

Leading the Way to Justice



MARICOPA COUNTY ATTORNEY'S OFFICE



The Maricopa County Attorney is dedicated to the vigorous prosecution of those who commit crimes within the county. As the chief advocate for the State and the citizens of the community in criminal matters, the County Attorney seeks to provide the highest quality service and to maintain the integrity of the criminal justice system. Criminals must be held accountable, while assuring that the statutory right and emotional needs of the victims and witnesses are properly addressed. Additionally, the County Attorney seeks to implement, promote and participate in programs that reduce crime and enhance the quality of community life. The County Attorney also contributes to excellence in local government by providing complete legal services to the county, its officers and political subdivisions.

Maricopa County Attorney's Office

Freedom from crime. As I complete my second year as Maricopa County Attorney, I can assure you that my commitment to reaching this goal has not wavered.

Our motto "Let Justice Be Done" continues to guide us into the secure future we all desire.

In 2006, important matters demanded our attention. We took a serious look at repeat felony offenders and decided that prison, not probation, was the correct punishment for most in this category. As the numbers reflect, when the dangerous elements among us are incarcerated, overall crime rates will drop. Common sense speaks loudly here also. If a criminal continues to ignore the law, the law must act to preserve its authority, or it becomes a useless tool of governance.

Our efforts to enforce Arizona's human smuggling law have seen both smugglers and illegal immigrants who conspire with them held accountable. This office has said, and will continue to say, that both smugglers and illegal immigrants will be held to the same legal standard as everyone else. We enjoy more than a 90 percent conviction rate in these cases, with almost all defendants receiving a felony conviction and jail time for their offenses. At least one has admitted publicly the deterrent effect of these prosecutions.

Our office also took action regarding those indicted criminals which, after being found in court to be mentally unfit to stand trial and committed to a mental health facility, were at some point said to be fit enough to be transferred from a maximum to a minimum security setting. In such cases we have and will continue to re-arrest these offenders to protect the public. We have drafted legislation that calls for notification of pending releases of this kind.

The Maricopa County Attorney's Office has been instrumental in safeguarding and promoting victim's rights. It is unacceptable for a victim to be victimized again by complicated court procedures and rules. Our victim's advocates' office has worked hard to ensure the respectful treatment and consideration of those harmed by criminals who now face their day in court.

The people of Maricopa County benefit from the skilled and dedicated employees working tirelessly for them in our office. We look forward to continuing our efforts to make this office a successful and productive one. The best and brightest are always welcome here.

As always, it is an honor to serve as Maricopa County Attorney.



Andrew P. Thomas



County Attorney Calls for Criminal Justice Reform

Seeing that change often starts from within, Maricopa County Attorney Andrew Thomas implemented new policies dedicated to seeking justice for the citizens of Maricopa County.



Tough New Plea Policy for Repeat Offenders

As part of its crackdown on crime, the office adopted a repeat-offender plea policy in 2006 which will require that most defendants who have a prior serious felony conviction go to prison instead of being placed on probation. When Andrew Thomas ran for County Attorney, he promised the voters of Maricopa County he would toughen the plea policies at the County Attorney's Office. The crime problem cannot be seriously addressed until repeat offenders learn they will get no more breaks from the criminal justice system. Studies have revealed there is a direct correlation

between the crime rate and the severity of the penalty. If felons are locked up, they can't commit more crimes.

Under the old policy, many repeat offenders were sentenced to probation only. The new policy requires that all defendants charged with a Class 5 felony or above, except for those charged only with possession of drugs, agree to a prison sentence as part of any plea bargain. The office estimates this will result in sending 2,600 more defendants to state prisons every year.

The new plea policy went into effect on January 29, 2007.

Tough Sentences for Child Molesters

In March 2006, County Attorney Thomas announced tough prison sentences for sex offenders who prey upon children. The policy emphasizes lengthy prison sentences for these criminals. These new policies replace the prior practice of offering plea bargains that allowed too many of such offenders to be placed on probation and releasing them to live in residential neighborhoods.

Child molesters will now face a minimum of 10 years in prison for offenders in serious, dangerous, or sex-related crimes against a child.

Under the previous policy, those charged with child molestation, sexual contact with a minor or sexual assault were required only to plead guilty to a sex offense. No prison time was required. This new tough sentencing regime changes the paradigm for punishing sex offenders in Maricopa County. Instead of simply placing serious sex offenders back into society and notifying citizens where they live, the new goal is for these heinous criminals to be housed at a new common address: the Arizona Department of Corrections.

Baseline Killer and Serial Shooters Indictments

In 2006, “The Baseline Killer” and the “Serial Shooters” crime sprees caused a swirl of national attention. The County Attorney’s Office was able to report on the arrests and indictments of the alleged perpetrators in both of these cases. Between August 2005 and June 2006, Mark Goudeau, also called “The Baseline Killer,” is accused of terrorizing residents of the Valley during a series of crimes that victimized 30 individuals, claimed nine lives and sent fear throughout surrounding communities. In December 2006, Goudeau was tied by police to the “Baseline” killings, based on forensic evidence.

Goudeau had previously served prison time for three aggravated assaults, armed robbery and kidnapping before his parole in 2004. “I still believe this man should never again be able to walk the streets of this valley or anywhere else in freedom,” Maricopa Attorney Andrew Thomas said.

On January 29, 2004, the Maricopa County Attorney’s Office informed the Arizona Board of Executive Clemency of its opposition to the early release of this defendant, specifically informing the board that Goudeau had “demonstrated through his violent actions that he poses a significant threat to public safety. His early release is not in the best interest of the citizens of this state.” On March 8, 2004, Goudeau was granted parole and



Mark Goudeau

ordered released from prison. An intensive and successful investigation has resulted in 74 felony charges against Goudeau including nine counts of first-degree murder, 15 counts of sexual assault and 12 counts of armed robbery.



Dale Shawn Hausner



Samuel John Dieteman

In the “Serial Shooters” case, the accused, Dale Shawn Hausner and Samuel John Dieteman, were charged in November, 2006 in a 35-count indictment. Hausner was charged with five first-degree murders in addition to attempted first-degree murder, aggravated assault, drive-by shooting, conspiracy to commit first-degree murder, arson of an occupied structure, and cruelty to animals. Dieteman was charged with 7 felony offenses, including conspiracy to commit first-degree, attempted first-degree murder, drive-by shooting, arson of an occupied structure, and aggravated assault.

The cases against all three of these defendants are pending trial and further court action in 2007.

Justice for Crimes Committed Against Children

The County Attorney's office recognizes the seriousness of crimes committed against those of a tender age. In March 2006, the County Attorney announced a new policy that requires a mandatory minimum prison term of 10 years for all defendants who would plead guilty to serious sexual offenses against children. Even harsher sentences will be mandated in appropriate cases.

"Dangerous crimes against children" means any of the following that is committed against a minor who is 15 years of age or younger:

- Second degree murder
- Aggravated assault resulting in serious physical injury or involving a deadly weapon
- Sexual assault
- Molestation of a child
- Sexual contact with a minor
- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Child abuse
- Kidnapping
- Sexual abuse
- Taking a child for the purpose of prostitution
- Child prostitution
- Involving or using minors in drug offenses
- Continual sexual abuse of a child
- Attempted first degree murder



Concern over Child Abuse Protocols

Legislation passed in 2003 requires state agencies investigating child abuse claims to "develop and implement protocols for cooperation in investigations of allegations involving extremely serious conduct" (ARS§8-817). In August 2006, the second annual Report on the Activities of the Multidisciplinary Investigation of Child Abuse Protocols was released by the Maricopa County Attorney's Office, which identified two compliance concerns with the protocol. First, it appeared from CPS reporting that a majority of cases requiring joint investigations were not completed and second, a new process called Team Decision Making was inappropriate in the treatment of victims and witnesses, potentially complicating prosecution efforts. In response to these findings, County Attorney Thomas delivered a letter of concern to Governor Napolitano and State Legislative leaders in an effort to address these concerns to continue seeking justice for victims of child abuse.

Race Based DUI Courts

In February 2006, County Attorney Andrew Thomas filed a federal lawsuit to eliminate Maricopa County's special DUI courts for Spanish speakers and Native Americans.

A study conducted by the Maricopa County Attorney's Office revealed that on average, participants in the Spanish speaking and Native American courts

received three days in jail, compared with an average seven days jail time for general DUI court cases. Additionally, research performed by the County Attorney's office indicated that the special courts were not significantly more effective than general DUI court at limiting repeat offenses.

The lawsuit alleges lack of due process, equal protection and other violations of the United States Constitution. The case is pending before United States District Court for Arizona.



Illegal immigrant found guilty of conspiracy to commit human smuggling

Early in 2006, Maricopa County Sheriff Joe Arpaio announced he would begin arresting illegal aliens under the human smuggling provision as passed by the Arizona legislature in 2005. This decision was also made following the issuance of a legal opinion on the law by Maricopa County Attorney Andrew Thomas that same year.

County Attorney Thomas supported the Sheriff's arrests of illegal immigrants by prosecuting illegal aliens for conspiracy to smuggle themselves into the United States after having paid a "coyote" to assist them in this quest.

On October 19, 2006, a historic first occurred when a jury found Adolfo Guzman-Garcia guilty of allowing himself to be smuggled into the United States illegally. However, on December 5, 2006 a Superior Court judge reversed the finding of the jury and his own previous ruling on the soundness of the law and set aside the guilty verdict. The case is pending appeal.



On December 20, 2006 Juan Barragan-Sierra was sentenced to two years probation and a directive not to remain in or return to the United States illegally after having also been found guilty by a jury of allowing himself to be smuggled into the United States illegally as a result of paying a "coyote" \$2,000.00.

The County Attorney's Office smuggling program remains a highly successful one, with more than a 90 percent conviction rate. As of January 2007, the County Attorney's Office had obtained convictions of 191 people for violating the state's human smuggling law.

**Justice delayed is
...justice denied**

In 2006, County Attorney Andrew Thomas released a report identifying the problems in the criminal justice system responsible for excessive delays in death penalty cases. The study found that the delays were generally due to stalling tactics by defense attorneys coupled with failure by the courts to enforce rules and deadlines.

The report found that most delays in capital cases take place at the trial level, due to requests for extensions by defense attorneys. In addition, too many courts have failed to enforce these deadlines, routinely granting defendants lengthy extensions and reprieves.

In Arizona, which has not carried out a death penalty sentence since 2000, it takes an average of 19 years from the date of murder to date of execution in capital punishment cases. In addition, in Maricopa

County, it now takes an average of three years (35.2 months) for a capital case to go to trial and receive a verdict. Rule 8.2(a)(4) of the Arizona Rules of Criminal Procedure provides that all death penalty cases be tried within eighteen months of the defendant's arraignment.

County Attorney Thomas proposed several changes, including legislation to correct the problem. Also, the County Attorney's Office will seek to expedite the death penalty process by requesting regular status conferences in capital cases every 45 days. Internally, Deputy County Attorneys will share information with one another and report when a defense attorney is using one case as an excuse for delay in another case.

The length of time it takes to carry out a death penalty sentence is an injustice to crime victims and their families. In these cases, justice delayed is truly justice denied.

Preventing the Release of the Dangerous into Society

The release of violent offenders onto our streets should not be a guessing game determined by the mental health industry.

This past Spring, accused murderer Rodney Moreno Aviles was to be released by the Arizona State Hospital. Aviles was indicted in 1999



Mikel Martinez

for allegedly brutally murdering his mother and seven-year-old niece. Following his indictment in 1999, a Superior Court judge declared Aviles incompetent to stand trial. Upon learning of his impending release, County Attorney Thomas re-filed two charges of first degree murder and had Aviles re-arrested.

The case of Mikel Martinez also made headlines this past year. In 2004, Martinez was indicted for attempted first-degree murder and aggravated assault for attempting to slit his mother's throat. Thomas had Martinez taken into custody upon learning of his pending release from a mental health treatment facility in June 2006 and on December 19, 2006, Martinez

“Dangerous criminals must be held accountable within our criminal justice system.”

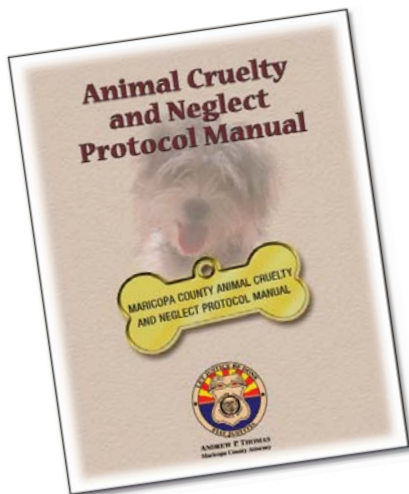
— Andrew Thomas,
County Attorney

pled guilty to attempted first degree murder and aggravated assault. On February 1, 2007 the defendant was sentenced to seven years in prison for attempted first-degree murder and five years supervised probation.

Thomas has asked that Arizona State Hospital provide him with advance notice of these kinds of releases and is also exploring the prospect of asking for legislation to deal with this serious problem. He stressed the need for laws “to ensure that mental health facilities don't release dangerous offenders into the community without notifying law enforcement” in the future.

Additionally, Thomas has pledged any future releases will be met with re-arrest and prosecution on the original charges.

County Attorney’s Office leads the way with cutting edge crime prevention programs.



L.E.A.P

Animals in Maricopa County continue to have an advocate for justice in the Law Enforcement for Animal Protection (L.E.A.P) task force. Established in 2005, the task force, led by the Maricopa County

Attorney’s Office, has helped to heighten awareness of the consequences of animal neglect and cruelty through public service campaigns, including the protectAZanimals.com website. As a result, felony animal cruelty filings have decreased over the past year.

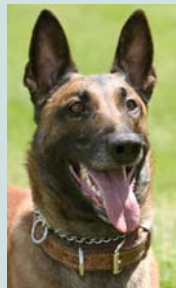
In 2006, the Maricopa County Attorney’s Office published the first Maricopa County Animal Cruelty and Neglect Protocol Manual as a tool for police and animal rescue organizations to use while investigating allegations of animal cruelty.

The manual describes in great detail the steps to investigating and prosecuting a successful case when animal neglect or cruelty is reported. A better understanding of animal cruelty laws and uniformity to the style of investigations has helped to assure justice for the defenseless victims of animal cruelty.

| FELONY ANIMAL CRUELTY FILINGS | | |
|--------------------------------------|-------------|-------------|
| YEAR | 2005 | 2006 |
| TOTAL | 37 | 21 |

Justice for R.J.

Police dog killed in the line of duty



The defendant, Daniel Tarango was driving a stolen car when he was confronted by police. Tarango led the police on a high-speed chase for 20 minutes. At one point, the defendant parked the car and was being pursued by Officer Brian Hanania and his K-9 partner R.J. The defendant got back in the car and accelerated

toward R.J., striking him and dragging him 20 feet through an alley. R.J. suffered a severely broken back causing him to be euthanized. The defendant pled guilty to felony cruelty to animals and aggravated assault. He was sentenced to 15 years in prison, two of which accounted for the death of R.J.



Daniel Tarango



Graffiti Sting

Graffiti is a serious crime which severely undermines the value and integrity of local communities. Responding to the overwhelming number of graffiti vandals and incidences in the valley, detectives from the Maricopa County Attorney’s Office devised an elaborate sting operation to catch the “taggers,” as they’re often called, red-handed.

By posing as Hollywood producers making a documentary about graffiti, Maricopa County Attorney’s Office detectives were able to videotape four juveniles as they willingly displayed their “art” for the cameras. In addition, the young men took the detectives to numerous locations they had defaced with graffiti including Brophy Preparatory High School and other public places.

As a result of the dedication and efforts of these detectives, the four juveniles were charged with numerous counts of criminal damage. Upon entering pleas, their sentences ranged from probation and community service to hundreds of dollars in restitution to the victims involved.

Drug Free AZ

The need to spread the message to our children regarding the dangers of drugs is at an all time high. With D.A.R.E programs being eliminated throughout valley cities, including Phoenix, Drug Free AZ made its goal for 2006 to inform as many children as possible regarding the hazardous effects of drug use. That goal was reached and success was achieved.



In 2006, Drug Free AZ presented its curriculum to over 250 classrooms and distributed thousands of publications to parents to assist them with the often difficult “don’t do drugs” conversation. Evidence recently came from the Arizona Criminal Justice Commission Arizona Youth Survey which showed that prevention and conversation work. The results; an overall decline in the use of drugs among Arizona youth.

Superstar Search

Encouraging a child’s anti-drug is one of the keys to drug prevention. For that reason, Drug Free AZ once again held their annual Drug Free AZ Superstar Search. Children across the state between the ages of 11 and 17 were asked “what activity, hobby, or passion stands between you and drugs.” Hundreds of entries were received and the top 25 finalists performed their anti-drug on August 19, 2006 at Arizona Mills Mall in Tempe for a chance to star in their very own television commercial. Grand Prize winner Beau Evans won over



Superstar Search finalists gather on stage to hear the winner’s name announced.

the celebrity judges and the crowd with his unique drumming style and anti-drug message; “Drums, Not Drugs.” Beau’s commercial was produced and has been played on many television stations throughout Maricopa County.



Kids sign the Drug Free Pledge and spin the prize wheel at Big Surf during “Drug Free Days.”

Drug Free Days

During the long summer months there is often an increase in drug use among our youth due to the limited number of activities available to kids and too much free time. With that in mind, Drug Free AZ developed a summer-long campaign entitled “Drug Free Days Celebration.” Drug Free AZ partnered with



Macayo's, KPHO TV 5, and the three Valley water parks to provide an alternative to drug use. Children across the state were asked to sign a pledge to stay drug-free. By doing so, they were given one free admission to one of the major water parks. On these "Drug Free Days," appearances were made by County Attorney Andrew Thomas, Tempe Mayor Hugh Hallman, and autographs were given by Spiderman, The Little Mermaid, Strawberry Shortcake, Power Rangers, and many more. Live music was also provided by the City of Phoenix Musicate Band for parents to enjoy. The event was an enormous success as hundreds of pledges were signed by children making the commitment to stay drug free.

This emotionally charged PSA featuring Sonia's tragic story sent a clear message that marijuana is not a harmless substance.

Drug Free AZ created an anti-marijuana campaign to educate parents about the dangers of marijuana, one parent to another. Today's marijuana, including the hydroponically grown BC Bud, is more potent than ever before. In 1960, a typical joint contained 1 to 2 percent THC, the main psychoactive substance found in marijuana. Recent drug busts by Maricopa County law enforcement have seized marijuana with THC levels between 15 and 22 percent.

The "Veronica's Mother" PSA debuted in February 2006. Since that time, it has played on local and cable television in Maricopa County over a thousand times. The campaign also aired on radio stations and before movies at local theaters. Its impact was felt around the county.

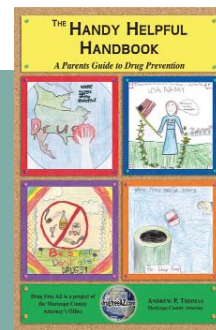
"The driver who killed my daughter wasn't drunk... he was high on marijuana."

Veronica Armenta was five-years-old when an impaired driver took her life.

It's not just pot.

Find out more on www.drugfreeaz.com

Sponsored by Andrew P. Thomas, Maricopa County Attorney



Drug Free AZ's Handy Helpful Handbook leads parents to tips on talking to kids about drugs.

Herb, KB, Ganja, Chronic...are just a few of the slang names for marijuana found in the Handy Helpful Handbook: A Parents Guide to Drug Prevention. The handbook serves as a guide for parents as they talk about the risks of drug use with their children. Last year Drug Free AZ distributed 20,000 handbooks to parents across Arizona. Log on to drugfreeAZ.com to find out more.

It's not just pot

"The driver that killed Veronica wasn't drunk. He was high on marijuana and my family will never be the same." A powerful message delivered by Sonia Diaz, 5-year-old Veronica's mother, in Drug Free AZ's 2006 anti-marijuana public service announcement.

Youth Violence Conference

The “Combating Youth Violence” Conference was held January 27, 2006. Nearly 200 people, representing 60 agencies from across the state were in attendance.

“Combating Youth Violence” was presented by the KILLOLOGY Research Group and the Maricopa County Attorney’s Office. Lieutenant Colonel David Grossman discussed how the lives of individuals and families in our society can be literally transformed and the world can become a safer place through education about the causes and impacts of violent behavior.

School resource officers, prosecutors, research analysts, probation officers and victim advocates from all over the state made-up a “standing room only” crowd to hear about violent crimes in America, serious assaults per capita, media violence and the impact each has on children, families and the community.

As a result of the conference, The Maricopa County Attorney’s Office made funding available to an educational facility that provides education to 3rd and 4th grade students who are at-risk for gang involvement, violence or substance abuse. The Buckeye School District was awarded funds and sent personnel to S.M.A.R.T. training in April 2006.

“Crime deterrence starts in the home and at school. The County Attorney’s Office will continue to partner with parents and educators to keep kids out of gangs and away from violent crime.”

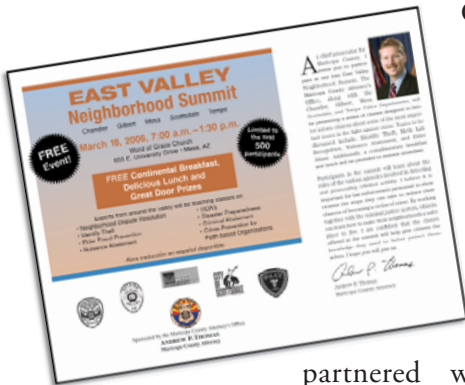
— Andrew Thomas,
County Attorney

County Attorney Andrew Thomas introduces the S.M.A.R.T. Program at a press conference with Lieutenant Colonel David Grossman, founder of the Killology Research Group.



Neighborhood Crime Summits

More than 400 Maricopa County citizens attended two neighborhood summits hosted by the Maricopa County Attorney's Office in 2006.



The cities of Chandler, Gilbert, Mesa, Scottsdale, Tempe, Avondale, Goodyear, Surprise, Glendale, and Peoria

partnered with the County Attorney's Office to host an East Valley Neighborhood Summit on Saturday, March 18, 2006, and a West Valley Neighborhood Summit on Saturday, April 1, 2006.

The summits were a series of classes designed to better inform citizens about some of the most important issues in the fight against crime. Topics included: identity theft, disaster preparedness, neighborhood dispute resolution, law enforcement for faith-based organiza-

“I think the summit program was excellent and very informative.”

— Robert, Glendale

tions, elder fraud prevention, Drug Free AZ, Meth/Stash House Recognition, Property Crime Prevention, Animal Cruelty, criminal and nuisance abatement and Child Safety.

Participants in the summits also learned about the roles of the various agencies involved in detecting and prosecuting criminal activity. The Maricopa County Attorney's Office believes it is important for law enforcement personnel to show citizens the steps they can take to reduce their chances of becoming a victim of crime. By working together with the criminal justice system, citizens can learn how to make their neighborhoods a safer place to live.



Attendees at the East Valley Summit listen to the lunch-time presentation by County Attorney Thomas.

County Attorney Calls for Valleywide Gang Task Force

Gang activity across the Valley has recently surged as more and more of them seek to gain profit from committing crimes. To combat this growing problem, County Attorney Thomas asked Valley police agencies to join the Maricopa County Attorney's Office in forming a Multijurisdictional Gang Task Force.



The goal of this task force is to establish broad communication between Valley police agencies. This communication along with investigative cooperation is important because gang members are increasingly crossing multijurisdictional boundaries to commit their crimes. These crimes include burglary, armed robbery, and carjacking. Gangs are also evolving and becoming more sophisticated, involving themselves in criminal endeavors such as human smuggling, money laundering and prostitution in an effort to make a few dollars. In addition, gang members sentenced to prison during the 1990's are now being released from prison and an influx of gang members moving to the area from California so as to avoid life prison sentences for violent crimes under California's "three-strikes" law have bolstered the local gang population.

Meetings of the task force commenced in 2006. The task force involves numerous police agencies from across the Valley and is led by the Mesa, Goodyear and Buckeye police departments. The task force has been very successful in its initial stages.



Repeat health code violations like this contaminated cutting board at Lam's Supermarket sparked the County Attorney's Food Safety Prosecution Program.

Dirty Dining

In a year which saw several deadly outbreaks of E. Coli bacteria nationally, County Attorney Andrew Thomas aggressively prosecuted Maricopa County restaurants who repeatedly failed to meet critical food safety and food establishments standards.

"People who dine out shouldn't be given a side order of bacteria," commented Mr. Thomas. "The alleged conditions of these restaurants pose a significant threat to public health."

Some of the alleged violations include food contact surfaces permeated with dead roaches, clogged plumbing, raw fish and meat not kept cool, utensils stored in unsanitary conditions, and workers who did not have food handler cards. Workers at one of the restaurants even admitted to having failed the food handler test twice.

In 2005, the County Attorney successfully prosecuted two slaughterhouses that were operating without permits. Meat contaminated with salmonella and insect infestations were found at these locations.

"Establishments that ignore repeated warnings and citations for food safety violations need to understand that they will now face criminal charges for endanger-

ing the public,” said Mr. Thomas. “Repeat violators literally make us sick.”

Critical food violations — class three misdemeanors — are punishable by up to 30 days in jail and fines that can reach \$500 for an individual and \$2,000 for a business.

County Attorney Launches Illegal Immigration Website

In response to public pressure to combat illegal immigration, a new website spotlighting illegal immigration was launched in fall of 2006, [www.illegalimmigration-](http://www.illegalimmigrationjournal.com)

[journal.com](http://www.illegalimmigrationjournal.com). The Associated Press reported that illegal immigration was the top story in Arizona in 2006 for the second year in a row. The purpose of the website is to create public awareness about crime associated with illegal immigration, what solutions are being proposed, and what the County Attorney’s office and other government officials and agencies are doing to resolve these issues.

The website features timely links to reputable news articles and commentary on illegal immigration and crime. Readers may sign up for weekly updates from the site.

Illegal Immigration Journal – MCAO

http://www.illegalimmigrationjournal.com/

Sponsored by the Maricopa County Attorney's Office - Andrew P. Thomas, County Attorney

Illegal Immigration Journal

The latest updates on border issues

HOME ABOUT US FEEDBACK ARTICLES

Number of illegals entering the US during your visit on this webpage **0015**

Sort by: [Legislation](#) | [Commentary](#) | [News](#) | [Arizona News](#) | [Show All](#)

COMMENTARY

The Coming Amnesty Disaster

He said...
She said...

1/24/07

ast month, President Bush signed off on a few dog-and-pony illegal immigrant employment raids. Whoop-de-doo. Politically expedient holiday gestures over, the White House is now back to work pushing its long-planned, massive alien amnesty. The state o...

[Read More](#) Townhall by Michelle Malkin

NEWS

Immigration Sweep Yields 761 Arrests

1/24/07

Federal officials said Tuesday they arrested more than 750 illegal immigrants over the past week in the Los Angeles metropolitan area in what they described as one of the biggest such sweeps in U.S. history. The weeklong series of raids in the five-c...

[Read More](#) Washington Post by Gillian Flaccus

NEWS

Imprisoned Agent'S Wife: President Is A Hypocrite

LET JUSTICE BE DONE
PIAT JUSTITIA

ANDREW P. THOMAS
Maricopa County Attorney

THE WEEKLY NEWSLETTER!

Enter your email below to sign up for our weekly newsletter regarding illegal immigration.

email address:

Legislation supported by the County Attorney's Office

Key victories in the 2006 legislative session help lead the way to new and improved laws.

Senate Bill 1027 (Automobile Theft and Chop Shops) — Amended the current theft statute (ARSS13-1802) to include theft of any engine or transmission as a Class Four Felony regardless of its value. Furthermore ARSS13-4702 was amended to expand the definition of a chop shop to include motor vehicle parts (as opposed to only the entire vehicle) where the Vehicle Identification Number has been removed, altered or destroyed.

Senate Bill 1128 (Juvenile Competency) — Amended ARSS8-291 to allow for the addition of language to the current definition of incompetence so that “age alone does not render a person incompetent.”

Senate Bill 1181 (Arizona Automobile Theft Authority Membership) — Amended ARSS41-3451 to allow Arizona Automobile Theft Authority members to appoint designees to attend Automobile Theft Authority meetings on their behalf. This bill also changed the population requirements for the two appointed County Attorneys that serve as members to one county with more than 1 million residents and 1 county with less than 1 million residents, thus guaranteeing Maricopa County a seat on the Arizona Automobile Theft Authority Board.

Senate Bill 1305 (Mental Evaluations for Capital Defendants) — Amended ARSS13-703.02 to allow for a person charged in a death penalty case to waive their psychological pre-screening to determine the defendant's IQ. This waiver does not however, preclude the defendant from offering evidence of mental retardation in the penalty phase of the trial. Furthermore if the defendant's IQ is determined to be below 76 then both the state and the defendant must

nominate three experts in mental retardation or jointly nominate one expert in mental retardation to provide a second opinion.

Senate Bill 1145 (Self-Defense) — Removed self defense claims from the affirmative defense statute (ARSS13-205) and created a new justification for the use of physical or deadly force in conjunction with self-defense (ARSS13-418 and ARSS13-419). Under the provisions of the bill the state must prove that the defendant is guilty beyond a reasonable doubt and was not justified in the use of physical or deadly force. The bill also allows for a defendant to recoup attorneys fees, lost wages, court costs and other expenses associated with a civil case related to an alleged violation of this chapter if the defendant prevails in the case.

Senate Bill 1039 (voyeurism; surreptitious viewing) — Defines the crime of voyeurism and makes it a class 6 felony (class 4 felony of device is used and the person is recognizable) to make available any information that would be in violation of the crime of voyeurism without the consent or knowledge of the individual(s) involved. Exempted are photography and film taken for security purposes, correctional facility investigations, law enforcement investigations or monitoring a child as defined elsewhere.

Senate Bill 1176 (victims' rights; failure to comply) — Provides an enforcement mechanism for victims' rights. This law states that a failure to comply with a victim's constitutional or statutory right is grounds for the victim to request and be afforded a reexamination proceeding within 10 days of the proceeding at which rights were denied, and the court must reconsider any decision that arose from a proceeding in which the victim's right was not protected.

Arizonans send a clear message with the passage of two high-profile laws

Proposition 100

In 2005, the Maricopa County Attorney's Office helped draft an initiative that would seek to ensure justice for crime victims across the state. In the 2006 general election, Arizona voters overwhelmingly passed Proposition 100 by a 78% to 22% margin. This law now provides that an illegal immigrant accused of a serious felony cannot be let out on bail pending trial if the state has sufficient evidence to prove the defendant committed the offense.

Proposition 301

In 1996, Arizona voters passed Proposition 200, which allowed first- and second-time drug offenders charged with possession or use of a controlled substance to enter into probation and a treatment program. With the rise of methamphetamine use and crimes associated with it at an all-time high in Arizona, Proposition 301 sought to amend Proposition 200. This amendment, which the Maricopa County Attorney's Office helped draft, provides that a defendant may be sentenced to jail or prison for a first- or second-time drug possession offense involving methamphetamine. Once again, Arizona voters spoke by passing Proposition 301 in November 2006 by a 58% to 42% margin.

Senate Bill 1275 (ignition interlock installers; manufacturers; certification) — Allows for the Department of Health or Department of Public Safety to certify individuals in the operation of breathalyzers. Specifies calibration tests and stipulates that a person's inability to obtain the manufacturers for the device will not affect the admissibility of a properly administered breath test.

Senate Bill 1444 (sentencing; third felony offense) — Provides that a person who has been convicted of two previous violent or aggravated felonies (as defined by statute) committed on separate occasions and is convicted of an additional violent or aggravated felony shall be sentenced to life in prison.

Senate Bill 1471 (sex offender treatment; privileged communication) — Allows for a treatment provider to report new instances of suspected criminal activity by a patient during the course of treatment if the offender is in treatment under court order. Treatment providers who act under the guidelines established by the law are not guilty of violating any privileges established by law.



Employees pave the Road to Success

Working toward the pursuit of justice, the attorneys and staff take great pride in the jobs they do.

Last year, the County Attorney conducted and presented the Maricopa County Board of Supervisors a study on various issues associated with high rates of prosecutor attrition. This presentation resulted in additional funding that raised attorney starting salaries substantially. This salary increase had the two-fold effect of retaining seasoned attorneys essential to successful conviction and community safety while attracting competitive new attorneys into the office.

To further encourage attorney retention, the County Attorney's Office, began the Student Loan Repayment Program for prosecutors during the summer of 2006. This program is available to any Deputy County Attorneys with outstanding student loans who have

completed a two-year commitment to the office. Currently, ninety-three attorneys are participating in the program and the office has already begun reimbursing attorneys for their loan expenses.

As a result of both of these initiatives, both of which were approved and funded by the Board of Supervisors, the attorney attrition rate, once as high as 22 percent has been cut in half to 11 percent. This effort to retain attorneys was presented to a group of District Attorneys from some of the nation's most populous jurisdictions. A number of these offices requested materials and additional presentations about these initiatives.

Attorney Loan Repayment Assistance program rewards public service.



"I am extremely grateful for this program. It has enabled me to make larger payments and to finally see my balance go down at a faster rate. I do not believe the paperwork requirements were unduly onerous. I found that my lender was happy to assist with documentation on being informed that my payments would increase. The quarterly reimbursement form is also very simple to fill out. This program is a huge benefit and one of the many reasons why I believe this office is a great place to work!"

— Lisa Marie Martin, Deputy County Attorney

2006 High Profile Cases

Victories in and out of court lead the way to justice for all Maricopa County citizens.

State v. Shawn Patrick Lynch

On March 24, 2001, Shawn Patrick Lynch and Michael Sehwni met the victim, James Stanley Panzarella at a local bar. Later that night the three went back to the victim's home. Lynch and his cohort left the victim's home, but later returned, bound the shirtless victim's arms and hands to a chair and slashed his throat with a knife nearly severing his head from his shoulders. The defendant and his accomplice also stole a gun and stereo equipment from the victim and made numerous charges to his credit card. Although it took nearly five long years for justice to be served due to questions regarding the defendant's mental health and reassignment of the case to three different Superior Court judges, a jury convicted Lynch in the brutal slaying on May 9, 2006. The same jury also sentenced Lynch to death on May 23, 2006 because of the depraved and heinous nature of the crime. Lynch's co-defendant, Michael Sehwni is scheduled to stand trial later this year.



Convicted murderer Shawn Patrick Lynch

State v. Fehim Cerimagic

On May 5, 2005, the defendant's five-year-old son, Kenan Cerimagic, drowned in the backyard pool at the family home in Tempe. He could not swim. The defendant had lost track of his son for almost 30 minutes. Unable to find Kenan, the defendant called 911. On two occasions when asked by the police if his son was in the family pool, he answered no. However, Kenan was at the bottom of the pool and couldn't be seen because it was green and filthy. Months earlier, the pool pump had broken and the defendant never fixed it. Just days before the drowning, the defendant had removed the fence around the pool because it had started to rot. There was new fencing on the property ready to be installed, but the defendant had not started on the project. The defendant was charged with Child Abuse, a Class Four Felony, for negligently putting Kenan in circumstances likely to cause his death. He pled guilty to Endangerment, a Class Six Designated Felony. The defendant was sentenced to six months in jail and three years supervised probation.



This green, murky pool was the watery grave of 5 year-old Kenan Cerimagic.



Todd Streich was the leader of the “AZ 88 Boot Boys” white supremacist criminal syndicate that sold guns and methamphetamine.

White Supremacists Arrested

In February 2006, the Maricopa County Attorney’s Office was contacted by a joint Phoenix Police Department/Glendale Police Department/ATF task force regarding a year long investigation involving a group of white supremacists that were selling guns and methamphetamine. The investigation concluded in

January 2006, and in May 2006, 42 people were indicted in 11 separate cases. In the case involving the Criminal Syndicate, Todd Streich, the purported leader of the group, was charged with Leading a Criminal Syndicate and 12 others were charged with Participating in a Criminal Syndicate. A Criminal Syndicate is defined as any combination of persons or enterprises engaging, or having the purpose of engaging, on a continuing basis in conduct that violates any one or more provisions of any felony statute of Arizona. There were a total of 72 counts, primarily involving the sale of weapons and methamphetamine. Additional charges resulted from the service of the arrest warrants on a number of the indicted individuals. The remaining defendants are set for various trial dates in 2007.

All of those indicted and served began appearing in court in May 2006. A few of the results of these prosecutions, so far, are as follows:

State v. Luke Ferguson: Defendant pled guilty to Participating in a Criminal Syndicate and 2 counts

Adorned with Nazi swastikas and Ku Klux Klan paraphernalia, Todd Streich’s bedroom reads like a white supremacist propaganda handbook.



Misconduct Involving Weapons, all class 4 felonies with one prior, sentenced to minimum 11 years DOC.

State v. Richard Rojas: Defendant pled guilty to Conspiracy to Sell Dangerous Drugs, a class 2 felony, and Misconduct Involving weapons, a class 4 felony, sentenced to 5 years DOC.

State v. Angel Renault: Defendant pled guilty to 1 count Sale of Dangerous Drugs and 1 count Trafficking in the Identity of Another, both class 2 felonies with one prior felony conviction, sentenced to 12 years DOC.

State v. Byron Duez: Defendant pled guilty to 2 counts Sale of Dangerous Drugs, class 2 felonies with one prior felony conviction and 1 count Misconduct Involving Weapons, a class 4 felony with one prior felony conviction, sentenced to 15 years DOC.

State v. Stephanie Ostberg: Defendant pled guilty to 3 counts Sale of Dangerous Drugs, all class 2 felonies, sentenced to a total of 10 years DOC.

State v. Daniel Brown: Defendant pled guilty to Trafficking in the Identity of Another, a class 2 felony, sentenced to 5 years DOC.

In February 2007, Todd Streich was sentenced to 2.5 years in prison with three years probation.

State v. Vanneselt Raban

On August 10, 2004, the defendant left her 7 month-old son, Quintonjoseph Conner Alexander Lee Raban in the family van. As a result, Quintonjoseph died from heat exposure. The recorded temperature on that date was 108 degrees. On this particular day, the defendant and mother of six, picked up her three older children from school, returned home and assigned the three older children to be responsible for bringing in her three younger children. This included, 7 month-old Quintonjoseph. Upon arrival to the house, Ms. Raban whom was talking on her cell phone at the time, went directly into the home and began working at her computer. One hour later, she went to check on Quintonjoseph and found him in the car.

Historically, these cases had not been prosecuted in the Maricopa County Attorney's Office prior to Andrew Thomas' tenure. This defendant was charged with negligent homicide and attempted child abuse, both of which she pled guilty to on June 8, 2006. Raban was sentenced to one year in jail and lifetime probation.

State v. Albert Belle

In February 2006, former Major League All-Star Albert Belle was charged with stalking, a class 3 felony, after he admitted to having a Global Positioning Device placed on the vehicle of his former girlfriend. While out on bond, Belle was again arrested for stalking the victim by placing harassing phone calls to her. The defendant pled guilty to one count of felony stalking and was sentenced to 90 days in jail and five years supervised probation.

State v. Jimmy Contreras

From May 2004 through August 2004, the defendant beat and whipped his three youngest stepdaughters with an electrical cord leaving healing and healed scars on their bodies. In addition, he also held them captive in a broom closet for over a week at a time, only feeding them bread and water and only letting them out



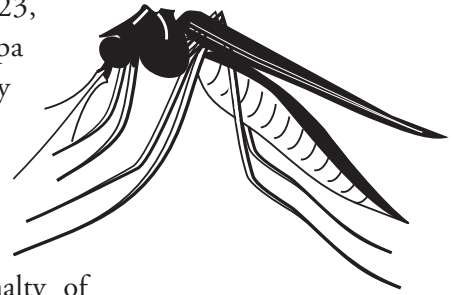
Jimmy K. Contreras

to go to the bathroom or perform chores around the house. He also repeatedly engaged in sexual conduct with the eldest step-daughter who was 14 years old. On February 1, 2006, he was convicted on three counts of sexual conduct with a Minor, class 2 felonies and Dangerous Crimes Against

Children; one count of molestation of a child, a class 2 felony and Dangerous Crime Against Children; one count of attempted molestation of a child, a class three felony and Dangerous Crimes Against Children; nine counts of kidnapping, Dangerous Crimes Against Children; and eleven counts of child abuse. At sentencing the defendant argued for a mitigated sentence with the State arguing for the presumptive sentence on each count to run consecutively. Superior Court Judge Mahoney followed the State's recommendation and sentenced the defendant to a total of 267.5 years in prison.

State v. Lowe's Home Center

On March 23, 2006, Maricopa County Attorney Andrew Thomas announced that Lowe's Home Center store



had paid a penalty of \$3,855 after being charged with allowing mosquitoes to breed in standing water on store property in Mesa. Mosquitoes can carry the deadly West Nile Virus which killed three people in Maricopa County in 2005 and infected 74.

Acting on a citizen complaint, county inspectors visited the site on May 17, 2005, and found breeding mosquitoes. Inspectors notified the manager and treated the area with pesticide. After an order to correct the problem was sent to Lowe's on June 20, 2005 and five additional inspections in June and July confirmed the standing water was still present, the County Attorney's Office filed a criminal complaint on September 14, 2005, and a trial was scheduled to begin March 21, 2006, in the East Mesa Justice Court.

On March 20, 2006, Lowe's agreed to pay a fine of \$2,000 plus \$1,855 in restitution to the Maricopa County Environmental Services Department for the cost of their inspections and enforcement of the law. The store, located at 1440 South Higley Road in Mesa, also had performed \$48,000 in work to construct drainage culverts to distribute rainwater from the parking lot.

County Attorney Receives Recording Industry Award For Fighting Music Piracy

After prosecuting Arizona's first case of internet movie piracy in 2005, the Maricopa County Attorney's Office received a "Gold Record" award from the Recording Industry Association of America (RIAA) for its ongoing efforts to prosecute those who make illegal copies of music, movies, or software.

The County Attorney's Fraud and Identity Theft Enforcement Bureau (FITE) prosecutes those who possess, buy, or sell illegally copied materials and often works in cooperation with the RIAA to address these crimes. On January 10, 2006 the RIAA presented

Thomas and three FITE prosecutors with plaques containing an honorary gold record to symbolize their "best record of 2005" in prosecuting music piracy.

The breakthrough case in 2005, involved a Mesa student who pled guilty to possessing illegal copies of intellectual property and was sentenced to three months of incarceration, plus probation, community service and a fine. The illegal material included movies that at the time were only available in theaters and also music not for sale to the general public.

Although this gold record did not top the Billboard charts, it resulted in a criminal record for one Mesa resident and County Attorney Thomas's commitment to prosecute music piracy.



Selected Adult Felony Filings by Offense Type

| | Selected Felony Filings | | |
|--------------------|-------------------------|---------------|-----------|
| | CY 05 | CY 06 | % Change |
| Homicide | 286 | 295 | 3% |
| Sexual Assault | 120 | 100 | -17% |
| Child Molestation | 362 | 362 | 0% |
| Robbery | 878 | 922 | 5% |
| Aggravated Assault | 3,072 | 3,153 | 3% |
| Burglary | 2,069 | 2,038 | -1% |
| Arson | 42 | 35 | -17% |
| Vehicular Theft | 2,758 | 2,650 | -4% |
| DUI | 2,897 | 2,884 | 0% |
| Theft | 1,238 | 1,238 | 0% |
| Drug Related | 15,911 | 15,985 | 0% |
| Totals | 29,633 | 29,662 | 0% |

Selected Adult Felony Filings have decreased from 2005 to 2006 by 1%.
 Source: County Attorney Information System as of 01/04/07. Data is subject to change.

Selected Juvenile Felony Filings by Offense Type

| | Selected Filings | | |
|--------------------|------------------|--------------|-------------|
| | CY 05 | CY 06 | % Change |
| Homicide | 21 | 25 | 19.0% |
| Sexual Assault | 1 | 2 | 0.0% |
| Child Molestation | 89 | 69 | -22.5% |
| Robbery | 154 | 195 | 26.6% |
| Aggravated Assault | 612 | 587 | -4.1% |
| Burglary | 713 | 796 | 11.6% |
| Arson | 24 | 20 | -16.7% |
| Vehicular Theft | 502 | 467 | -7.0% |
| DUI | 9 | 7 | -22.2% |
| Theft | 186 | 217 | 16.7% |
| Drug Related | 1,336 | 1,273 | -4.7% |
| Other | 1,381 | 1,627 | 17.8% |
| Totals | 5,028 | 5,283 | 5.1% |

Juvenile felony filings have increased from 2005 to 2006 by 5.1%.
 Source: Juvenile Online Tracking System as of 01/04/07. Data is subject to change.

Andrew P. Thomas

Maricopa County Attorney

Elected Maricopa County Attorney in November, 2004, Andrew Thomas, a former prosecutor and published author, is a leading authority on the criminal justice system.

Born in Long Beach, California in 1966, Mr. Thomas grew up mostly in the Ozarks of southern Missouri. He received his B.A. in Political Science from the University of Missouri in 1988 and his law degree from Harvard Law School in 1991.

After graduating from law school, Mr. Thomas moved to the Valley of the Sun to work for a large law firm in Phoenix, where he practiced civil litigation. In 1994, he left the private practice of law to serve as an Assistant Attorney General for Arizona. Subsequently, Mr. Thomas served as Deputy Counsel and Criminal Justice Policy Advisor to the Governor of Arizona. In this capacity he helped draft and campaigned for the Stop Juvenile Crime Initiative, which was approved by the voters in 1996.

After serving in the Governor's Office, Mr. Thomas became the Chief Attorney at the Arizona Department of Corrections, where he helped lead a successful crackdown on prison gangs.

Joining the Maricopa County Attorney's Office as a Deputy County Attorney in 2003, he prosecuted



numerous cases both in the Pretrial and Juvenile Divisions. In 2004, Mr. Thomas ran successfully for Maricopa County Attorney. He took office in January, 2005.

As County Attorney, Andrew Thomas has championed the rights of crime victims, adopting tough policies related to violent crime, child exploitation, identity theft and repeat offenders. The successful prosecution of human smugglers and illegal immigrants who conspire to enter the United States has set a standard for local law enforcement in combating the epidemic of illegal immigration. He helped draft and led the fight for Proposition 100, which ended the right to bail for illegal immigrants accused of serious felonies, and Proposition 301, which toughened sanctions for abuse of methamphetamines. In 2006, the voters of Arizona approved both measures by a wide margin.

Married to Ann Estrada Thomas, Mr. Thomas and his wife have four children.

Philip J. MacDonnell

Chief Deputy County Attorney



Following his graduation from Harvard Law School in 1974, where he was senior editor of the *Harvard Law Review*, Phil clerked for Judge Ozell Trask of the U.S. Court of Appeals for the Ninth Circuit. He subsequently joined the Arizona Attorney General's Office, serving in the administra-

tions of former Attorneys General Bruce Babbitt, Jack LaSota and Bob Corbin. As chief of the Attorney General's Special Prosecutions Division, Phil prosecuted high-profile cases and supervised numerous complex grand jury investigations. In 1981, Phil left to become an Assistant United States Attorney for Arizona.

Governor Bruce Babbitt subsequently appointed Phil to serve as Superintendent of the Department of Liquor Licenses and Control. There he oversaw the enforcement of the state's liquor statutes. Since 1987, Phil had been a partner with the law firm of Jennings, Strouss & Salmon. He has served as Chief Deputy County Attorney since 2005.

Sally W. Wells

Chief Assistant County Attorney



Appointed by Maricopa County Attorney Andrew Thomas in 2005, Sally is the Chief Assistant County Attorney for the Maricopa County Attorney's Office and is the highest ranking female attorney in the history of the office. As Chief Assistant, Sally is responsible for the day-to-day

operations in all divisions of the Maricopa County Attorney's Office, with the exception of the Executive Division. This includes over nine hundred attorneys, paralegals, detectives, victim advocates, support staff, administrative and information technology personnel.

A graduate of the University of Virginia and Arizona State University School of Law, Sally has been a felony prosecutor in Maricopa County since 1986. She has served in numerous trial and management positions at the Maricopa County Attorney's Office prosecuting vehicular, narcotic, repeat offender, and white collar crimes.

Prior to her appointment as Chief Assistant, Sally supervised attorneys first as a Juvenile Division Bureau Chief and later as the Pretrial Division Charging/Grand Jury Bureau Chief. In 2000, she was selected to be the Division Chief of the Pretrial Division. She has served as Chief Assistant County Attorney since 2005.

Maricopa County Attorney's Office

Downtown (Main Number) (602) 506-3411
301 W. Jefferson Street • Phoenix, AZ 85003

Southeast Facility (Main Number) (602) 506-2600
222 E. Javelina, Suite 2400 • Mesa, AZ 85210

Juvenile Division Eastside Office (Main Number) (480) 962-8002
540 W. Iron Avenue, Suite 110 • Mesa, AZ 85210

Juvenile Division Westside Office (Main Number) (602) 372-4000
3131 W. Durango • Phoenix, AZ 85009

Wells Fargo Facility (Main Number) (602) 372-7350
100 W. Washington, 21st Floor • Phoenix, AZ 85003

Civil Division (602) 506-8541
222 N. Central Avenue, Suite 1100 • Phoenix, AZ 85004

www.maricopacountyattorney.org

Specific Information on Programs of Interest

Kids in Court Program (602) 506-8522

Media Relations (602) 506-3411

Speakers Bureau (602) 506-5754

Drug Free AZ (602) 506-7630

Adoptions (480) 962-8002

Community Action Bureau ... (602) 506-3411

Victim Services Division (602) 506-8522

Victim Compensation

Bureau (602) 506-4955

Hotlines

Graffiti (602) 262-7327

Hate Crimes (602) 506-5000

Illegal Dumping (602) 506-6616

Slumlord (602) 372-7586



ANDREW P. THOMAS
Maricopa County Attorney