendant fired more than 50 rounds from a variety of weapons while officers used less-than-lethal weaponry such as bean bag rounds and noxious gas. Ultimately, the neighborhood was evacuated and SWAT units drove armored vehicles into the home to extract the Defendant. He was finally subdued by a K9. The Defendant pled guilty to four counts of Aggravated Assault and sentenced to 24 years flat time in the Arizona Department of Corrections.

Prosecutor: Jordan Smith

State v. Gary Gutridge

On October 28, 2011, the Defendant went to a neighbor's home and accused the children in the residence of throwing small rocks at his house and car. He attempted to gain entry into the house while armed with a handgun, pointing it at several of the occupants including a 12-year-old child. He used racial slurs against the child and threatened to kill him. Several days later, a search warrant was executed at the Defendant's home and several weapons were recovered. The handgun described by victims was not found; however, a box matching the description of the weapon was located and the Defendant's son told police that a gun from the box had been missing since the date of the incident. The Defendant was charged with aggravated assault and misconduct involving weapons but his case was delayed after he was found incompetent to stand trial and placed in the Arizona State Hospital for a lengthy period of time. He was restored to competency in 2015 and agreed to plead no contest to one count of aggravated assault in exchange for a sentence of 10 years in the Arizona Department of Corrections. **Prosecutor: Krystle Fernandez**

State v. Tony Horton

After returning home from church on September 22, 2103, a pastor, his wife, their 16-year-old son and a 17-year-old friend of the son arranged to have a race between the two boys on their neighborhood street. The pastor and his wife set up cones for a finish line which was in front of the Defendant's house. The Defendant came outside and yelled at them to remove the cones, returning a few minutes later holding a knife behind his back. He then slashed the victim, nearly slicing his ear off and leaving him with permanent hearing damage. He later claimed that it was the victim who threw the first punch and that he "forgot" he was still carrying the knife he had been using in the kitchen. The incident was caught on a security camera that had been installed because of previous problems with the Defendant. After a four-day trial, the jury deliberated for three hours before finding the Defendant guilty on two counts of aggravated assault and one count of disorderly conduct. He received the maximum sentence of 15 years in prison. **Prosecutor: Stephanie Low**

MAJOR OFFENDERS DIVISION



CAPITAL LITIGATION BUREAU

Prosecutors in the Capital Litigation Bureau handle first degree murder cases where a decision has been made to seek the death penalty. Staffed with 13 of the MCAO's most dedicated attorneys, 7 paralegals and 5 support staff employees, the bureau combines the latest technology in forensic science and courtroom presentation with aggressive prosecution and trial experience to bring offenders to justice. Capital Litigation prosecutors are on call 24/7 to respond to homicide crime scenes and provide legal expertise to law enforcement agencies throughout their investigations. The bureau filed 21 cases in 2015 and resolved 11 non-capital cases and one capital case with plea agreements. Eleven cases resulted in guilty verdicts. Two cases were dismissed because the Defendants were found incompetent to stand trial. There were no acquittals. Four capital cases were tried to completion in 2015. *State v. Able Hidalgo*, *State v. Jasper Rushing* and *State v. Thomas Riley* all resulted in death sentences.

NOTEWORTHY CASES *Capital Litigation prosecutors handle the most serious homicide cases which often involve lengthy proceedings and numerous motions and hearings. Below are several examples of 2015.*

State v. Wayne Bradford

The Defendant fatally shot his former girlfriend in 2010 as she was attempting to remove her belongings and move out of the residence they shared. While he was in custody, the body of a previous girlfriend was discovered in a barrel inside a storage facility he had rented. She had been missing since 2006. Her body was discovered when the rental company went to remove his property after he had stopped paying the monthly fees. The Defendant was convicted for both murders and sentenced to a term of natural life in prison. **Prosecutor: Kristin Larish**

State v. Jerice Hunter

The Defendant killed her 5-year-old daughter and disposed of her body in a suitcase which she deposited in a trash dumpster. She then reported the child as missing, presumably abducted. The child's body was never recovered. After an extensive forensic investigation and four-month search of a local landfill, the Defendant was arrested and charged with first degree murder. She was convicted at trial and sentenced to natural life in prison. **Prosecutor: Jeanette Gallagher and Blaine Gadow**

State v. Jasper Rushing

While serving a sentence of 25-years-to-life for murdering his stepfather, the Defendant attacked and killed his cellmate in the Arizona Department of Corrections by first bludgeoning him with a book wrapped in a sheet and then cutting his throat with a cutting device fashioned from a disposable razor. After convicting him of first

degree murder, the jury deliberated for less than a day before reaching a verdict to impose the death penalty.

Prosecutor: Jeanette Gallagher

State v. Abel Hidalgo

On January 3, 2001, the slain bodies of two men were found in a Phoenix auto body shop. One of the victims was the owner, the other an employee. Police were unable to develop leads on a possible suspect and the case went cold. Ten years later, the case was reopened and submitted for charging after the Defendant had confessed to the murders, hoping to secure a favorable plea agreement for two subsequent murders he had been convicted of in Idaho. A dedicated team of MCAO investigators, paralegals, prosecutors and victim advocates worked tirelessly to locate witnesses and prepare evidence to secure an indictment and ultimately a conviction. Fourteen years after the murders, the Defendant was sentenced to death. **Prosecutor: Jeannette Gallagher and Marischa Gilla**

State v. Thomas Riley

On June 29, 2008 the Defendant and his cellmate, Co-defendant Dennis Levis, planned to murder the victim so that they could become patched members of the Aryan Brotherhood. This Defendant was the primary planner of the murder and after religious services he and his cellmate crossed into the pod where the victim was housed. They met up with a third accomplice and entered into the cell of the victim. The Defendant and his accomplices then stabbed the unarmed victim 114 times, killing him. Eighteen months after the murder prison officials intercepted a letter written by the Defendant where he described in detail the murder, as well as relished in the death of the victim, describing the last breath of the victim as a “defining moment” in the Defendant’s life. The Defendant subsequently became a patched member of the Aryan Brotherhood. The Defendant was found guilty and sentenced him to death. **Prosecutor: Vince Goddard**

Capital Litigation Bureau Chief **Jeannette Gallagher** and Deputy County Attorney **Blaine Gadow** were jointly named Prosecutor of the Year by the Arizona Prosecuting Attorneys’ Advisory Council for their commitment to the challenging prosecution in *State v. Jerice Hunter*.



Pictured left to right: Blaine Gadow, County Attorney Bill Montgomery, Jeannette Gallagher, and APAAC Executive Director Elizabeth Ortiz.

GANGS BUREAU

The Gangs Bureau is comprised of 13 attorneys, seven paralegals and four support staff members who work to aggressively investigate and prosecute crimes involving members of criminal street gangs, defined as ongoing formal or informal associations of persons whose members or associates individually or collectively engage in the commission, attempt, facilitation or solicitation of any felony act. Due to the danger posed to the community by gangs, these offenders are typically sentenced to substantial terms in the Arizona Department of Corrections. Their crimes can include graffiti, burglary, rape, assault and murder. In 2015, the Gangs Bureau filed 768 cases for prosecution. 821 cases were resolved with plea agreements, 21 resulted in guilty verdicts and 4 in an acquittal. 86 cases were dismissed.

NOTEWORTHY CASES *The following two cases highlight the seriousness of gang-related offenses and the unique challenges in prosecuting these crimes.*

Vista Bloods

In September 2014, a former convicted drug dealer informed Phoenix Police that he was being targeted by members of the Vista Bloods criminal street gang in his neighborhood who were demanding drugs and money from him for “protection.” The man stated that gang members had invaded his home and threatened him with guns in an effort to extort drugs and money from him. He further stated that he did not want to pursue prosecution out of fear for his safety but if he was murdered he wanted police to know that members of the gang would be the likely perpetrators. After contacting police, the victim later encountered several gang members in his neighborhood and attempted to leave the area in his car, only to be chased down and threatened again with a gun. After this incident, the victim agreed to cooperate in prosecuting his assailants. Four of the gang members were arrested and charged with multiple offenses including aggravated assault, assisting a criminal street gang, threat by extortion and witness tampering. While the case was pending, the Defendants tried on several occasions to contact the victim in an effort to prevent him from testifying. Thanks to the victim’s refusal to back down, the case proceeded and is in the process of concluding with three of the Defendants pleading guilty to a range of offenses and receiving sentences from probation up to 15 years in prison. A fourth Defendant was tried and convicted of Assisting a Criminal Street Gang, Participating in a Criminal Street Gang, Theft by Extortion, Threatening or Intimidating, and Tampering with a Witness. He is pending sentencing. As a result of the investigation and the victim’s willingness to pursue prosecution, there has been a noticeable improvement in public safety in the neighborhood and a more cooperative attitude among residents with law enforcement.

Prosecutor: April Sponsel

My Brother’s Keeper

On October 21, 2014, two male victims were suddenly and violently attacked by 12 teenage males while sitting on a picnic bench in El Oso Park adjacent to Trevor Browne High School. The attack was filmed on a cell phone by one of the suspect’s family members as both victims were kicked and punched multiple times. They were robbed of their money and cell phones and one victim sustained serious injuries. The suspects were subsequently identified as students at Trevor Browne ranging in age from 14 to 18. The investigation also revealed that a number of the suspects were part of a gang affiliated with the Crips called My Brother’s Keeper. Despite their ages, all twelve juveniles were transferred to Superior Court to be tried as adults on charges of aggravated assault, aggravated robbery, kidnapping and assisting a criminal street gang. To date, eleven of the twelve Defendants have agreed to plead guilty in exchange for sentences ranging from six months to seven years based on their age, role in the attack and criminal history. The twelfth Defendant is pending trial. **Prosecutor: Chris Sammons**

REPEAT OFFENDER PROGRAM (ROP) BUREAU

The Repeat Offender Program is designed to incapacitate criminals whose repetitive offenses constitute the majority of crime that affects communities served throughout Maricopa County. Repeat offenders typically face stricter sentences and are generally ineligible for diversion programs or probation-only sentences. Their crimes can range from armed robbery and aggravated assault to shoplifting and misconduct involving weapons. Staffed with nine attorneys, six paralegals and six support staff specialists, the ROP Bureau filed 760 cases for prosecution in 2015. The bureau resolved 772 cases with plea agreements in the last 12 months, and obtained 23 guilty verdicts at trial. Seven cases resulted in acquittals and 61 cases were dismissed.



NOTEWORTHY CASES *The cases below illustrate the application of Arizona sentencing statutes to protect the community from repeat offenders who commit serious crimes.*

State v. Patrick Porter

The Defendant and an accomplice were charged with multiple counts of armed robbery, kidnapping and aggravated assault in connection with robberies of three businesses that sold cell phones. In each instance, employees or customers were held at gunpoint and the businesses ransacked of its cell phone inventory. Investigators were able to use DNA evidence to identify the Defendant and obtain a search warrant which connected him to the crimes. His accomplice in one of the robberies pled guilty and agreed to testify against him at trial. A jury convicted the Defendant on all counts after a six-day trial and three hours of deliberations. He was sentenced to 38 years in the Arizona Department of Corrections. **Prosecutor: Robbie Mayer**

State v. Anthony Houston

On July 9, 2013, Defendant Anthony Houston was standing on the second floor balcony of his girlfriend's apartment while a man and his nephew were walking their dog on the common grass area below. Houston then vomited over the balcony onto the dog. A verbal altercation ensued between the two men during which the Defendant brandished a handgun. The dog owner tried to go to his apartment for safety as the Defendant descended the stairs toward him, firing his gun as he approached. The dog owner was able to open the door to his apartment and push his nephew inside when he was struck by several bullets before making it inside himself. The Defendant also fired two rounds that struck a 9-year-old and 14-year-old inside the apartment. Their injuries were non-life threatening. The dog owner was struck in the abdomen and almost bled to death in the apartment in front of the children. The Defendant fled the scene and was apprehended by police the next day. After he fled, his girlfriend exited her apartment and picked up the spent shell casings and hid them in her apartment. The Defendant, who had several previous convictions as well as a juvenile criminal history, was charged with multiple counts of aggravated assault and weapons offenses. He pled guilty to the charges in exchange for the State agreeing to drop the allegation of dangerous crimes against children. He was sentenced to consecutive prison terms totaling 31.5 years. **Prosecutor: Mitchell Rand**

State v. Joshua Gammage

The Defendant and two others walked into an AutoZone in Phoenix in January 2014 wearing bandanas over their faces, hooded sweatshirts and gloves. Each had a gun and pointed them at employees, forcing them to remove cash from a register and a safe. One of the victims was pistol-whipped in the face. The thieves made off with nearly \$800. Gloves and a bandana matching what the suspects were wearing were found near the store and later analyzed. DNA matching the Defendant was found on the gloves. In a separate case, the Defendant was one of several suspects in a series of home burglaries in Scottsdale shortly after the AutoZone robbery. Police watched them burglarize one residence and attempt to burglarize another before getting scared off by the home alarm. Police then saw the Defendant and his accomplices enter a Domino's Pizza with weapons drawn. They forced three employees to turn over their personal property and empty a cash register. The subsequently fled but were all apprehended nearby. The Defendant pled guilty to multiple counts of armed robbery in both cases as well as a count of kidnapping in the AutoZone case, and was sentenced to a total of 17 years in the Arizona Department of Corrections followed by a 3-year term of supervised probation. **Prosecutor: Heather Kirka**

In 2015, the ROP Bureau improved processes for ordering discovery, processing close-out files, completing presentence reports and providing documentation to the Adult Probation Office. The bureau also trained interns and clerks to assist with restitution matters, which helped shorten the time required to handle restitution requests from crime victims. Additionally, with guidance from the County Attorney, ROP began incorporating the ALPHA substance abuse treatment program to probation terms of select defendants with the goal of securing substance abuse treatment for individual repeat offenders so that they can address their addiction issues and not commit future offenses.

VEHICULAR CRIMES BUREAU

The 13 attorneys in the Vehicular Crimes Bureau are on a rotating on-call schedule to assist law enforcement agencies at the scene of fatal and serious injury collisions throughout Maricopa County. With the assistance of six paralegals and seven support staff members, these prosecutors handle cases involving drivers who are found to be driving recklessly or driving under the influence of alcohol, illegal drugs or prescription medication. They also prosecute drivers who illegally leave the scene of an accident.

In 2015, law enforcement agencies submitted 3,287 cases for the bureau to review, 1,188 of which involved jailed suspects entitled to be released unless charged within 48 hours of their initial appearance before a judge. The bureau filed charges in 2,265 cases and resolved 1,087 cases with plea agreements. Of the cases that proceeded to trial, 46 resulted in guilty verdicts, 2 acquittals and 26 were dismissals.

NOTEWORTHY CASES *Cases in the Vehicular Crimes Bureau reflect the application of Arizona's strict Driving Under the Influence laws. The following examples from 2015 illustrate how prosecutors hold DUI offenders accountable for the harm they cause to the community.*

State v. Brian Yazzie

On October 31, 2014, Defendant Brian Yazzie drove eastbound on Chandler Blvd. and rear ended Chandler Police Officer David Payne, a motor officer who was working a DUI enforcement operation. After the collision, which killed Officer Payne, the Defendant continued to drive eastbound a short distance, crashing into the south curb. He then took his 11-month-old child out of the car and attempted to continue to flee on foot. He was caught a short distance away and found to have a blood alcohol concentration of .326 less than two hours after the collision. Yazzie waived his right to a trial and pled guilty to one count of second degree murder and one count of leaving the scene of a fatal accident. Judge Granville sentenced the Defendant to fourteen (14) years in the Department of Corrections for Second Degree Murder followed by seven (7) years of supervised probation for Leaving the Scene of a Fatal Injury Accident. **Prosecutors: Aaron Harder and Ed Paine**

State v. Stephen Martin

On January 27, 2015 at 1:03 a.m., Defendant Stephen Martin drove his Chevrolet Tahoe southbound on I-17 in the northbound lanes. An Arizona Department of Public Safety Officer attempted to stop the Defendant using lights and sirens and a traffic break; however, the Defendant maneuvered around the officer and into the HOV lane where he sideswiped a northbound vehicle. The Defendant's vehicle spun around and collided with another vehicle driven by Megan Lange, a Phoenix Fire Department dispatcher going home from work. She subsequently died as a result of the collision. Martin's blood alcohol concentration was determined to be .278 an hour after the collision. He was also found in possession of marijuana. The Defendant pled guilty to Second Degree Murder and is set to be sentenced on February 26, 2016. **Prosecutor: Tiffany Brady**

State v. Lauren Butler

On May 1, 2014, while traveling northbound on State Route 87, the Defendant Lauren Butler struck the right side concrete barrier, straightened out and then suddenly crossed into southbound lanes, colliding with a southbound vehicle and injuring the driver. The Defendant's passenger died as a result of the crash. Laboratory testing revealed the Defendant's blood alcohol concentration was .287. Butler pled guilty to one count of manslaughter, a Class 2 Dangerous Felony, and was sentenced to 10 years in the Arizona Department of Corrections.

Prosecutor: Christine Trusken

Tiffany Brady was honored with awards from the Governor's Office of Highway Safety and Mothers Against Drunk Driving (MADD) for her dedication to prosecuting vehicular crimes and her work with victims.

Martha Blackman and **Jonathan Plicht** attended a weeklong training on Collision Reconstruction Crush Analysis sponsored by the Arizona Department of Public Safety.

Adam Garvin and **Tiffany Brady** completed the weeklong Borkenstein Course on the Effects of Drugs on Human Performance and Behavior.

ORGANIZED CRIME DIVISION



DRUG ENFORCEMENT BUREAU

With 16 attorneys, seven paralegals and six support staff members, the Drug Enforcement Bureau is one of the largest sections of the County Attorney's Office, handling the vast majority of cases involving the sale, production or transport of drugs in Maricopa County. These cases frequently involve close cooperation with local and federal law enforcement agencies, wiretaps and confidential informants to prosecute street-level dealers as well as top leaders of drug trafficking organizations. Major drug crimes prosecuted by the bureau can often involve additional serious offenses including homicide, armed robbery, kidnapping and other violent crimes. The Drug Enforcement Bureau reviews more than 3,000 cases each year. Some of the cases charged by bureau prosecutors are transferred to the Pretrial Division where they are resolved by plea agreements obtained by attorneys in that division. In 2015, DEB prosecutors handled 1,483 cases and had 1,383 dispositions which included 1,230 pleas, 41 guilty verdicts, 4 acquittals and 108 dismissals.

NOTEWORTHY CASES *The following cases provide examples of how the Drug Enforcement Bureau prosecutes crimes, such as homicides, where the underlying purpose was related to the sale of drugs as well as how DEB partners with law enforcement agencies to dismantle drug trafficking operations.*

State v. Vincent Grieto et. al.

This case is an example of how the Drug Enforcement Bureau prosecutes crimes – in this instance a homicide -- where the underlying purpose was related to drug trafficking. In the Fall of 2013, a man contacted Phoenix Police Detectives and reported that he had been approached by two of the Defendants to participate in a home invasion and steal illegal drugs which were believed to be stored inside the residence. The Defendants erroneously believed there were ten pounds of hydroponic marijuana and several thousand dollars in the home. Detectives subsequently alerted the family that lived in the residence; however, the family chose to remain in the home. Early on the morning of October 1, 2013, all four Defendants in the case drove to the location. Police had initiated surveillance on a vehicle they believed would be used in the home invasion, but the perpetrators used a different vehicle. As a result, police were not able to prevent the home invasion. One of the Defendants remained in the car as the other three approached the residence. One Defendant kicked open the door and entered the home, demanding drugs. One of the residents chased him and was fatally shot. All four Defendants were indicted for first degree murder. Three pled guilty to second degree murder and agreed to testify against the fourth. They received prison sentences of 16, 19.5 and 20 years. The fourth Defendant was convicted of first degree murder and faces a possible life sentence. **Prosecutor: Mary-Ellen Walter**

State v. Jose Valadez-Sandoval

Between February and July 2012, federal agents with the Drug Enforcement Administration intercepted the Defendant's communications through a court-ordered wiretap. He had come to their attention a year earlier when DEA agents in Chicago seized nearly \$250,000 that was intended for him as repayment for 10 kilograms of cocaine. The wiretap captured conversations about several serious offenses, including large payments for additional drug trafficking operations and the kidnapping of an individual who owed the Defendant \$1 million. Over the course of their investigation, authorities determined the Defendant controlled a substantial drug trafficking organization. They were able to seize large amounts of heroin, methamphetamine, and cash. In consultation with the DEA, the State agreed to offer the Defendant a plea deal carrying a total prison term of 12 years, 11 months and a fine of \$36,600. **Prosecutor: Thomas Forsyth**

State v. Ruan Hamilton, Jerome Osborn and Kevin Ottar

In October 2010, two of the Defendants arranged to purchase approximately 1,000 pounds of marijuana from an undercover officer with Tempe Police. The three subsequently met at a warehouse that had been rented by police for purposes of this sting operation. The two Defendants spent a considerable amount of time inspecting the marijuana before paying approximately \$160,000 for the first 800 pounds. They told the undercover agent that another buyer was coming in that night to purchase the remainder of the supply. Surveillance officers later followed the two Defendants to a hotel where they were joined by two other Defendants (one of whom was later charged separately). When the two original purchasers left the hotel to pay for the remainder of the marijuana, they were arrested. The other two Defendants were arrested in the hotel room. The original case against the four was dismissed by a judge who held that it was legally impossible for the Defendants to be charged or convicted of possessing the marijuana for sale as the police had no intention of letting them actually drive away with the supply. The matter eventually went up to the Arizona Supreme Court which reversed the dismissal, finding there was sufficient evidence of dominion and control to sustain the charge. The two original purchaser Defendants were convicted at trial and sentenced to 3.5 years in prison. **Prosecutor: Mary-Ellen Walter**

Mary-Ellen Walter received the 2015 award for Prosecutor of the Year from the Arizona Narcotics Officers Association.



FRAUD & IDENTITY THEFT ENFORCEMENT (FITE) BUREAU

Trafficking in stolen identities, government benefits fraud, embezzlement, counterfeit goods and elder financial exploitation are among the broad range of fraud offenses prosecuted by the Fraud & Identity Theft (FITE) Bureau. The bureau's 11 attorneys, six paralegals and six support staff members work closely with local and federal agencies including the Arizona Corporation Commission, FBI, ATF, U.S. Postal Inspection Service and Secret Service to aggressively pursue con artists, identity thieves and organized criminal syndicates. In 2015, the FITE Bureau filed 857 cases for prosecution and resolved 679 cases with plea agreements. Of the cases taken to trial, six resulted in guilty verdicts and four resulted in acquittals.



NOTEWORTHY CASES *FITE cases often involve complex frauds committed by a single individual or an organized network of criminals. Below are three examples that were successfully prosecuted in 2015.*

Operation Powder Burn

Between September 2013 and January 2014, local grocery stores in multiple cities throughout Maricopa County experienced a dramatic increase in organized retail thefts. The recurring pattern in these incidents involved suspects entering the stores and filling reusable shopping bags or shopping carts with cans of baby formula. The suspects would then exit the store without paying and leave the scene in a get-away vehicle with the stolen goods. A successful investigation and enforcement action by Scottsdale Police, the Maricopa County Attorney's Office and members of the Arizona Organized Retail Crime Alliance uncovered a major organized crime ring responsible for 94 separate incidents of baby formula thefts representing a monetary loss to retailers in excess of \$63,000. **Prosecutor: Dallen Gardner**

State v. Pauline Cantu

During her employment as an account manager at the Arc of Arizona, a non-profit which managed trust accounts on behalf of developmentally disabled adults, the Defendant siphoned more than \$230,000 out of accounts payable by writing bogus checks to herself. She pled guilty to one count of fraudulent schemes and artifices and was sentenced to five years in the Arizona Department of Corrections. **Prosecutor: Alexander Millington**

State v. Garegin Khoetsian

While working at the Arizona Motor Vehicle Department, the Defendant fraudulently issued ten driver's licenses to members of a check kiting ring. The Defendant noted on the applications associated with the licenses that he had checked source documents that either did not exist or did not match the listed applicant. The licenses were subsequently used by the crime ring to register trade names with the Secretary of State's Office and ultimately open business checking accounts which were used in an elaborate check kiting scheme resulting in the theft of more than \$500,000 from various banks in Maricopa County. The Defendant was found guilty of one count of fraudulent schemes and ten counts of computer tampering and was sentenced to five years in prison.

Prosecutor: Gregory Cecilia

SPECIAL CRIMES BUREAU

The seven attorneys in the Special Crimes Bureau have extensive experience to prosecute unique and often complex crimes including arson, home invasion, kidnapping, prostitution and gambling enterprises, animal cruelty and public corruption. With the assistance of four paralegals and three support staff members, the bureau filed 357 cases in 2015, not including cases filed by other bureaus and transferred to Special Crimes. Dispositions for the year included 246 plea agreements, thirteen guilty verdicts, one acquittal and 30 dismissals.

NOTEWORTHY CASES *These are three examples of cases that illustrate the range of offenses that are prosecuted by attorneys in the Special Crimes Bureau.*

State v. Anthony Gehon

The Defendant was accused of operating an extensive prostitution enterprise that included several female family members, two of whom were minors. His long and arduous trial involved horrific facts, thousands of exhibits, over fifty witnesses, seven victims and extensive evidence that included computer forensics and DNA analysis. The jury asked 1,554 questions throughout the trial. After seven months in trial, the jury found the Defendant guilty of 101 of the 105 counts which included child prostitution, sexual conduct with a minor, aggravated assault and sexual exploitation of a minor. He was sentenced to 493.5 years in prison. **Prosecutor: Edward Leiter and Stephen Umpleby**

State v. Miguel Angel Camacho and Joel Fuentes

Defendant Fuentes was accused of hiring Defendant Camacho to kill a victim due to drug debts. Camacho slit the victim's throat, but miraculously he did not die. The resulting cases involved a complicated pattern of facts, three police agencies, more than 30 witnesses, extensive DNA evidence and a cooperating Co-defendant who testified for the state. Fuentes pled guilty prior to trial and was sentenced to eight years in prison. Camacho was

convicted on all counts after a 13-day jury trial and was sentenced to a prison term of 22 years.

Prosecutor: Daniel Strange

State v. Robert Rampy

Upon his retirement from the Maricopa County Sheriff's Office, the Defendant maintained his access to Sheriff's Office computers which he used for unlawful purposes, causing the system to go down on more than one occasion. During a freetalk, the Defendant gave information to MCSO IT specialists to determine whether his actions caused any further damages. He pled guilty to ID theft, computer tampering and unlawful access. He was sentenced to a term of probation and ordered to surrender all computer equipment belonging to the Sheriff's Office. **Prosecutor: Daniel Strange**

Ed Leiter and **Steve Umpleby** were named Attorneys of the Year for their prosecution of *State v. Gehon*. The two were also selected as Division Attorneys of the Month, as were **Dan Strange**, **Casey Mundell**, and **Vanessa Losicco**. **Aileen Strong**, **Mary Berkhoudt**, **Pam Acker** and **Danielle Trevino** were honored as Paralegals of the Month; **Leilani Graf**, **Mary Thomas** and **Laura Summers** received recognition as Division Legal Support Specialist of the Month.

SPECIAL VICTIMS DIVISION



AUTO THEFT BUREAU

Created in 2006, the Auto Theft Bureau is currently staffed with seven attorneys who specialize in prosecuting cases involving the unlawful use of means of transport and related offenses such as Vehicle Identification Number (VIN) switches, trafficking in stolen vehicles and crimes involving “chop shop” operations. The bureau is also part of the multi-agency Arizona Automobile Theft Authority, which seeks to deter vehicle theft by supporting law enforcement activities, vertical prosecution and public education programs. With the assistance of a team of three paralegals and six support staff, the bureau reviewed 1,782 submittals from law enforcement in 2015 and filed 963 cases for prosecution. Dispositions for the year were 661 plea agreements, nine guilty verdicts, five acquittals and 23 dismissals.

NOTEWORTHY CASES *Auto theft can often involve a series of other serious offenses. Below are three examples of scenarios that were successfully prosecuted by the Auto Theft Bureau in 2015.*

State v. Jaime Landaverde-Rivera

On the afternoon of March 15, 2015, Defendant Jaime Landaverde-Rivera walked into oncoming traffic at Jean Elizabeth Place and Buckeye Road, forcing a Chevrolet Tahoe to stop. He then jumped on the hood of the vehicle and began kicking and punching holes into the windshield. The driver attempted to shake the Defendant off the car by driving off but he held on. When the driver exited the vehicle to confront him, the Defendant punched him the face. The Defendant then jumped on the hood of an Avondale Police car which had arrived on the scene and began kicking and punching the windshield, forcing the officer to drive off the street and on to the curb. The officer exited the vehicle and drew his firearm. After telling the officer to shoot him, the Defendant ran into the Tahoe and took off at a high rate of speed, eventually colliding with another police vehicle responding to the scene. The Defendant exited the Tahoe and began swinging a metal pipe at the officers before he was subdued by a Taser and taken into custody. Landaverde-Rivera pled guilty to multiple counts of Aggravated Assault and theft of means of transportation. He was sentenced to a 20-year flat term in the Arizona Department of Corrections. **Prosecutor: Scott Blum**

State v. Damien Brooks

Defendant Damien Brooks and an accomplice entered a Kohl's department store in Glendale and were observed shoplifting. They left the store with over \$600 in merchandise and were followed by loss prevention officers who attempted to stop them but then retreated when the Defendant brandished a knife and threatened them. The officers then saw the Defendant and his accomplice attempt to carjack a vehicle in the roadway, banging on the car window with a knife. The female driver was able to drive off. The Defendant and accomplice then crossed the street and approached a woman using a drive-through ATM, forcing her out of the vehicle and driving off.

The car was subsequently located using OnStar and followed by Phoenix Police and the Maricopa County Sheriff units before crashing and rolling. Damien Brooks was convicted at trial on multiple counts including aggravated assault, shoplifting and armed robbery. He was sentenced to a total of 27 years in prison. **Prosecutor: Noble Murphy**

State v. James Madsen

While on probation for an aggravated assault offense committed while he was in the Arizona Department of Juvenile Corrections, Defendant James Madsen was arrested on a warrant and found in possession of multiple weapons. He pled guilty to misconduct involving weapons and was placed on probation with gang terms. A month later, he and a fellow gang member were found in possession of a stolen truck. Three weeks after that, Madsen and two gang associates stole a truck which they then used to rob three pedestrians and knifepoint. After his arrest, a search of his home found multiple weapons as well as items stolen in the robberies. While in custody for the armed robberies, two stolen vehicles and two sets of probation violations, he assaulted three detention officers. His five criminal cases were combined and resolved with guilty pleas to multiple offenses. Taking into account the Defendant's repetitive violent offenses, the Court imposed the maximum allowable sentence of 18.25 years followed by five years of supervised probation. **Prosecutor: Jeremy Miller**

Deputy County Attorney **Noble Murphy** was honored with an award for instructing police officers from around the world on how to investigate an auto theft case at the International Association of Auto Theft Investigators conference.

FAMILY VIOLENCE BUREAU

The Family Violence Bureau was created in 1996 to prosecute cases involving domestic violence, child abuse and vulnerable adult abuse. It is the largest specialized crime bureau in the Maricopa County Attorney's Office. Prosecutors work with law enforcement agencies and follow a standard protocol for the investigation and prosecution of these offenses with the goal of reducing the amount and frequency of abuse in the community. The Family Violence Bureau has received numerous honors and recognitions for holding domestic violence offenders accountable, particularly in the area of domestic violence strangulation cases. The bureau is comprised of 18 attorneys, 8 paralegals and 8 support staff members. In 2015, Family Violence prosecutors reviewed nearly 4,000 submittals and filed 1,417 cases for prosecution. Dispositions for the year included 741 pleas, 22 guilty verdicts, 5 acquittals and 87 dismissals.

NOTEWORTHY CASES *Below are some examples of the types of crimes that occur within a family context that were successfully prosecuted in 2015 by attorneys in the Family Violence Bureau.*

State v. Amanda Gomez-Vidal

On August 13, 2014, the Defendant left her 9-month and 23-month-old sons in her vehicle while she went shopping for party supplies at Party City in Mesa. Another shopper saw the children sweating and crying in the car and called 9-1-1. The Defendant told police she went into the store for 5 minutes, but store video showed she was in the store for 22 minutes. A meteorologist testified that the temperature inside the car would have been over 120 degrees at the time the children were found. After rejecting an offer to resolve the case by pleading guilty to a lower level of offense and completing a term of probation, the Defendant was convicted of felony child abuse and sentenced to two years of supervised probation. **Prosecutor: Faith Klepper**

State v. Michael Guido

On March 26, 2013, the Defendant and his wife were living with the wife's grandmother, great grandmother, and cousin in a triplex apartment in Mesa. On this morning, the Defendant accompanied his wife, the victim, to the bathroom, which was his usual practice. The victim's grandmother heard water running inside the bathroom while the Defendant and his wife argued with each other for approximately two hours. The victim's grandmother repeatedly asked to be let into the bathroom, but she was not. At about 10:15 a.m. the victim's grandmother left to attend some meetings leaving the victim and Defendant alone inside the home. The grandmother returned at about 2:00 p.m. and found her granddaughter beaten, stabbed, and deceased in a bedroom. The Defendant told



the victim's grandmother that he found her in that condition. During the subsequent investigation, police found bloody clothing, sheets, and paper towels in the garbage can behind the apartment. They also found evidence of blood in multiple locations in the bathroom. The Defendant told police he suspected someone may have entered through the bathroom window because it was ajar. He said he did not call 9-1-1 because he thought she might just be drunk, and also because he wanted to figure out what was going on first. The Medical Examiner ruled the victim's death a homicide caused by asphyxia consistent with compression of the neck and/or torso. He also identified numerous blunt force and sharp force injuries all over her body that may have contributed to her death. This case involved significant medical testimony and evidence on how easy it is to strangle a person to death. The Defendant was found guilty of second degree murder and sentenced to an aggravated term of 22 years in prison. **Prosecutors: Ariel Serafin and Tarah White**

State v. David Walker

On October 11, 2012, the Defendant flew to Arizona to surprise his ex-wife and children. The Defendant previously lived in the home with them and it was disputed whether he was kicked out of the home or if he left for a few weeks to make some money and he was going to return living in the home. The Defendant arrived at the home late at night and entered to find his ex-wife sleeping in bed with her new boyfriend. The Defendant then used a baseball bat to strike the victim in the head, causing fatal injuries. The Defendant also attacked his ex-wife and forced her and their children into a car and had her drive him to the other side of town. After she dropped him off, the Defendant tried to hide the bat in a dumpster. He was arrested later that day. Following a month long trial he was convicted of second degree murder, kidnapping, tampering with evidence, disorderly conduct, and possession of marijuana. He was sentenced to a total of 22 years in prison. **Prosecutors: Jay Rademacher and John Schneider**

In 2015, the Strangulation Treatment and Offender Prosecution (STOP!) program was recognized with an American Government Award by the Harvard Kennedy School ASH Center for Democratic Governance and Innovation. Launched in 2011, the STOP! program is a protocol for a cooperative approach to investigating cases of domestic violence strangulation. Under the program, police and first responders transport domestic violence victims to hospitals and family advocacy centers where forensic nurse examiners conduct a specialized medical-forensic examination and collect advanced photographic documentation, DNA, and other physical evidence to substantiate allegations of strangulation. Since the implementation of this new investigatory approach and program, MCAO prosecutors have nearly quadrupled their filing rates on domestic violence cases involving allegations of strangulation. The vast majority of defendants in these cases have pled guilty and received sentences ranging from probation to up to seven years in prison.

On October 21, 2015, the attorneys involved with STOP! hosted a training for law enforcement officers, prosecutors, probation officers and the various child protection agencies. Over 150 people attended the full day of training.

SEX CRIMES BUREAU

Nationally recognized for its success in prosecuting sex offenders, the Sex Crimes Bureau handles cases involving sexual abuse of children and adults, child prostitution, child pornography and computer-related sex crimes. The Sex Crimes Bureau collaborates closely with specialized investigators in law enforcement agencies as well as medical professionals to work with victims of sexual abuse and hold offenders accountable. In 2014, as part of a larger geographic reorganization of the MCAO, Sex Crimes was divided into East and West Bureaus to more effectively deploy resources and improve operational efficiency.

SEX CRIMES EAST BUREAU

With 14 attorneys, five paralegals and 4 support staff members, the Sex Crimes East Bureau works with law enforcement agencies responsible for providing public safety in the eastern communities of Maricopa County, including the cities of Tempe, Chandler, Mesa and Gilbert. The Sex Crimes East Bureau filed 424 cases for prosecution in 2015, and secured guilty dispositions in 341 cases.

NOTEWORTHY CASES *These cases illustrate the range of investigatory and statutory tools that allow prosecutors to hold offenders accountable for a variety of sex crimes.*

State v. Kevin Francois

The Defendant broke into the apartment of a 19-year-old female college student and repeatedly raped her while holding a pillow over her face, shielding his identity from her. Seven years later, investigators were able to match DNA collected at the crime scene to the Defendant after he was arrested for a separate offense in California. After a ten day trial, it took the jury less than an hour to convict the Defendant on all counts. **Prosecutor: Ryan Powell**

State v. Kenneth Farr

The Defendant served as the head pastor at a local church in Phoenix and groomed a 16-year-old girl who attended the church for his eventual sexual exploitation. He was able to use his relationship with her family to arrange to be alone with the victim and engage in an escalating series of sex acts over time. In 2015, a jury found him guilty of having sexual contact with the victim on twelve different dates. He was sentenced to a flat term of 27.5 years in prison. **Prosecutor: Brad Miller**

State v. Paul Daniel Wagner

The Defendant responded to an ad on backpage.com from “Bridget,” an undercover officer posing as an 18-year-old prostitute. After negotiating \$60 for an hour of her time, Bridget told the Defendant she was actually 16. They renegotiated \$20 and a pack of cigarettes for sex acts. When the Defendant came to the hotel he was contacted by police and admitted he was aware of Bridget’s age and that he was planning to have sex in exchange for money. He was convicted of child prostitution. **Prosecutor: Rebecca Jones**

Ryan Powell, Brad Miller and Rebecca Jones were each named Division Attorney of the Month in 2015. Brad Miller received a Special Recognition Award for securing five major trial wins in a row.

SEX CRIMES WEST BUREAU

With responsibility for reviewing and prosecuting cases submitted from law enforcement agencies in the western region of Maricopa County, the Sex Crimes West Bureau is staffed with nine attorneys, six paralegals and three support staff members. In 2015, the bureau filed 369 cases for prosecution and disposed 333 cases.

NOTEWORTHY CASES

State v. Cudellious Love

In July 1989, a 27-year-old woman was found stabbed to death in her Phoenix apartment. Evidence at the scene indicated she had also been sexually assaulted. Despite an extensive investigation, potential leads failed to identify a suspect and the case went cold. Detectives with the Phoenix Police Cold Case Squad later reopened the case and investigators with the Maricopa County Attorney’s Office conducted a meticulous review of the case file. Several pieces of evidence from the 1989 investigation were reanalyzed with advanced techniques that were not available at the time of the murder. Additional investigation with critical assistance provided by experts from the Phoenix Crime Laboratory and the FBI’s Combined DNA Index System (CODIS) Administration ultimately led to the Defendant’s arrest and the filing of criminal charges. He was convicted of first degree murder, sexual assault



and burglary after an eight-day trial and sentenced to a term of life in prison with no possibility of release for 25 years. **Prosecutors: Elizabeth Reamer and Bob Shutts**

State v. Arlie Tubbs

A chance discovery of evidence from a 1980 sex-related homicide led to the charging and conviction of the Defendant for murdering a 57-year-old woman. Her body was found in a trailer she was living in on her property while her home was being renovated by the Defendant and other workers. Although the Defendant's fingerprint was found on the trailer and he was questioned at the time of the murder, prosecutors determined there was not enough evidence to bring charges against him. Thirty-three years later, a Phoenix detective came across evidence from the crime scene during a property recataloguing project. The evidence was analyzed and Defendant's DNA was found on it, linking him to the crime. Yet in the intervening years since the murder, the original crime scene investigator, medical examiner, and fingerprint technician had passed away, presenting a major challenge for the State in proving the authenticity of the evidence. The State had to overcome additional challenges to the DNA evidence that was presented. Ultimately, the Defendant was convicted and sentenced to a 25-years-to-life sentence in prison. His DNA sample was later matched to an unsolved violent sexual assault that occurred in 2008, and he was subsequently charged with that crime as well. **Prosecutor: Jennifer Carper**

State v. David Crum

The Defendant, a 17-year-old male, sexually assaulted a female caregiver at a group home for children with behavior problems. The Defendant lied to police throughout the investigation, ultimately claiming that he blacked out during the assault and did not know what happened. At trial, he testified that the actions were all consensual. The case was further complicated by the inability of investigators to locate other objects involved in the assault. Despite these challenges, the Defendant was found guilty of sexual assault, sexual abuse, kidnapping and assault. He was sentenced to ten years in prison without the possibility of parole followed by lifetime probation with the requirement to register as a sex offender, undergo mental health treatment and abide by terms that restrict computer usage and other activities applicable to sex offenders. **Prosecutors: Michael Minicozzi and Joe Hinrichsen**

Jennifer Carper and **Elizabeth Reamer** were recognized for their work on the trials listed above. Paralegal **Brett Reynolds** was recognized as the Division Paralegal of the Year for his efforts on these and scores of other cases. **Jerry Fenton** was named Special Victims Division attorney of the month in honor of his 45 years of practicing law which include numerous Failure to Register cases and his mentorship of younger attorneys.

JUVENILE DIVISION



The Juvenile Division is responsible for the prosecution of delinquent and incorrigible children between ages eight and eighteen. “Delinquent acts” are misdemeanor or felony offenses and “incorrigible” acts are status offenses such as truancy or curfew violations.

Unlike most adult criminal cases, which are heard by a jury, juvenile cases are adjudicated by a judge with the ultimate goal of rehabilitating a youthful offender in a manner that also ensures public safety. There is no mandatory sentencing for juvenile crimes. Many first time offenders may be eligible for pre-filing diversion programs, which may include consequences such as community service, letters of apology, or behavioral and cognitive classes.

Between 80-90 percent of juveniles sent to diversion successfully complete these programs and do not return to the system as juveniles.

Serious or repeat offenses can result in sentencing to the Arizona Department of Juvenile Corrections until the juvenile turns 18. Prosecutors also have the discretion to file certain serious and violent offenses directly into adult court on juveniles over the age of fourteen. In 2015, there were 240 cases juvenile matters direct filed into adult court.

The Juvenile Division processed 150 citations, 150 direct complaints and 1,000 petitions.

The Juvenile Division also answers more than 3,000 telephone calls through their switchboard and files 800 warrants annually.

NOTEWORTHY CASES *These cases illustrate the range of serious juvenile offenses that are typically filed in the adult court system.*

In re: Herrera

This juvenile had been referred to the MCAO seven different times for different offenses. Shortly after turning 18, she took a relative’s car without permission and law enforcement was contacted. Police soon located the vehicle and attempted to get the suspect to pull over. She tried to get away from officers and as a result was in a car accident injuring six other people, including a 7-year-old victim. The suspect then ran from the scene, but was apprehended nearby. At the time of the offense, this juvenile was on probation and as a result of her many previous referrals, this matter was filed in adult court and she was charged with aggravated assault, leaving the scene of an accident, theft of means of transportation, unlawful flight from law enforcement officers and endangerment. Herrera pled guilty to reduced charges and was sentenced to a three-year term in the Department of Corrections followed by four years of supervised probation. **Prosecutor: Elise Herman**

In re: Lopez and Garcia

Officers responded to a call of shots fired that related to an armed robbery. The first armed robbery occurred when the first juvenile pointed a handgun at a minor victim and demanded his phone. The suspects committed



this same style of robbery two more times. These juveniles had a total of six previous referrals between them and were charged in the adult system with four counts of armed robbery, four counts of aggravated robbery, four counts of aggravated assault and possession of marijuana. This case is currently pending trial. **Prosecutor: Elise Herman**

In re: Daysheana

The Juvenile in this case was the victim of a gang rape when she was 14. One of her assailants later threatened her with a firearm, choked her for "disrespect," and forced her into prostitution. Daysheana became pregnant from these crimes, and today she has a three-year-old son who lives in a foster home. Daysheana's father is a nine-time felon whose crimes include sexual contact with a minor, and her mother has a history of substance abuse.

Daysheana was arrested for prostitution in 2014. Initially charged with prostitution, the Court released her but she was arrested again for prostitution three months later. Prosecutors attempted to resolve her case with a post-filing dismissal agreement which required her to complete counseling at a detention alternative program. Ultimately, she did not complete that agreement because she ran from that program. The State then offered an amended plea to criminal trespass in the 3rd degree (c3m) and she was placed on probation.

Daysheana violated her probation by running from her next placement at StreetLightUSA. She was then sent to Youth Development Institute ("YDI"), where she violated her probation a second time by failing to complete her treatment there. While at YDI, she recruited others to engage in prostitution and attempted to commit suicide. She later fled to California with a new pimp, where she was again arrested for prostitution after advertising herself on "Backpage." She was placed on probation for prostitution in California and returned to Arizona on an interstate compact.

Ultimately, she was placed back on probation and ordered to live at Mingus Mountain, where she is currently participating in many types of counseling and going to school. She is working with a therapist to address the years of sexual abuse that she has suffered, and will be discharged from the program when she turns 18 in May 2016. **Prosecutor: Rachel Phipps-Yonas**

VICTIM SERVICES DIVISION



Our Victim Services Division has 60 advocates and more than 20 support staff who served more than 48,000 victims in nearly 22,000 cases across Maricopa County in 2015. Our nine specialized bureaus include Child Advocacy, Economic Crimes, two Juvenile Crimes bureaus, two Major Crimes bureaus, Victim Information, Compensation and Support. We have advocates who work as part of our K9 Victim Support program, provide home visits to child victims of crime and assist victims who have suffered significant financial losses, in addition to physical injuries – among many other areas. In addition, our Victim Services Division includes advocates versed in multiple languages, provides assistance for the disabled and has advocates and staff who drive our office's participation in National Crime Victims Week and many community and charitable events including speaking opportunities across the County.

A typical day for an MCAO victim advocate includes accompanying victims, witnesses and families of victims to court, educating them about the criminal justice process and assisting these same people in identifying counseling and financial options as well as community resources to help them. Other advocates may travel to Childhelp to provide advocacy services or meetings with the Attorney General's Office or the Department of Child Safety to provide assistance and expertise on community issues. Advocates volunteer regularly at food drives, holiday toy collections, charities supporting veterans families and many more community associations and organizations.

The Victim Services Division works with grant writers in the office to secure funds needed to help us address the most critical needs of victims in the criminal justice system. Members of the Victim Services Division are members of support groups and task forces that help guide the process by which victims are served in Maricopa County. They work at community events and experts provide presentations on victims' rights, K9s in the courtroom and crime prevention.

JUVENILE EAST AND WEST BUREAUS

The 12 advocates in the two Juvenile Crimes bureaus work to ensure victims' rights are being upheld throughout the juvenile court process. In addition to working on victim issues, these advocates provide the appropriate referrals to address their needs. The Juvenile Crimes Bureaus processed an average of 313 new cases each month last year and advocates spent an average of 43 hours per month attending court and providing emotional support, ensuring victim rights compliance and answering victims' questions. Advocates attended more than 30 victim-related trainings and webinars over the last year and provided Juvenile Crimes presentations to stakeholders of the juvenile justice system.



CHILD ADVOCACY BUREAU

The NACo award-winning Child Advocacy Bureau (CAB) was created in 2012. This bureau provides specialized and high-intensity services to victims of egregious child crimes and their families and is the first such prosecutor's office in the country to provide a home visit program to child victims of crime – often within 24 to 48 hours. The seven advocates in CAB ensure that the rights of our youngest and most vulnerable victims are protected and their voices are heard throughout the criminal justice process, including depositions, trial and sentencing. The CAB assisted with 638 hearings and trials last year and completed more than 200 office visits and trial preparation meetings. The average caseload for these advocates is 11.

NOTEWORTHY CASES

State v. Lonnie Kohler

The Defendant, the victim's biological father, sexually abused the victim for many years. She eventually ran away and reported the crime, fearing her father would eventually impregnate or kill her. The advocate worked closely with the victim and the victim's therapist. The victim indicated she wished for the case to go to trial and not plead, which it did. After home visits and trial preparation, she testified and the Defendant was found guilty and sentenced to 100 years in the Arizona Department of Corrections. The advocate provided support throughout each stage of the case, including when the victim was emotionally struggling and when the Defendant's family was claiming she was recanting. **Advocate: Edith Donno**

MAJOR CRIMES I AND II BUREAUS

The 19 advocates that work in these two major crimes bureaus provide assistance to victims of violent crimes including harassment, molestation, sex abuse, vehicular crimes and homicide. The Major Crimes bureaus received nearly 2,500 new cases with more than 4,220 total victims in 2015.

NOTEWORTHY CASES

State v. Jodi Arias

This homicide included a lengthy retrial of the sentencing phase after the original jury failed to reach a unanimous decision on the imposition of death. The advocates attended each day of the retrial with next of kin not only to provide support but to ensure their rights were protected. The media and members of the public had a heavy presence in the courtroom and the advocates were on hand to ensure that next of kin were not approached in an improper manner. Ultimately the second jury was unable to reach a unanimous decision and the Judge imposed a natural life sentence. **Advocates: Nicole Wendorf and Richard Stein**

State v. Anthony Gehon

The Defendant was charged with several counts related to prostitution and sexual conduct with a minor. The trial lasted several months and victims testified at various stages. The advocate provided support and reassurance to the victims and provided several victims with housing and counseling referrals. **Advocate: Jamie Kessler**

CRIMINAL TRIALS BUREAU

The six advocates in the Criminal Trials Bureau assist victims and families involved in cases including robberies, aggravated assaults, and cases where officers are the victims. The Bureau received 1,251 cases last year that included more than 2,300 victims. These advocates spent more than 1,200 total hours in court, averaging more than 100 hours per month, per advocate.

NOTEWORTHY CASES

State v. Torres

This Defendant was sentenced to 25 years in the Arizona Department of Corrections after pleading guilty to all charges for shooting the victim, Officer Daley. This shooting took place a few months after the Officer returned to work from medical leave. Although the Defendant got away, he was eventually identified thanks to a DNA sample obtained from a piece of his ripped shirt. Officer Daley was active in the case and attended court on multiple occasions. At the hearing, Officer Daley explained to the judge the significant impact the shooting had on him and his wife. **Advocate: Erin Purce**

ECONOMIC CRIMES BUREAU

The Economic Crimes Bureau was created in 2014 and assists victims who have suffered a major financial loss and often times no physical injuries. The six advocates work with individual and business victims, handling different kinds of economic loss, including identity theft, burglary, fraud, shoplifting and animal cruelty. In 2015, there was a total of \$2,653,390 ordered in restitution related to cases in the Economic Crimes Bureau. In addition these advocates closed more than 200 cases at the same time they were processing more than 300 new cases. Caseloads in the Economic Crimes Bureau averaged 400 cases per advocate.

NOTEWORTHY CASES

State v. Encinas

This Defendant was charged with and pled guilty to Contracting Without a License. The Defendant was then ordered to pay \$34,106.93 in restitution to the victims. The Defendant filed an appeal which was dismissed.

Advocate: Colleen Hendricks

VICTIM INFORMATION & RESOURCE BUREAU

This bureau includes a combination of 13 advocates and restitution specialists who perform day-to-day advocacy for victims in Intake and the Regional Courts. The addition of restitution specialists improved the advocates' work with victims and helped uphold the victim's right to restitution. This Bureau also includes the MCAO K-9 Victim Support Program which is now home to three dogs and their handlers.

Sam, Tori and Elle are our four-legged advocates, who are specially trained service dogs. The dogs work with victims to provide them with comfort and support during the often stressful criminal justice process. Officially launched in 2012, the MCAO K9 Program is sponsored by Phoenix-based PetSmart, which donates food to pay for food and supplies. Last year more than 240 K9-related requests were received at the office.

VICTIM COMPENSATION BUREAU

The eight advocates in the Victim Compensation Bureau help crime victims and their families deal with the impact of crime by providing compensation to pay some of the expenses that are a direct result of the crimes they have suffered. These can include medical care, mental health counseling and lost wages. They also assist with funeral expenses. Last year this Bureau was able to provide more than \$1,200,000 to victims in need.

OPERATIONS DIVISION



TRAINING BUREAU

From jury selection to organizing a complex case, the MCAO Training Bureau provides a wealth of educational resources on a wide range of topics for prosecutors, paralegals and support staff. In 2015, the Training Bureau presented roughly 70 different courses and offered more than 30 courses online for employees to access at their convenience. On average, MCAO attorneys attended more than twice as many MCAO sponsored classes in 2015 than they did in 2014.

The Training Bureau also offers New Employee Orientation sessions once a month, a weekly Legal Support Training Track as well as regular training on Support Staff Essentials and Paralegal Essentials. The Bureau is staffed with two attorneys including a Bureau Chief, a paralegal and a Legal Support Training Manager.

	2014	2015
	12 month average	12 month average
All attorneys	2.28 classes	4.69 classes

COMMUNITY OUTREACH

The MCAO Community Affairs team had a busy year. Three community affairs coordinators, one supervisor and a long list of MCAO employee volunteers worked together in 2015 to handle hundreds of community events, speaking engagements and safety presentations, reaching more than 40,000 residents.

MCAO staff presented the Red Ribbon drug prevention program at 67 classes for 7,452 students.

Safe Kids Summer hosted 35 events for 2,978 kids.

Friday Night Football Patrol collected 6,491 drug and alcohol free pledges from teens. Since the program began in 2011, more than 20,000 teens have signed the pledge.

Shred-A-Thons continue to be successful. We hosted five shred-a-thons and four prescriptions drug take-backs, collecting nearly 200 tons of shredded documents and more than 100 pounds of prescription drugs.

Charitable campaigns are an important part of employee service. MCAO employees contributed more than \$13,000 through casual day sticker sales to donate to the Arizona Special Olympics; to the 100 Club, which provides financial assistance to families of public safety officers hurt or killed in the line of duty; and to MANA



House, for services delivered to homeless women veterans.

The Speakers Bureau continues to book several speaking engagements and presentations to schools, HOAs, community and civic groups – and volunteer experts from all parts of the office participate. In 2015, we accepted invitations to more than 200 of these presentation opportunities serving more than 7,000 people.

Finally, the office answered the call to participate in 63 community events around the County. These included safety days and domestic violence education, back-to-school round-ups and senior forums. More than 100 MCAO employee volunteers staffed booths at these community events and educated citizens on criminal justice, situational awareness, safety at home and on the Internet.



APPEALS BUREAU

The Appeals Bureau is comprised of 12 attorneys, 2 paralegals and 4 support staff members tasked with handling all appellate matters on behalf of the State in cases originating in Maricopa County. The Bureau also oversees the Extraditions Unit, which is responsible for ensuring that defendants who have left Arizona are returned to the jurisdiction to face justice. In 2015, the Appeals Bureau filed 13 State's Appeals, 122 Special Actions and 235 Responses to Petitions for Post-Conviction Relief.

Most Frequently Addressed Issues

1. Post-Conviction Relief: Ineffective assistance of counsel during plea negotiations.
2. State's Appeals: Suppression of evidence; dismissals with prejudice.
3. Special Actions filed by the State: Erroneous pre-trial evidentiary rulings.

NOTEWORTHY CASES

State v. Robert Fisher (State's Appeal)

After a jury convicted the Defendant of second degree murder, the trial judge, acting as "13th juror," disregarded the verdict and ordered a new trial. The Court of Appeals reversed that order, reinstated the guilty verdict, and remanded for resentencing. **Prosecutor: Susan Luder**

State v. Hon. Padilla/Simcox

The trial judge permitted the Defendant, who is charged with various sex crimes and is representing himself, to personally cross examine 8- and 9-year old victims. The State filed Special Action challenging the judge's order denying "special accommodation" for minor victims. The Court of Appeals affirmed trial court's order and the



Arizona Supreme Court denied the State's and victims' petition for Review but left room for the State to appeal on a different evidentiary standard. The matter is currently pending in the Court of Appeals. **Prosecutor: Amanda Parker**

State v. Adair (State's Appeal)

A trial court agreed to suppress evidence of drug sales seized during a warrantless search of the residence of a Defendant who was on probation. The Court of Appeals reversed the ruling after finding that reasonable suspicion is not required for a probation officer's search of a probationer's residence. Instead, reasonableness under the totality of the circumstances satisfies the Fourth Amendment when analyzing a probation officer's warrantless search of a probationer's home pursuant to a probation condition. **Prosecutor: Lisa Martin**

Susan Luder received a Lifetime Achievement Award from the Arizona Prosecuting Attorneys Advisory Council.

2015 Extraditions

Foreign Extraditions	12
Governor's Warrants	60
Executive Agreements	35
Interstate Agreements on Detainers	42
Orders to Secure Witnesses	58
Orders to Secure Attendance	838
Writ of Habeas Corpus Ad Prosequendum	96
Unlawful Flight Against Prosecution	15

NOTEWORTHY EXTRADITION CASES

State v. Max Quijada

The Defendant got into an argument with his girlfriend at her house and she refused to leave with him. He then dragged her out the door and shot and killed her. He fled to Mexico. The police searched his house and found weapons as well as a large amount of marijuana indicating he was a low level drug dealer.

State v. Ivan Rodriguez

The Defendant got angry with his girlfriend because she went out for the evening with her daughter. When the victim arrived home, the Defendant poured gasoline on her and set her on fire with a blow torch. The victim lived but suffered massive second degree burns all over her body. The Defendant fled to Mexico. All of the documentation in this case has been processed by Office of International Affairs at the Department of Justice in Washington, D.C. and the Defendant is currently pending arrest in Mexico.

State v. Jose Juan Ortiz

The Defendant met the victim when the victim was working at Aeropostle at Fashion Square Mall in Scottsdale. The Defendant went home with the victim to discuss selling marijuana for extra cash. At the victim's apartment, the Defendant stabbed him and robbed him of money. Before he died, the victim was able to describe who killed him and told law enforcement his money was stolen. The Defendant left bloody foot prints and a bloody sweatshirt at the apartment complex and threw the knife into a neighboring yard. Through piecemeal evidence, Tempe PD was able to identify the Defendant as Jose Ortiz. A DNA sample provided by the Defendant in a previous arrest in Scottsdale was subsequently processed and linked him to the bloody sweatshirt. The Defendant fled to Mexico where he began to commit petty crimes and was ultimately arrested and convicted. He is currently sitting in a Mexican prison for another 8 years and will be extradited to face trial in Arizona after he completes his sentence.

CIVIL DIVISION



The Civil Services Division of the Maricopa County Attorney's Office serves as the lawyer for County government. In addition to providing legal representation and advice to elected officials and County agencies, the Civil Services Division handles tax appeals by County taxpayers, environmental enforcement cases, certain public records requests and defends legal actions, lawsuits and claims brought against the County.

The Civil Services Division has a staff of more than 80 attorneys, paralegals and support staff and is organized into five practice groups: Land Use and Transactional Practice Group, Government Advice, Litigation, Human Resources and Tax Practice. Essentially the Civil Services Division is a law firm within a government structure – but isn't a separate government entity.

LAND USE AND TRANSACTIONAL PRACTICE GROUP

This practice group is responsible for advice and representation to many of the departments of County government that are involved in the development of the county's physical infrastructure, such as the Departments of Air Quality, Environmental Services, Housing Authority, Planning and Development, Public Works, Real Estate, and Solid Waste Management. This Group also represents several boards, committees and commissions including the Board of Adjustment, Facilities Review Committee, Parks and Recreation Commission and MCDOT Development Services.

NOTEWORTHY MATTERS *The following examples illustrate how this practice group works with the public to resolve conflicts and bring parties into compliance.*

Glazer v. State

In 2015 the Arizona Supreme Court handed down its decision in the matter of *Glazer v. State*, a case involving a road design which allegedly became outdated due to age and vastly increased traffic counts, contributing to a multiple fatality accident on I-10. Although the State at trial, and again in the appeal to the Arizona Court of Appeals, raised the affirmative defense set forth in ARS 12-820.03, both the trial court and Court of Appeals ruled that the defense was not available, even though the parties had stipulated that the alleged road defect was a design issue. All Arizona Counties were asked by the State to join as amici, and the Arizona small counties insurance pool retained counsel to coordinate the combined efforts. Although the jury verdict was upheld and the damages award against the State was upheld, the Supreme Court reversed on the design affirmative defense, preserving a critical haven from liability for not second-guessing and retrofitting roads in anticipation of claims based on alleged defects due to failure to upgrade a road.



Eminent Domain matters

The attorneys who practice in the area of eminent domain filed 29 condemnation cases on behalf of the Maricopa County Department of Transportation and Flood Control District. These cases were filed to acquire property for necessary infrastructure projects and to improve, pave and widen roads or to prevent and control flooding in the greater Maricopa County area. The County obtained physical possession of the property needed for these cases by obtaining Orders for Immediate Possession and recorded a lis pendens' for each individual case. The cases included eight condemnation matters filed pursuant to intergovernmental agreements on behalf of the City of Phoenix to widen and improve Broadway Road.

Health Code Violations, Wah Sun Restaurant

During a routine inspection, a restaurant owner became irate that violations of the Health Code were being noted and she began yelling at the inspector and chased her, swinging a large knife. The owner then threw her computer and other belongings onto the sidewalk after her. The inspector was so concerned that she called the police to report the incident. In the meantime, due to the violations and the lack of improvement, the department revoked the restaurant's permit to operate. The revocation was appealed and after a hearing, the hearing officer decision was to uphold the department's revocation decision.

Health Code Violations, Bedbugs

A public accommodation residence continued to fail to maintain clean bed sheets as required under the Health Code. Their attorney also wanted to attend inspections, so the department agreed that he could be notified once they arrived at the premises. Since the permittee began to bring the bed sheet violation into compliance, the parties entered into a settlement. During a later inspection, evidence of bedbugs was found. The department worked with the permittee to successfully bring the premises into compliance.

Comments on Draft Storm Water Permit

During 2014- 2015, in its process of preparing to issue a draft storm water (NPDES/AZPDES) permit, Arizona Department of Environmental Quality (ADEQ) allowed parties to submit comments during an informal comment period. During this period Maricopa County reviewed and discussed the preliminary draft permit with a group of affected parties, including counties and towns, and some decided to submit comments to ADEQ as a group. In February 2015, Maricopa County submitted comments directly regarding the language of the proposed draft permit and 10 of the affected parties signed on in agreement with these comments. Afterwards MCAO continued to communicate with attorneys for Fountain Hills, Buckeye, Pinal County and Queen Creek, to share information and prepare to respond to the draft permit. In order to have the ability to challenge ADEQ's plan to implement a new general storm water permit and to enhance cooperation between the parties to further this effort, the parties agreed to make a common-interest agreement allowing us to share certain privileged information without causing a waiver of the privileges. The parties agreed that 1) we intend to share information that will advance our common legal interest, 2) this information will be kept absolutely confidential by all parties, 3) this information is shared without the waiver of any privileges (including attorney-client) held by any party.

In July 2015, ADEQ published a draft MS4 General Permit, and the attorneys collaborated on comments to submit to ADEQ. In order to avoid waiver of privileges, including attorney-client privilege, when sharing confidential information, it was suggested that we enter into a written Common Interest Agreement. In July 2015, the Board approved Maricopa County entering into a Common Interest Agreement.

Food Handler Legislation, House Bill 2436

Rep. Thomas Shope sent a letter to the Land Use Group regarding the interpretation of HB 2436. Rep. Shope was the primary sponsor of HB 2436, which became effective on July 24, 2014. This bill became Arizona Revised Statute § 11-269.12 and concerns food handler training and certificates. Rep. Shope indicated his primary reason for sponsoring the bill was "to make food handler training courses more readily available to restaurants and workers and to allow more choices of courses throughout Arizona." Prior to ARS §11-269.12, the Environmental Services Director had the primary responsibility of approving the training entities. In 2012, they elected to contract with one vendor to provide food training courses. After a competitive solicitation was issued and proposals evaluated, StateFoodSafety (SFS) was awarded the contract. Environmental Services proposed revisions to the Environmental Health Code in order to comply with the new statute. During the Enhanced Regulatory Outreach Program (EROP) process both ES and the Office of Procurement Services (OPS) received letters from a law firm representing SFS indicating that the Health Code revisions would result in a breach of the contract with SFS. OPS responded that they viewed the contract as a requirements contract and that the change in the Health Code did not impact the contract. Throughout the EROP process, SFS expressed opposition to the Health Code revision. The BOS approved the revision on April 8, 2015.

On June 9, 2015, counsel for SFS submitted a letter to OPS claiming that the change in the Health Code had financially impacted their client and that they were seeking damages of \$720,000.00 plus attorney fees. MCAO worked with ES on implementing the statutory change in regard to SFS's contract while attempting to minimize the impact.

Spur Cross/Sedona Springs

When the State of Arizona, Maricopa County and the Town of Cave Creek acquired the Spur Cross Ranch Conservation Area (SCRCA) in 2001, the surface water rights of the ranch were included in the transfer of title. However, no record was made of the transaction with the Arizona Department of Water Resources (ADWR) and the County found that this record is required to assert its rights when it suspected a third party was illegally bottling its water. To correct this situation, the County worked with ADWR in preparing and submitting an application to give the County full Certificate of Water Rights. ADWR rejected the County's initial application and asked the County for more information on the chain of title. The County is in the process of researching and preparing this information in order to resubmit its application to ADWR.

GOVERNMENT ADVICE PRACTICE GROUP

This practice group provides legal advice and representation to County officers, including the Board of Supervisors, Clerk of the Board of Supervisors, Sheriff, Recorder, Treasurer, School Superintendent, and the County Attorney. This Group also provides legal advice to many departments in County government that report to the County Manager, including the Office of Management and Budget, Justice Courts, Public Health, Public Fiduciary, Medical Examiner, Animal Care and Control, Materials Management, and Facilities Management and other social and human services functions on matters ranging from public records requests, open meeting laws, intergovernmental agreements, procurement law, and general duties and authority of the Departments.

NOTEWORTHY MATTERS *Below are several examples of the issues addressed by The Government Advice Practice Group on behalf of its agency clients.*

ABC Sand and Rock Co. v. County of Maricopa

This case has been ongoing for almost five years and had already been through lengthy proceedings, including an administrative appeal, judicial review, court of appeals opinion and a separate lawsuit filed in state court which was removed to district court. The County prevailed in the district court on a motion to dismiss, which was appealed to the 9th Circuit. Civil attorney Anne Longo argued at the 9th Circuit and the Court ruled in our favor, upholding the district court's dismissal of ABC's federal claims, and remanding the state law claims (which were added late in the process) to state court.

Johnson v. Covey

This matter began when a Gilbert resident applied to enjoin the printing and distribution of a statutorily-required informational pamphlet regarding a school district bond issue and budget override resolution being put before voters in the Gilbert Unified School District. Maricopa County Superintendent of Schools and the County Recorder were represented by Civil attorneys Colleen Connor and Steve Goodrich in two weeks of accelerated, election-related litigation. Following an evidentiary hearing, the Superior Court dismissed the plaintiff's application; the plaintiff then sought review by the Arizona Supreme Court. After an accelerated briefing schedule, the Supreme Court affirmed the dismissal of the plaintiff's application.

Intergovernmental Agreement signed

Civil Attorney Steve Goodrich represented Maricopa County in the negotiation, drafting, and Board of Supervisors approval of (i) an amendment to an intergovernmental agreement between Maricopa County and the Maricopa County Special Health Care District (MIHS), setting forth the terms for refinancing and payment by MIHS of a debt of over \$16 million; and (ii) an intergovernmental agreement between Maricopa County and MIHS setting out each party's responsibilities regarding court-ordered mental health evaluations by MIHS of persons in custody of the Maricopa County Sheriff's Office.

State of Arizona v. Wade Bradford

Pro Per Defendant Bradford was accused of killing his girlfriend Eleanor Su and storing her body in a biohazard container which was discovered in an advanced stage of decomposition in 2011. Representative tissue samples were taken at the autopsy and placed in a container with formalin, a preservative. The Defendant filed a



subpoena compelling the medical examiner to allow the defense expert to empty the tissue sample jar created at the time of autopsy and allow the expert the use of the Medical Examiner's lab and facilities to prepare additional histological slides from the tissue samples. Civil Attorney Michelle Wood filed a motion to quash pursuant to Rule 45 and successfully argued that the Office of the Medical Examiner should not be compelled to create and produced evidence it might then be compelled to disclose or be forced to open its facilities and laboratories for the use of defense counsel and his expert. The Civil Services Division was successful in limiting the defense to viewing the tissue sample jar to confirm that the state of the decomposed sludge.

LITIGATION PRACTICE GROUP

This practice group handles claims and lawsuits by and against the County, its agencies, officials and employees acting in the course and scope of their duties and employment. The Litigation Group also coordinates Public Records Requests having to do with lawsuits against the County.

NOTEWORTHY MATTERS

Hill v. Bustamante

This matter was heard before a jury in the Arizona District Court. The Plaintiff claimed that the Defendants (represented by MCAO) used excessive force during the transport of the inmate within the jail. The jury returned a defense verdict after deliberating for only 30 minutes.

Morrison v. Arpaio

This case involved allegations that the MCSO Special Victims Unit had failed to timely investigate the case of a mentally impaired teenage girl who had been sexually assaulted by her uncle. While the Plaintiff alleged that she became impregnated by her uncle, MCAO established that the Plaintiff had accused several other relatives and a classmate of impregnating her and she had not claimed that her uncle impregnated her until after she filed her \$30 million notice of claim. MCAO established significant liability of non-parties-at-fault given that Child Protective Services had repeatedly investigated the Plaintiff's family for failing to protect Plaintiff and her sisters from a neighbor who had been sexually assaulting the girls. CPS substantiated more than one allegation of the family's failure to protect their daughters against sexual abuse. The defense's presentation of evidence significantly reduced value of the Plaintiff's case and enabled the case to be resolved.

In re: Matter of HAMC

MCAO successfully defended a matter brought by the Hells Angel Motorcycle Gang which was attempting to obtain the cuts, belt and buckle of a former member of the gang. The former member had agreed to give these items up in his criminal case. However, the HAMC alleged that they were the true owners of these items pursuant to a contract with their former member. Judge Hannah, after holding a probable cause hearing, found that there was probable cause to proceed with a forfeiture matter as to these items. Ultimately, the HAMC agreed to forfeit any claim to the items rather than exposing themselves to discovery in the forfeiture proceeding.

Moses v. Maricopa County

The Plaintiff claimed that she suffered a post-arrest miscarriage as the result of inadequate prenatal care in the jail. She also claimed that she suffered ongoing emotional distress because she had not been offered adequate mental health support following the miscarriage. The evidence established that Plaintiff's miscarriage was unrelated to the health care she received in jail and that Plaintiff had been offered but declined mental health counseling after the miscarriage. Plaintiff's expert conceded that the County had met the standard of care in its dealings with the Plaintiff. Plaintiff had an extensive substance abuse and mental health history for which she had never previously sought counseling; the County's mental health expert testified that Plaintiff's only chance to lead an emotionally healthy life would require her to stop using methamphetamine. The jury returned a defense verdict after deliberating for 20 minutes.

Lawrence Daley

Mr. Daley was killed when he was electrocuted while working on the RTU-2 HVAC unit ("RTU-2") on top of the roof of the Maricopa County Elections building located at 510 South Third Avenue. Mr. Daley touched the Tutco heater that was installed in the RTU-2. At the time of the accident, Mr. Daley was performing work pursuant to the Energy Savings Project, which involved auditing all of the County's HVAC units. The time and effort to litigate this case was extensive, requiring several days of depositions. On September 15, 2015, a second mediation was conducted. The County, along with Co-Defendants Ameresco and Siemens, settled with Plaintiffs for approximately \$1.5 million. The County's contribution amounted to only \$143,000 out of the \$1.5 million.

HUMAN RESOURCES PRACTICE GROUP

This practice advises the County on human resource issues and legal matters involving County employees. In 2015, the Human Resources Practice Group worked hard to improve the County Benefits Department. The Maricopa County Employee Benefits Declaration of Trust document was revised in order to improve administration and oversight of the Benefits Trust Fund, which provides for the self-insurance and group insurance benefit programs offered to Maricopa County employees and their dependents. In addition, the Human Resources Practice group conducted an important survey of multiple trust agreements of other political subdivisions of the State to assess the best options for the County.

TAX PRACTICE GROUP

This practice group represents the County on property tax appeals and provides counsel to the County Assessor and Treasurer in interpreting tax statutes, defending property tax values and collecting levied taxes. The Tax Practice Group filed successful dispositive motions in a number of property tax appeal cases resulting in dismissals of those cases with no loss of tax revenues to the County, the school districts, or to the special districts that depend on those funds.

In 2015, the Property Tax Group:

- Collected \$1,537,515.07 on bond forfeitures.
- Filed \$1,834,608.06 in bankruptcy claims.

NOTEWORTHY MATTERS *Below is a representative sample of tax appeal cases handled by the Tax Practice Group in 2015.*

Grand Canyon Education, Inc. v. Maricopa County

Civil attorney Lou Comus, in conjunction with the Assessor's Office, successfully defended this administrative tax appeal before the State Board of Equalization against claims by Grand Canyon University's (GCU) for-profit parent corporation that Assessor errors in classification and valuation of GCU's Phoenix campus should result in seven-figure tax reductions. Grand Canyon Education argued that the Maricopa County Assessor improperly revalued the for-profit's campus as a whole after construction of new buildings. Grand Canyon contended that the Assessor was required to use the previous year's value, with only minor modifications of the values of certain buildings directly affected by the construction program. The County's defense was complicated by conceded irregularities in the method by which the property's value had been brought up to date. In a November 2015 hearing the State Board unanimously accepted the County's position, rejecting Grand Canyon's arguments and preventing the loss of approximately one million dollars in tax revenue.

HUB Properties Trust v. Maricopa County

The Court of Appeals decided whether real property that is privately owned at the time property taxes are levied may lawfully be taxed for the entire tax year when the property was government-owned, and therefore exempt from property taxes, during the valuation year and the first two months of the tax year. The Court ruled in favor of Maricopa County that the property taxes levied in August, 2011, on the real property known as the Arizona Center while owned by HUB Properties Trust were legally levied, assessed and collected from HUB for the 2011 tax year. The Court held that the tax exemption that applied while the property was owned by the City of Phoenix was lifted as a matter of law upon transfer of the property from governmental to private ownership. HUB Properties filed a Petition for Review to the Arizona Supreme Court on August 27, 2015, and the County opposed the Petition in its Response to Petition for Review on September 29, 2015.

Sonoran Peaks, LLC v. Maricopa County

Taxpayers filed complaints in Tax Court challenging the valuations of their real property for the 2012 and 2013 tax years. The parties eventually reached a conditional settlement. The Board of Supervisors approved the settlements and the County notified taxpayers of the Board's approval and requested that taxpayers prepare proposed forms of judgment. It was determined that taxpayers had failed to timely pay their 2012 taxes and they had become delinquent. Taxpayers moved to enforce the settlement agreements. The Tax Court denied those motions, concluding that there was no dispute that taxpayers did not pay their 2012 taxes in a timely manner and



that this was not in compliance with the terms of the settlement agreements or with the statutory requirement of timely payment. Taxpayers then appealed from the orders dismissing their claims for tax year 2012. The Court of Appeals affirmed, holding that even though a settlement had been reached, taxpayers were still required to timely pay their taxes as required by law, and their failure to do so subjected their appeals to dismissal. The Court of Appeals also held that the Tax Court's jurisdiction over an appeal does not end when parties settle, but rather, when judgment is entered, which had not occurred at the time the delinquent payment issue arose. The appellate court's decision is a published opinion and provides valuable precedent, favorable to the County, that taxpayers are not relieved of their obligation to timely pay their taxes simply because they have settled their tax appeal, and also that settlements, even when approved by the Board, may be nullified and a case dismissed, where taxpayers do not timely pay their taxes.

INVESTIGATIONS DIVISION



The Investigations Division is comprised of 54 sworn and 15 civilian employees who provide a broad range of services to support the criminal prosecution functions of the County Attorney’s Office. Each of the crime bureaus in the MCAO is aligned with one of six bureaus in the Investigations Division tasked with conducting a variety of critical tasks, from locating witnesses and serving subpoenas to providing follow up and investigative support to law enforcement. The Investigations Division also conducts background checks and provides other specialized support services for the office including internal investigations to ensure compliance with professional standards.

In 2015, the Investigations Division...

- Located 5,607 victims and witnesses
- Served 5,815 subpoenas
- Participated in 491 arrests
- Served 81 summons
- Completed 683 background investigations
- Conducted 1,157 case interviews
- Processed 1,022 Grand Jury Subpoenas

The MCAO Investigations Division is the only law enforcement agency of its kind in the United States to be fully accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Investigations Division was selected as a Flagship agency in 2010 and is scheduled to participate in a Gold Standard assessment in April 2016.

MCAO Cold Case Investigations to date

• Reviewed.....	108
• Solved	17
o Cleared by arrest	6
o Exceptionally cleared*	11
• Not workable	60
• Current/in process	15

*Self-defense or suspect dead.

APPENDIX



Top Ten Violent Offenses Charged January – December 2015

Rank	Charge Description	# of Offenses	% of Total Offenses (24,736)
1	Aggravated Assault	2,363	7.3%
2	Armed Robbery	459	1.4%
3	Assault	237	0.7%
4	Robbery	140	0.4%
5	First Degree Murder	99	0.3%
6	Aggravated Robbery	99	0.3%
7	Second Degree Murder	73	0.2%
8	Aggravated Domestic Violence	62	0.2%
9	Sexual Assault	60	0.2%
10	Manslaughter	38	0.1%

Source: MCAO Filings by Highest Ranked Charge.

Top Ten Property Offenses Charged January – December 2015			
Rank	Charge Description	# of Offenses	% of Total Offenses (24,736)
1	Burglary In The Third Degree	738	2.3%
2	Burglary In The Second Degree	670	2.1%
3	Theft Of Means Of Transportation	577	1.8%
4	Forgery	485	1.5%
5	Criminal Trespass In The First Degree	474	1.5%
6	Theft	468	1.5%
7	Trafficking In Stolen Property, Second Degree	286	0.9%
8	Shoplifting	262	0.8%
9	Organized Retail Theft	239	0.7%
10	Taking Identity of Another	231	0.7%

Source: MCAO Filings by Highest Ranked Charge.

Top Ten Non-Drug Offenses January – December 2015			
Rank	Charge Description	# of Offenses	% of Total Offenses (24,736)
1	Aggravated Assault	2,363	7.3%
2	Misconduct Involving Weapons	825	2.6%
3	Burglary In The Third Degree	738	2.3%
4	Burglary In The Second Degree	670	2.1%
5	Theft Of Means Of Transportation	577	1.8%
6	Forgery	485	1.5%
7	Criminal Trespass In The First Degree	474	1.5%
8	Theft	468	1.5%
9	Armed Robbery	459	1.4%
10	Interfering With Judicial Proceedings	402	1.2%

Source: MCAO Filings by Highest Ranked Charge.



Top Ten Drug Offenses January – December 2015			
Rank	Charge Description	# of Offenses	% of Total Offenses (24,736)
1	Possession Or Use Of Marijuana	5,001	15.5%
2	Possession Or Use Of Dangerous Drugs	4,479	13.9%
3	Possession Or Use Of Narcotic Drugs	2,294	7.1%
4	Possession Of Drug Paraphernalia	525	1.6%
5	Sale Or Transportation Of Marijuana	520	1.6%
6	Possession Of Marijuana For Sale	499	1.5%
7	Possession Of Dangerous Drugs For Sale	423	1.3%
8	Possession Of Narcotic Drugs For Sale	293	0.9%
9	Sale Or Transportation Of Dangerous Drugs	252	0.8%
10	Sale Or Transportation Of Narcotic Drugs	190	0.6%

Source: MCAO Filings by Highest Ranked Charge.

Top Traffic Offenses January – December 2015			
Rank	Charge Description	# of Offenses	% of Total Gang Offenses (1,840)
1	Aggravated Driving Or Actual Physical Control While Under The Influence Of Intoxicating Liquor Or Drugs	2,009	6.2%
2	Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs	1,005	3.1%
3	Unlawful Flight From Law Enforcement Vehicle	225	0.7%
4	Driving While License Suspended, Revoked, Cancelled Or Refused Or In Violation Of License Restrictions	46	0.1%
5	Excessive Speed	26	0.1%
6	Leaving Scene Of An Injury Accident	24	0.1%
7	Leaving The Scene Of A Damage Accident	23	0.1%
8	Reckless Driving	10	0.0%
9	Leaving Scene Of A Serious Injury Accident	10	0.0%
10	Leaving Scene Of A Fatal Injury Accident	6	0.0%
11	Failure To Comply With Police Officer	6	0.0%

Source: MCAO Filings by Highest Ranked Charge.

DUI Offenses January – December 2015			
Rank	Charge Description	# of Offenses	% of Total Gang Offenses (1,840)
1	Aggravated Driving Or Actual Physical Control While Under The Influence Of Intoxicating Liquor Or Drugs	2,009	6.2%
2	Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs	1,005	3.1%
3	Extreme Driving Or Actual Physical Control While Under The Influence Of Intoxicating Liquor Or Drugs	3	0.0%
4	Agg DUI-Lic Susp/Rev For DUI	1	0.0%
5	Ignition Interlock Device Violation	1	0.0%
6	Agg Dui Bac .08-Passngr Undr 15	1	0.0%
7	Extreme Aggravated Driving Or Actual Physical Control While Under The Influence Of Intoxicating Liquor Or Drugs	1	0.0%

Source: MCAO Filings by Highest Ranked Charge.

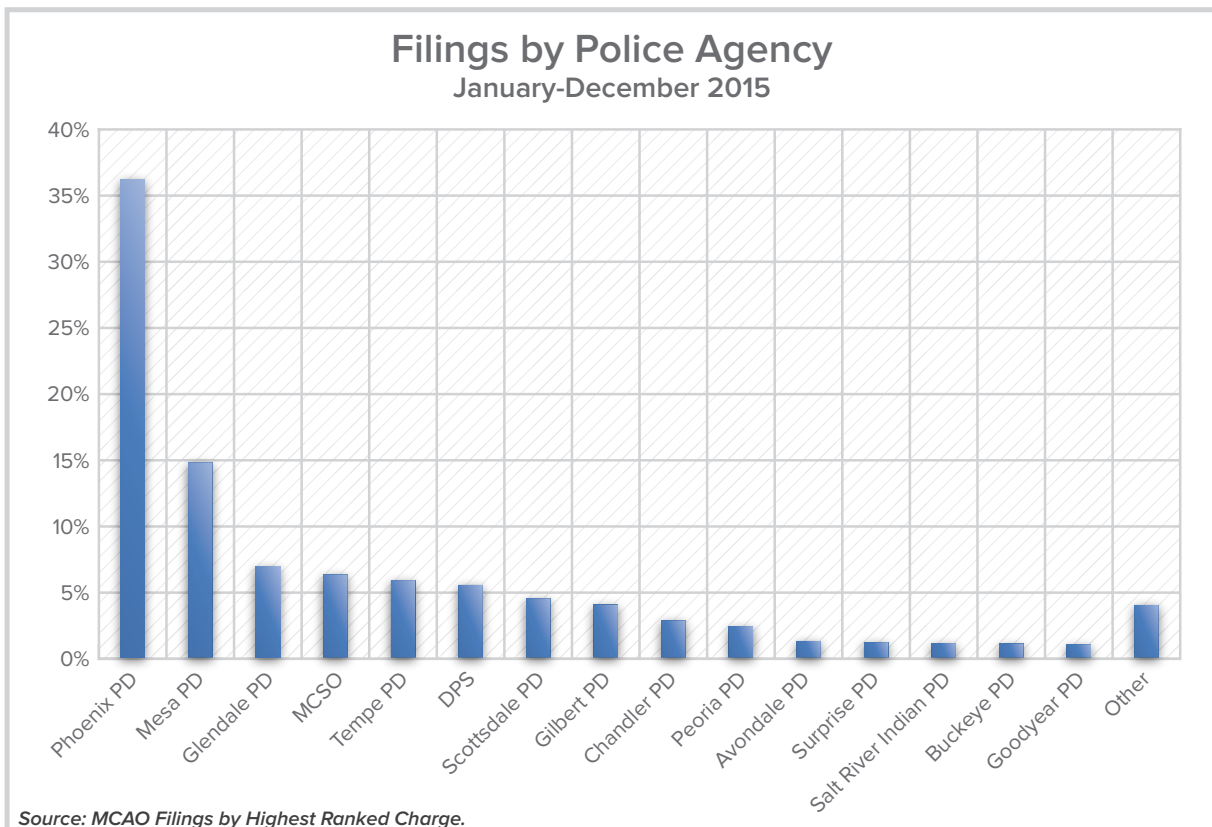
Top Ten Offenses by Gang Members January – September 2015			
Rank	Charge Description	# of Offenses	% of Total Gang Offenses (1,840)
1	Possession Or Use Of Dangerous Drugs	300	20.6%
2	Possession Or Use Of Marijuana	269	18.5%
3	Aggravated Assault	196	13.5
4	Misconduct Involving Weapons	183	12.6%
5	Possession Or Use Of Narcotic Drugs	98	6.7%
6	Armed Robbery	97	6.7%
7	Burglary In The Third Degree	96	6.6%
8	Burglary In The Second Degree	82	5.6%
9	Theft Of Means Of Transportation	81	5.6%
10	Threatening Or Intimidating	52	3.6%

Source: MCAO Filings by Highest Ranked Charge.



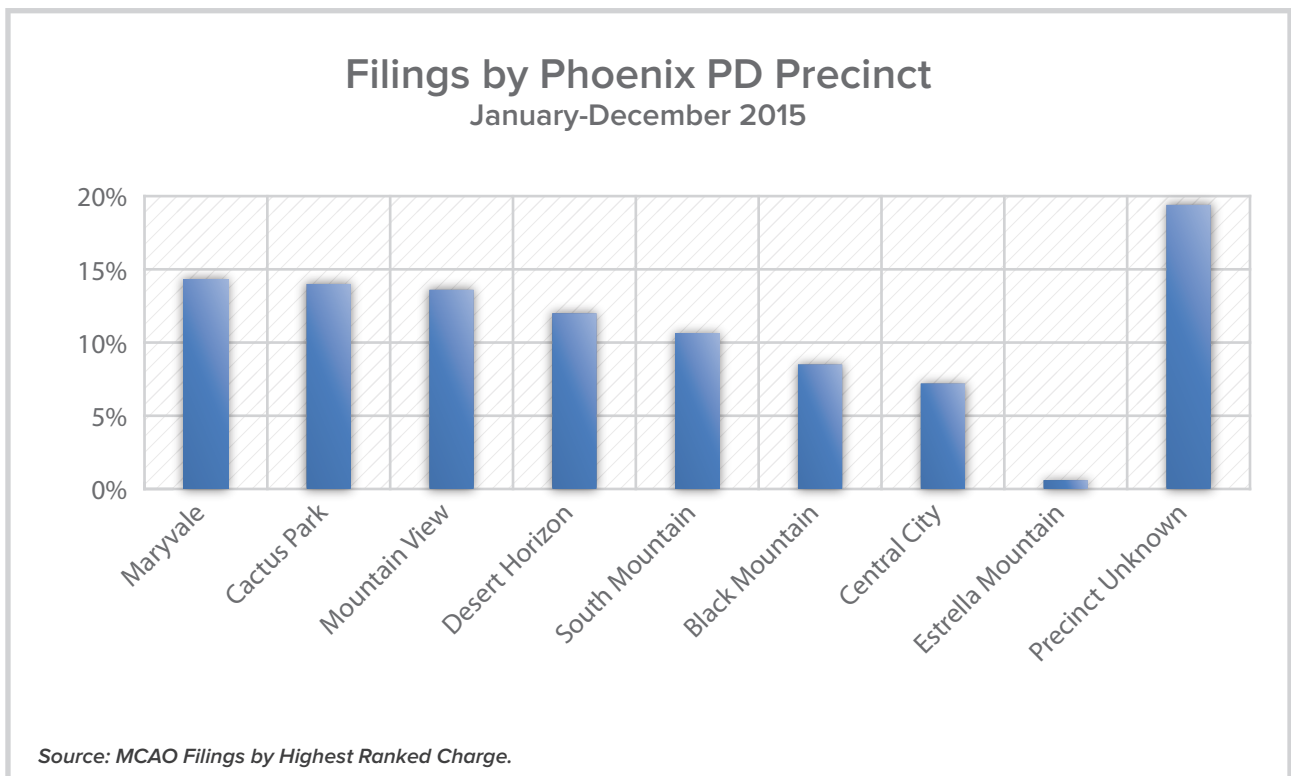
Filings by Police Agency January – September 2015		
Agency	# of Filings	% of Total Filings (24,736)
Phoenix Police Department	11,682	36.2%
Mesa Police Department	4,789	14.8%
Glendale Police Department	2,245	7.0%
Maricopa County Sheriff's Office	2,055	6.4%
Tempe Police Department	1,916	5.9%
Department of Public Safety	1,803	5.6%
Scottsdale Police Department	1,473	4.6%
Gilbert Police Department	1,318	4.1%
Chandler Police Department	934	2.9%
Peoria Police Department	798	2.5%
Avondale Police Department	436	1.4%
Surprise Police Department	403	1.2%
Salt River Indian Police Department	383	1.2%
Buckeye Police Department	370	1.1%
Goodyear Police Department	353	1.1%
Other	1,314	4.1%

Source: MCAO Filings by Highest Ranked Charge.



Phoenix Police Department – Filings by Precinct January – September 2015		
Precinct	# of Filings	% of Phoenix PD Filings (9,389)
Maryvale	1,665	14.3%
Cactus Park	1,637	14.0%
Mountain View	1,587	13.6%
Desert Horizon	1,398	12.0%
South Mountain	1,233	10.6%
Black Mountain	991	8.5%
Central City	840	7.2%
Estrella Mountain	65	0.6%
Precinct Unknown	2,266	19.4%

Source: MCAO Filings by Highest Ranked Charge.





Maricopa County Attorney's Office
⌘ Annual Report ⌘
2015