

2008



MARICOPA COUNTY ATTORNEY'S OFFICE
2008 ANNUAL REPORT



MISSION STATEMENT

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 rights 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.





Crime rates have fallen in Maricopa County. Both first-time offenders and convicted repeat offenders are facing real prison time and lengthier prison sentences. Tougher office policies and newly enacted legislation have helped to increase the number of defendants sentenced to the Arizona Department of Corrections. As a result, crime rates in Arizona and Maricopa County continue to fall.

By leading the battle against violent and property offenders, this office diligently works to ensure community safety. As a direct result of our state's proximity to the border, drug smuggling crimes, human smuggling crimes and drop house violence are a threat to Maricopa County. This office has led the way in prosecuting defendants associated with these illegal trades and with the violent crimes that result.

Additionally, criminals are perpetrating more financial and fraud-related crimes as the downturn in the economy continues. Our office has a strong history of successfully prosecuting those who engage in Medicare fraud, those who initiate investment and embezzlement scams and swindlers who defraud consumers. We will continue to aggressively prosecute identity thieves. Legislation supporting these and other criminal offenses has provided enhanced penalties and tough sentences for offenders.

It has always been my pleasure to work alongside the highly dedicated and truly inspired prosecutors and staff within our office as well as the professional law enforcement agencies in Maricopa County. Through the prosecution of the approximately 40,000 cases that passed through the office this year, we continue to advance the interests of justice and reduce crime.

A handwritten signature in black ink that reads "Andrew P. Thomas". The signature is written in a cursive, flowing style.

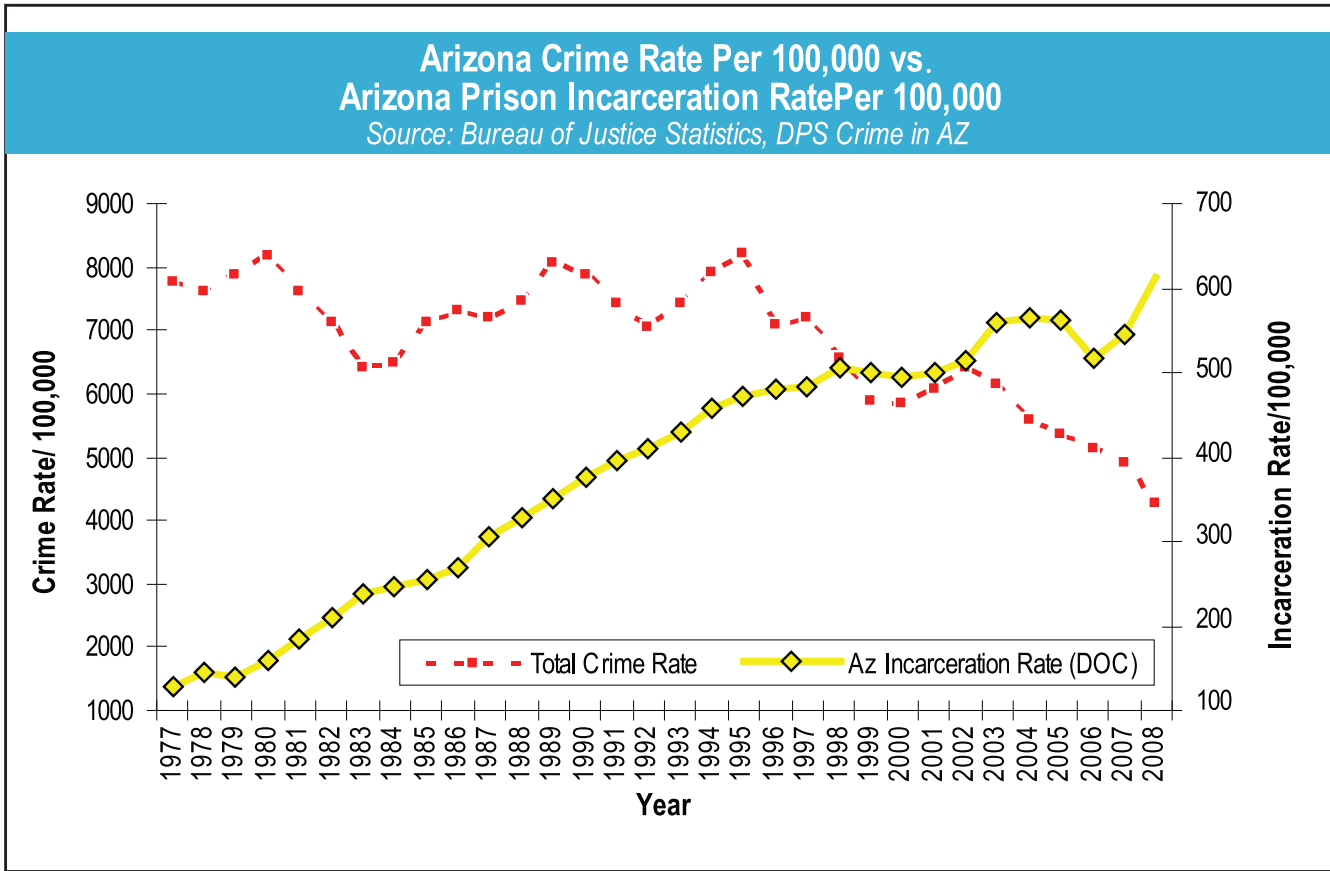
Andrew P. Thomas



TABLE OF CONTENTS

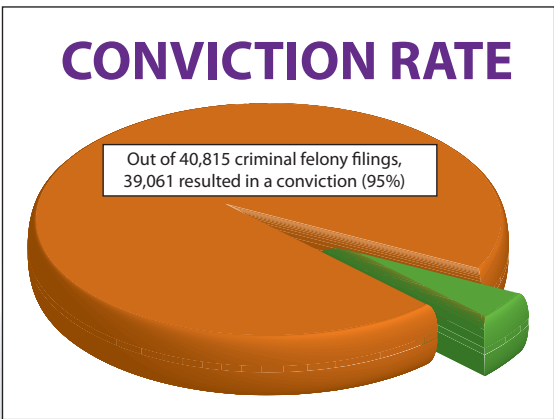
Criminal Offenses and Statistics	3
Fraud and Financial Crimes	4
Cold Case Murders	5
Child Prostitution	6
Death Penalty Cases	7
Attacks on Law Enforcement Officers	8
Gangs	9
Illegal Immigration	10
Human Smuggling	11
Significant Cases	12
Legislative Action	15
Community Efforts	16
Executive Biographies	20





The highest priority of this office is holding criminals accountable for the crimes they commit against people and the community. The Maricopa County Attorney’s Office (MCAO) is responsible for the prosecution of more than 40,000 criminal cases each year in the State’s most populous metropolitan county.

Generally, it is a small criminal element contributing to the majority of violent and property crimes throughout the County. In order to effectively prosecute those bent on violating the law, this office has four Criminal Trial Divisions, which handle thousands of felony cases each year, along with 11 specialty bureaus including homicide, sexual offenses, repeat offenders, auto theft, computer/internet crimes, drugs, family violence including elder abuse, gangs and fraud/identity theft. This chart represents some of the adult felony offenses prosecuted by this office:



MCAO SELECTED ADULT FELONY OFFENSES	
OFFENSE TYPE	DEFENDANTS
Aggravated Assault	2,823
Arson	54
Burglary	2,398
Child Molestation	329
DUI	3,049
Drug Related	15,908
Homicide	307
Robbery	1,206
Sexual Assault	95
Theft	1,145
Vehicular Theft	1,297
Other	12,208
TOTAL:	40,815

2008

Securities Fraud Ponzi Schemes Investment Violations

Unfortunately, these phrases are heard more and more by Maricopa County residents. Criminals involved in defrauding individuals and businesses only succeed in further crippling the economic environment. The MCAO is committed to prosecuting those criminals who are perpetrating financial fraud, scheming with partners to commandeer financial rip-offs and setting up dummy companies to run investment scams. The office has a solid history of successfully prosecuting those who engage in Medicare fraud, criminals who initiate investment and embezzlement scams and swindlers who defraud consumers as well as businesses of all sizes. These types of crimes often leave victims and businesses emotionally and financially devastated.

An important component of the County Attorney’s solution includes two specialty bureaus that exist within the office. The Fraud and Identity Theft Enforcement Bureau (FITE) and the Asset Forfeiture Bureau are responsible for the majority of fraud-related cases prosecuted at the MCAO. Nearly 7,500 fraud-related cases are submitted to the office annually. A typical fraud case in our FITE Bureau results in prison 56% of the time with an average sentence of 48 months; 44% are sentenced to probation, often with jail. Additionally, \$10 million is seized each year by our office and more than 500 people receive training from our in-house financial fraud experts. A key ingredient of our success in prosecuting these types of crimes are the partnerships and affiliations the MCAO has cultivated with local, state and federal agencies, which have served to enhance the investigations and the criminal justice process.

In 2008, the MCAO unveiled stronger policies related to fraudulent schemes. Con men and women convicted of perpetrating the same scam over and over with multiple victims will now be charged multiple times, once for each victim, resulting in more severe penalties for the offender.



In The News



*Deputy County Attorney Annielaurie Van Wie successfully prosecuted bogus divorce lawyer **Gary Karpin** after charging him with 24 counts of fraud and theft. Karpin passed himself off as an Arizona licensed divorce attorney and fraudulently billed victims for nearly \$300,000. Karpin fooled victims by prominently displaying a false law school degree, bar admission and Trial Lawyers of America certificate on his wall.*

He typically demanded payment of \$180.00 per hour and charged one victim nearly \$90,000 over a year-long period. Victims came forward and testified regarding his odd mediation sessions and forceful methods of obtaining payment from clients. Karpin was ultimately sentenced to 15.75 years in the Arizona Department of Corrections and five years probation.

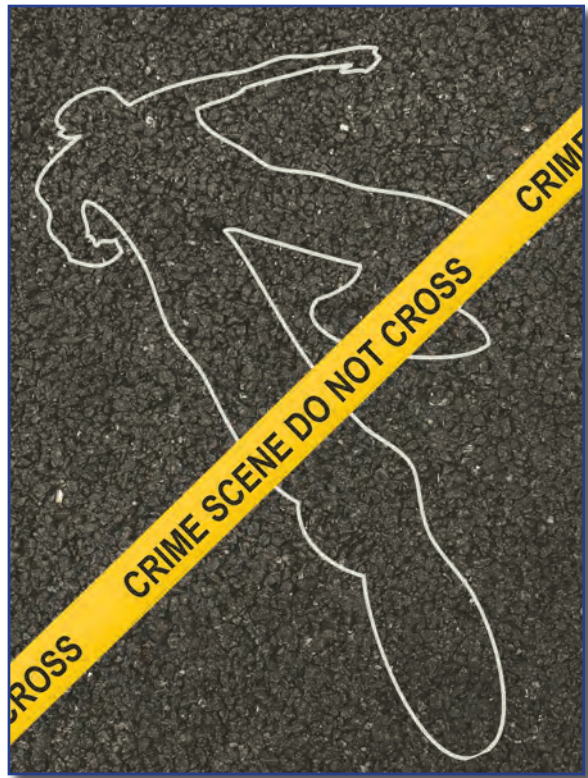
The mission of the MCAO is to provide quality prosecution, victim services and crime prevention so the people of Maricopa County can live in a safe, secure community. Reducing the violent crime rate is an important piece of this process. The MCAO continues to work on reducing the crime rate by establishing a crime prevention strategy that targets cold cases. Cold cases are cases that have not been solved for at least one year and as a result have been closed from further investigation.

In 2008, two important cold cases were solved. Veteran prosecutors and detectives helped investigate these cases and pursued successful prosecutions and verdicts against the defendants.

Jon Benson was arrested and indicted on one count of second-degree murder for the 1978 death of 14-year old Greg Holman. The teen disappeared in 1978 and was last seen with his friend Benson. The disappearance was investigated for years and in 1992, police discovered the victim's remains buried in the back yard of the defendant's home. The case was re-opened in 2006 and Benson was ultimately indicted in 2008.

Steven Scoutten was charged with first-degree murder for the 1986 killing of Tucson transient Dwayne Nutt. The two were believed to have fought over drugs and Nutt was found stabbed to death in his hotel room. The case was returned to law enforcement at the time for additional investigation. New advances in DNA allowed police to re-submit the case in 2008 and the MCAO proceeded to indict Scoutten.

These successful indictments are a testament to the dedicated prosecutors in the County Attorney's Office who understand that all victims deserve justice, no matter how much time has passed since the crime. Partnerships with new cold case units in Valley police departments continue to be successful and by closing these cases, cold-blooded killers are taken off the streets and closure is brought to the victims' families.



DIVISION CHIEF

Kay Gojkovich, the Division Chief of the Investigations Division at the MCAO, brings more than 30 years of investigative experience to these cold cases. Kay spent 18 years at the Arizona State University Police Department and 16 years with the Bisbee Police Department before joining the County Attorney's Office. Her staff of sworn and non-sworn law enforcement professionals continuously labor to accomplish the goals of the County Attorney's Office. The Investigations Division is proud to have a unique distinction from the Commission on Accreditation for Law Enforcement Agencies (CALEA), the organization that sets nationwide standards for police departments. The County Attorney's Office Investigations Division is the first and only accredited prosecution office in the country.

All too often, young girls and boys are recruited into the prostitution trade through forced abductions, as runaways or because of drug use. Children are “pimped out” (managed as clients for profit) and made to work the streets. Approximately 55% of girls “on the street” engage in formal prostitution and the average age at which girls first become victims of prostitution is 12-14 years old. (Richard J. Estes, Commercial Sexual Exploitation of Children in the U.S.)



*In April 2008, Prosecutor **Erin Otis** received a commendation and team award from the Phoenix Police Department for her work on child prostitution cases. The award reflects the teamwork displayed while investigating and prosecuting the unique circumstances that come along with this type of crime.*

MCAO SPOTLIGHT

Sadly, these young people are often prostituted at strip clubs and through newspaper ads. Pimps tell unsuspecting teens that they can make them models or dancers and they offer false promises of comfort, food and shelter while they prostitute them. The County Attorney’s Office continues to work with local police agencies to punish pimps who force young girls and boys into prostitution. In 2008, Maricopa County witnessed a tragic trend of pimps seeking younger and younger children to engage in acts of prostitution.



In just the first five weeks of the year, there were three convictions for prostitution. Defendant Joshua Morgan took in a pair of teen runaways (ages 13 and 15) and forced them into a life of prostitution. He received a sentence of 20 years in the Arizona Department of Corrections. Another defendant, Michael Maurice Harris pleaded guilty to three counts relating to child prostitution and received 15 years in prison. Defendant Matthew Gray was sentenced to 35 years in prison for the kidnapping and rape of a 15-year-old who he kept in a dog kennel and forced into prostitution. Another defendant, Mark Anthony Howard was sentenced to 139 years in prison for his role in a child prostitution ring that involved five young girls.

These criminals exploited young girls while living lavish lifestyles in expensive homes. Offenses against children will continue to be a priority of the office because child prostitution is by no means a victimless crime.

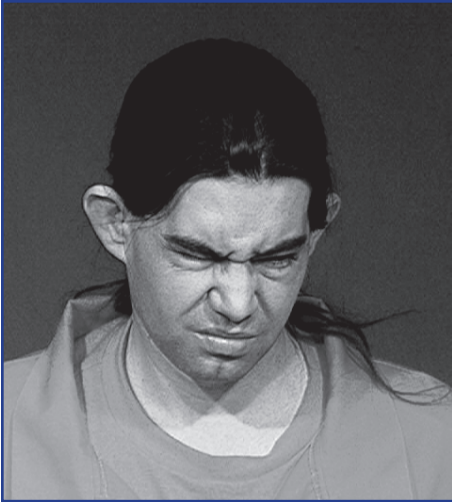
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DIVISION CHIEF

*Victim Services Division Chief **Jamie Mabery** sees first-hand the need to advance justice and reduce crime. During her ten years with the MCAO, Jamie has supported and worked for the rights of all child victims. Her work in the field of gang prevention and domestic violence ensures that she will always put the needs of victims first.*

In The News



*Defendant **Aaron Gunches** was sentenced to death for the December 2002 kidnapping and shooting death of Ted Price. The victim's body was found in the desert east of Mesa. Gunches killed Price by shooting him execution style. After the murder Gunches fled the Valley and the following year he shot and wounded a Department of Public Safety officer in La Paz County. Gunches was indicted for first-degree murder and kidnapping in Maricopa County in 2003 and in early 2008 Deputy County Attorney George Gialketsis was successful in obtaining a death penalty verdict.*

The MCAO continues to pursue the death penalty in appropriate murder cases. In 2008, there were 127 cases pending in the Maricopa County Superior Court in which a notice of intent to seek the death penalty had been filed. The County Attorney's Office has its most tenured prosecutors working in the Homicide Bureau. These attorneys, with an average of 18 years of prosecutorial experience, are dedicated to securing just verdicts in death penalty cases.

In 2008, the County Attorney's Office filed multiple notices of intent to seek the death penalty. In one instance, defendant Trent Benson was linked by police to attacks on women occurring between 2004 and 2007. Benson raped four women and strangled two of them to death. In another important capital case, Deputy County Attorney Burt Jorgensen charged defendant Jeffrey Hamlet with the killing of his wife at their Phoenix home. Police officers responded to a 911 call placed by the victim's son and found the victim deceased inside a bedroom and wrapped in a tarp.

A number of death verdicts were also returned in 2008. A jury returned a verdict of death in a 1998 murder case involving Wayne Benoit Prince. Deputy County Attorney Cleve Lynch was successful in winning a guilty verdict on one count of first-degree murder and one count of attempted first-degree murder. The charges were the result of a domestic violence argument that turned deadly. Prince shot his step-daughter and his wife; the step-daughter died and his wife survived with lifelong injuries.

A Maricopa County jury also sentenced Clarence Wayne Dixon to death for the murder of a 21-year-old ASU student in 1978. She was raped, strangled and stabbed in Tempe. DNA evidence was key in tying the defendant to the scene of the crime. Deputy County Attorney Juan Martinez prosecuted this case.

The office participates in the Maricopa County Capital Case Oversight Committee, along with the Arizona Supreme Court, the Public Defender's Office, the Governor's Office and the Arizona Attorney General, to assist in developing efficient methods for moving capital cases through the Arizona courts.



*Two MCAO Homicide Bureau prosecutors were honored in 2008 for their work on death penalty cases. **Patti Stevens** was named Prosecutor of the Year and **William Clayton** received a Lifetime Achievement Award from the Arizona Prosecuting Attorneys' Advisory Council. Patti's successful work on two cases involved the deaths of a two-year-old boy and a five-year-old girl. Both defendants received the death penalty. Wil-*

liam's work has included more than 10 successful death penalty verdicts in his 30-year prosecutorial career.

MCAO SPOTLIGHT

DEATH PENALTY CASES

Assaults on law enforcement officers often result in serious injury and sadly, in some cases death. There were more than 2,000 police officers assaulted state-wide last year; 1,500 of these assaults occurred in Maricopa County. Weapons such as fists, feet and firearms were used. One-fifth of the assaults in Maricopa County resulted in injuries. The community does not tolerate attacks on law enforcement officers. Prosecutors will continue to stand shoulder-to-shoulder with police officers when they are threatened with violent harm. The County Attorney will prosecute these cases to the fullest extent of the law because holding people accountable for attacks on officers is a crucial piece of a successful criminal justice system.

Defendant Frank Bernal, 22, opened fire on two Phoenix police officers, Shane Figueroa and Brent Freyberger, during a pursuit. The two officers observed an orange glow from the handgun and heard gunshots. A chase ended moments later and Bernal was arrested. Following a six-day trial, Bernal was convicted on two counts of aggravated assault and was sentenced to 27.5 years in the Arizona Department of Corrections. Sadly, Officer Figueroa was killed during Bernal's trial while answering another call for shots fired.

Defendant Hugo Miranda was sentenced to 31.5 years in prison for firing at three police officers on two occasions. Officers attempted to stop Miranda because he was driving a stolen car; Miranda got out of the car and fled the scene, firing shots as he ran. A couple of weeks later, Miranda was again stopped for driving a stolen car and he exchanged fire with the officers until he was arrested.



Images courtesy of Phoenix PD/ IIMPACT



DIVISION CHIEF

*Special Counsel **Lisa Aubuchon** has prosecuted the gambit, from attacks on law enforcement officers to an elementary school vice principal for sexual conduct with a minor to a former Department of Public Safety officer for possessing child porn, and a woman in a murder-for-hire plot after the defendant made the mistake of trying to hire an undercover police officer. Aubuchon has been advancing justice at the MCAO for more than a decade. In addition to leading the Pretrial Division at the office, Lisa is also Special Counsel for public corruption cases. Lisa has been recognized as the office's Attorney of the Year and has received a Crime Victim's Rights Award.*

Gang members commit thousands of violent acts annually. Rape and sexual assault, robberies, aggravated assault and other violent crimes are part of the national increase in gang activity. The MCAO is working to identify these gang members and ensure the worst of the worst are prosecuted and put behind bars. The office participates with other law enforcement agencies by sharing intelligence and networking with local and federal agencies.



*In 2008, the Bureau of Alcohol, Tobacco and Firearms honored prosecutors **Heather Wicht** and **Elizabeth Gilbert** with an award for their work on the “AZ 88 Boot Boys” case. This self-proclaimed White supremacist gang of more than 40 members was indicted on gang, drug and weapons charges.*

MCAO SPOTLIGHT

In 2008, the Maricopa County Attorney’s Office, with support from the Arizona Legislature, enacted new and powerful weapons in the fight against gang violence. The community can be assured that these violent gang members will stay off the streets for a long time.

Prison time is now mandatory for plea agreements involving documented gang members who are armed while committing a gang-motivated offense.

Aggressive use of a newly enhanced state law (ARS § 13-604) prevents documented gang members from getting probation in gang-motivated crimes. This law also increases sentences for gang-motivated offenses by as much as five years.

Prison is mandatory within any plea agreement involving defendants who threaten officers or witnesses with gang violence or retribution.

Any guilty plea involving a documented gang member will be subject to “gang terms” of probation, such as prohibiting association with gang members along with other prohibitive terms.

The County Attorney’s Office is committed to putting a stop to street gangs. “Our goal is to help take back neighborhoods terrorized by criminal gangs so those residents won’t have to live in fear. New legislation has given us prosecutorial tools to use. The County Attorney’s Office will do its part by making sure gang members who land behind bars stay there for a long time,” stated Andrew Thomas.

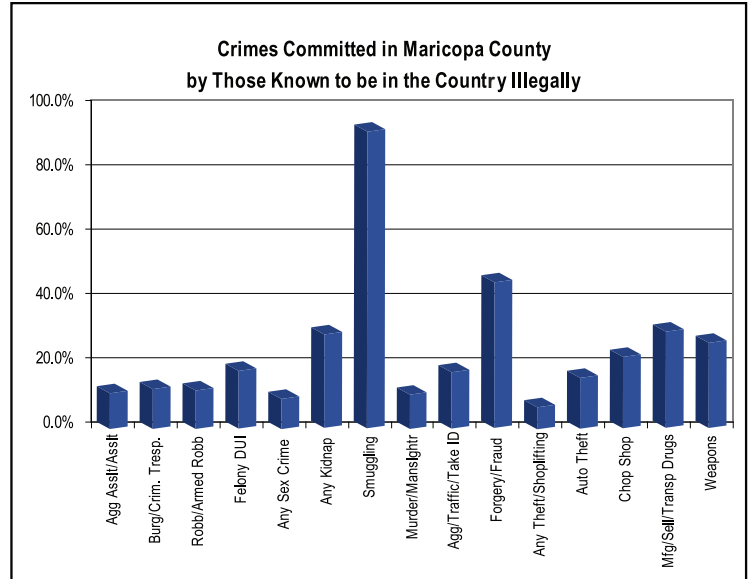


DIVISION CHIEF

*Trial Division Chief **Leonard Ruiz** has completed more than 60 trials during his 21 years at the MCAO. He has mentored many new attorneys and helped investigate multiple crime scenes. Over the years Leonard has also been a trial attorney and a Bureau Chief, prosecuting violent gang members and murderers. Ruiz reports that “this is the only attorney job that fits my sense of right or wrong.”*

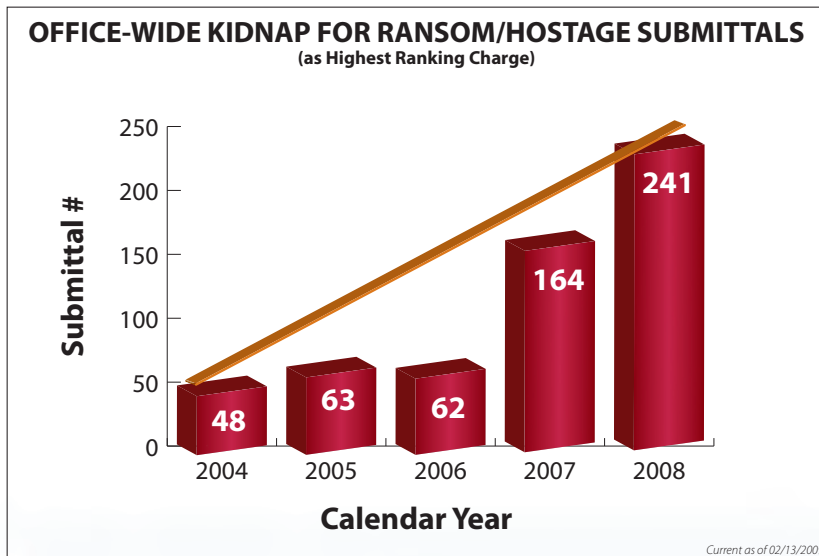
Impact of Illegal Immigration on Crime Rates

The MCAO is frequently asked how illegal immigration impacts crime. In response, the office undertook a landmark research project in 2008. The study concluded that approximately 21% of those sentenced for felonies in Maricopa County are in the United States illegally, despite the fact that the best estimates show illegal immigrants make up 9% of the local population. More specifically, illegal immigrants accounted for 16.5% of those sentenced for violent crimes; 18.5% of those sentenced for property crimes; 33.5% of those sentenced for the manufacture, sale, or transport of drugs; and 44.4% of those sentenced for forgery and fraud.



In releasing the research, County Attorney Andrew Thomas commented, “Our border crisis is directly fueling Arizona’s crime rates. While all of us should welcome legal immigrants as a source of great economic and social vitality for our country, we must at the same time acknowledge the high price we are paying for illegal immigration.”

Disturbing Kidnapping Trends



Another troubling Valley trend resulting from illegal immigration is the kidnapping for ransom cases submitted by police, which increased 402% between 2004 and 2008. 68% of the cases submitted in 2008 involved illegal immigrants. Both prosecutors and police say this dramatic rise has its roots in Latin America, where this type of violence has unfortunately taken hold. In response, County Attorney Andrew Thomas has assigned three prosecutors to handle these cases. Thomas stated, “These kidnappings threaten the safety of neighborhoods all over the Valley.

We have to stop this trend before the violence escalates. This problem is yet another unfortunate byproduct of the illegal immigration crisis, which jeopardizes the lives of not only U.S. citizens but also immigrants, legal and illegal.”



“Coyotes” (people paid to smuggle human “cargo” illegally) often set up drop houses in Valley neighborhoods where they hold their victims captive until a ransom is paid. Last year more than 200 coyotes were successfully prosecuted by the MCAO. As violence on the border escalates and kidnapping cells are becoming more common, this kind of hostage-taking for ransom is growing in Maricopa County.

In March 2008, a West Phoenix drop house containing 15 illegal immigrants was identified. Their coyote captor was demanding an extra \$3,000 per smuggled immigrant from family members under threat of death. Coyote defendant Jose Roman Tostado-Osuna was prosecuted and sentenced to five years in the Arizona Department of Corrections. Last September, four men in the country illegally held 16 illegal immigrants at gunpoint and made ransom demands of their families. Two of the defendants were ultimately sentenced to 10.5 years in the Arizona Department of Corrections and two were sentenced to seven years in prison.



In 2008, a number of MCAO’s prosecutions were supported by a ruling from the Arizona Court of Appeals that upheld the prosecution of illegal immigrants for conspiring to transport themselves in violation of Arizona’s human-smuggling statute. On July 31, 2008, the Court of Appeals also ruled that Arizona courts

have jurisdiction to prosecute persons under the human smuggling statute when the solicitation took place in Mexico.



Last year, the MCAO also implemented a successful new policy requiring prosecutors in sentencing proceedings to bring to the court’s attention the fact that a defendant is unlawfully in the United States. This helps avoid putting a defendant into a publicly-funded probation program in violation of state law. Prosecutors also inform the Maricopa County Sheriff’s Office that the

defendant is in violation of immigration laws to ensure that immigration proceedings can commence. If the defendant is not in custody, the Sheriff’s Office takes the defendant into custody.

- Images courtesy of Phoenix PD/ IIMPACT



DIVISION CHIEF

Anthony Novitsky, Major Crimes I Division Chief, began working as a prosecutor more than 25 years ago. His division includes the Forfeiture, Drug Enforcement, Gang, Homicide, Repeat Offender, Special Crimes and Vehicular Crimes Bureaus. In addition to overseeing the prosecution of some of the Valley’s most dangerous human smugglers, he has also served as Bureau Chief in the Vehicular Crimes unit and also as a Trial Bureau Chief. Tony became a prosecutor because “his position allows him to advance justice and reduce crime on a daily basis.”

Convicted Child Molester Sentenced to 51 Years

Jon Solnicka victimized three girls ages 7, 10, and 11

In December, Jon Solnicka, 41, was sentenced to 51 years in prison for molesting three young girls at his home in Youngtown. In June 2007, three sets of parents contacted police claiming their daughters had been molested by Solnicka while they were swimming at his home. Youngtown Police found Solnicka two days later hiding in the attic of his mother's Sun City home.

On June 15, 2007 a grand jury indicted Solnicka on three counts of child molestation, class two felonies and dangerous crimes against children. On September 3, 2008 a superior court jury found Solnicka guilty on all three counts. He was sentenced on December 12, 2008 by Judge Larry Grant. Deputy County Attorney Rachel Phipps-Yonas prosecuted the case.

This was not Solnicka's first offense. He spent five years in prison for raping a ten-year-old child in 1989. He violated his parole in 2001 and eventually moved to Arizona.

Andrew Thomas stated, "This sentence will make sure this serial child predator serves an appropriate number of years behind bars. It is unfortunate that Solnicka only served five years for raping a child in Oregon in 1989. Fortunately Arizona has mandatory sentencing laws that prevent that from happening here."



18 Years for San Tan Freeway DUI Defendant Guilty of 2nd Degree Murder

35-Year-Old Man On His Way to Work Killed In Crash Caused By Border Violator



In November, Alonso Pena-Reyes, 20, was sentenced to 18 years in prison for causing the death of Nemo Nicholas, a 35-year-old Chandler man, in a DUI related car crash. Pena-Reyes pled guilty to a second-degree murder charge on September 30, 2008. The charge

resulted from a fatal crash that occurred during the early morning hours of May 4, 2008, on the San Tan Freeway. Pena-Reyes, who is in the country illegally, was sentenced on November 5, 2008.

The defendant was driving the wrong way on the San Tan Freeway for several miles and failed to yield to a Phoenix police officer. Pena-Reyes then struck another vehicle head-on and killed the victim. The defendant was intoxicated and had a blood alcohol content of 0.244%. Pena-Reyes was held non-bondable following his arrest due to his immigration status.

Andrew Thomas stated, "This sentence will not begin to fill the victim's family's sense of loss, but it serves justice and will protect the community from a dangerous individual."

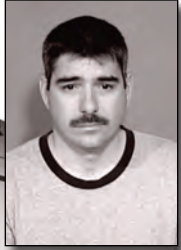


DIVISION CHIEF

Mayar Daiza has spent more than 20 years advancing justice and reducing crime as a prosecutor at the MCAO. She has completed more than 50 felony trials ranging from gang cases to drug enforcement to armed robbery. She also works to promote the prosecution field by serving as President of the Arizona Women Lawyer's Association and as the past Chairperson of the Arizona State Bar Continuing Legal Education Committee and Convention Committee.

FORMER POLICE OFFICER SENTENCED IN SEXUAL ABUSE CASE

Fondled Women During Traffic Stops while with the Mesa Police Department



Matt Driver, 34, a former Mesa police officer, was sentenced to six years in prison plus lifetime probation. Driver was found guilty of five counts of sexual abuse, a class 5 felony, for fondling three different women while they were in his custody as a police officer in 2004. Prosecutor Rachel Mitchell secured a guilty verdict on October 31, 2007. The charges were based on complaints from the women that they were subjected to inappropriate physical contact by the defendant in what he defined as "searches" during a traffic stop, during contact with a juvenile out past curfew, and while he was transporting a woman to jail.

"This defendant erred when he thought he had free reign because he wore a badge," said Andrew Thomas. "He will now have plenty of time to realize that no one is above the law."

Defendant Who Molested Girlfriend's Younger Sister is Sentenced to 122-Year Prison Term

Phoenix resident Victor Teresa-Molina, 34, was sentenced to 122 years in prison for sexually abusing his then girlfriend's 13-year-old half-sister. The victim had arrived from Mexico to live with her older sibling and was shortly thereafter subjected to the defendant's criminal activities. The abuse occurred between August 2004 and October 2005.



"The sexual abuse of minor children will continue to be met with severe sentences," said Andrew Thomas. "Justice has seen to it that this defendant will spend the rest of his life behind bars."

Teresa-Molina was found guilty and received 20 years for each of the five counts of sexual conduct with a minor and 17 years for molestation.

probation Driver was found guilty five counts of Sexual Abuse for fon-

Child Killer Sentenced to Life in Prison Plus 27 Years



In February 2005, paramedics were called to a Mesa home where they found an unconscious child. She was pronounced dead at the hospital. The child suffered numerous injuries consistent with a severe beating. Christopher

Langin admitted he had been babysitting the child for more than 24 hours.

In December 2008, Langin was found guilty of first-degree murder, child abuse, and aggravated assault in the death of three-year-old Angelene Plummer, and was sentenced to natural life in prison plus 27.75 years. Deputy County Attorneys Patricia Stevens and Suzanne Cohen prosecuted the case.

Murder-For-Profit Defendant Convicted

In December, Thomas Bastian, 31, was sentenced to natural life in prison for participating in a conspiracy murder-for-hire. Bastian was approached by defendant Scott Hartline-Seffern with a request that Bastian kill Hartline-Seffern's partner for a fee of \$50,000 to \$60,000. Bastian then hired another defendant, Jose Quintero, to be the shooter. Bastian drove Quintero to a parking lot and lured the victim to the same place. Quintero shot the victim sixteen times and then he and Bastian escaped in Bastian's car. When the police approached the ringleader, Scott Hartline-Seffern to serve a warrant as part of the investigation, Hartline-Seffern killed himself by slicing his own neck. Bastian had already spent more than ten years in prison for other drug and violent offenses and was a suspect in the 2007 plot to smash school bus windows in Scottsdale for profit. Prosecutor Cleve Lynch secured a natural life sentence in the Arizona Department of Corrections for Bastian in the first-degree conspiracy murder.



LIFE SENTENCE FOR 25-YEAR-OLD MURDERS

In December 2008, Mark Merila, 44, was convicted for the kidnapping and murder of two Mesa teenagers in 1984. Prosecutors Mark Barry and Kristen Larish theorized that the juveniles had been picked up while hitchhiking and then murdered. Their nude and battered bodies were found off a dirt road by a woman who reported she was looking for a party in the desert. The woman later turned out to be Merila's girlfriend. Because there was insufficient technology to identify DNA in 1984, the evidence was re-examined by the Arizona Department of Public Safety years later using the new technology. Merila escaped justice for more than 20 years. Finally DNA advances were able to match Merila to the crime and he was arrested. He was sentenced to two consecutive life sentences in addition to two concurrent 21-year sentences for the kidnappings. Merila will be 92 years old when he is eligible for parole.

Defendant Convicted of Student's Murder



David N. Cox, 31, was convicted of reckless manslaughter in the death of Carlos Silva, 21, a student at the Motorcycle Mechanics Institute. Cox was a parole violator from California and had already served a six-year sentence there for rape and stalking. Cox met the victim, a resident from Brazil, and fatally beat him and dumped his body in the desert. Prosecutors Hilary Weinberg and Jennifer Linn secured an 11-year sentence in the Arizona Department of Corrections.

Glendale Murderer Sentenced to Three Life Terms



Howard Underwood, 27, was sentenced this year for the murder of three men found in an abandoned SUV outside an El Mirage home in 2003. The three victims were discovered naked with their throats cut. Prosecutor Mark Barry and the El Mirage Police believed that Underwood had negotiated a drug deal that went bad. The three victims were restrained and tortured in an Avondale residence linked to Underwood to obtain the approximate \$500,000 in drugs. He and his unidentified accomplices killed the three victims. Underwood later sold someone the gun owned and carried by one of the victims at the time he was murdered. Although Underwood initially denied his involvement in the crime and fled to Philadelphia, an eye witness eventually identified him and a palm print found on the driver's door of the victim's vehicle was later identified as Underwood's. Underwood eventually pled guilty to all three murders and was sentenced to three natural life terms in prison.



The MCAO had a busy legislative season in 2008, supporting several bills throughout the six-month session. Significant pieces of legislation supported by the MCAO and ultimately signed into law included legislation protecting the sexual exploitation of minors, disclosure laws related to protecting children from abandonment and neglect and legislation targeting Arizona businesses that knowingly employ illegal immigrants.

On January 1, 2008, the Legal Arizona Workers Act (LAWA) went into effect. The MCAO was a primary supporter. This new law permits suspension or revocation of a business license if a business knowingly

employed an illegal immigrant after January 1, 2008. Additionally, the law makes it a crime for an illegal immigrant to use false documentation to obtain employment. If an employer knowingly accepts false ID from an illegal immigrant, that employer is also guilty of a crime.

House Bill 2486 was signed into law in 2008 and changes the definition of “prohibited possessor” as it relates to undocumented or nonimmigrant aliens. A “prohibited possessor” is a person whose civil right to carry a gun or firearm has been suspended.

House Bill 2587 protects consumers from those who use false identification by requiring lenders to take reasonable steps to verify the consumer’s identity before a loan of credit or money is issued. Lenders must take care to confirm that these applications are not the result of identity theft or aggravated identity theft.

A new law regarding graffiti (House Bill 2701) passed that allows a court to order a parent or guardian of a juvenile who is convicted of criminal damage to assist the juvenile in the performance of community service.

Other successful bills supported by the MCAO included House Bill 2480, which establishes a new felony offense of aggravated luring of a minor for sexual exploitation. House Bill 2455 stipulates that protocols should be developed, adopted and implemented to guide the conduct of criminal investigations of child abuse allegations.



DIVISION CHIEF

Lou Stalzer is a long-time prosecutor and Southeast Division Chief at the MCAO. In addition to overseeing a wide variety of felony cases in the East Valley, Lou also has prosecuted more than 75 felony trials. He also served as a Trial Bureau Chief and was one of the original repeat offender prosecutors when that Bureau was first implemented.

Lou has also worked hard to ensure that important criminal justice legislation is supported and reviews related legislation each session as new bills are introduced. His hard-earned retirement is pending and Lou will be sorely missed.

Shred-A-Thons

In 2008, the MCAO partnered with Channel 12 News and International Paper to host two successful shred-a-thons in our continuing efforts to combat identity theft. With a record number of participating businesses and more than 2,000 Valley residents who brought items for shredding, we watched as nearly 6,000 boxes filled with bank statements, checks, tax documents and other pieces of personal information were loaded onto conveyor belts and shredded into 185,000 pounds of recyclable materials. “It was an honor to once again co-host these events. Helping our citizens protect themselves from identity theft and offering this free service helps local businesses and consumers minimize their risk of becoming a victim of fraud,” said Andrew Thomas. Arizona remains the number one state in the United States for identity theft, according to data from the Federal Trade Commission.



NACo Award



The MCAO won a National Association of Counties (NACo) Achievement Award in 2008 for the Road Map to Crime Prevention booklet. The award recognizes unique and innovative county programs and marks the second consecutive year that the office won for its crime prevention efforts. The Crime Prevention booklet was designed to educate the community on crime prevention. The

MCAO dispersed more than 13,000 free copies of the booklet and it was downloaded thousands of times from the www.crimefreeaz.com website. “Citizens who wish to protect themselves from criminals deserve a copy of this booklet. We will continue to prosecute criminals and make sure that all of our citizens are educated about crime,” reported Andrew Thomas.



DIVISION CHIEF

*Major Crimes II Division Chief **Barbara Marshall** has been prosecuting rapists and murderers for more than 22 years. One memorable case involved a community nursing home neglecting its patients. Barbara’s successful guilty verdict led to a major revision in Arizona law being amended to include Vulnerable Adult Abuse. “Prosecutors have the most honorable job in the legal profession and the greatest responsibility to victims and our community.”*

Superstar Search 2008

Drug Free AZ has found its next Superstar! Each year children across Maricopa County between the ages of 11 and 17 years old are asked, “what activity, hobby or passion stands between you and drugs?” Hundreds of talented youngsters submit DVDs and CDs displaying their singing, dancing and creative talents. More than 200 audition entries were received this year and the top 20 performed their “anti-drug” at the annual Drug Free AZ Superstar Search talent show on October 25, 2008, at the Tempe Marketplace. With a chance to star in their very own television commercial as the grand prize, first place winner Kevin Casenhiser won over the celebrity judges and the crowd with his bluesy-jazzy funk rock guitar solo and his important anti-drug message. “Drugs aren’t cool, playing guitar is my anti-drug,” stated Kevin. Encouraging a child’s anti-drug is one of the most important keys to drug prevention and the MCAO is proud to be part of this effort.



Image courtesy of Imagyst Photography



Prescription Drug Campaign

The MCAO supports an alcohol- and drug-free environment for all the youth in our community. An important component of our drug prevention program is education. In 2008, the MCAO launched a new prescription drugs campaign to deal with teens who may be abusing prescription stimulants, sedatives and over-the-counter drugs. Five local mothers whose teenaged children died of prescription drug abuse told their stories in sometimes tearful, always hard-hitting public service announcements (PSAs) that began airing on television the last week of May 2008. The PSAs were created as a result of recent nationwide and statewide research indicating that the contents of people’s medicine cabinets can pose more of a threat than a meth dealer might pose. It was substantiated that teens too often abuse prescription drugs because they think they are safer than street drugs. Complementing the PSAs were a series of local billboards aimed at communicating the dangers of prescription drugs. The PSA campaign was intended to address this rising trend and to supplement the new prescription drug material included in the office’s “Handy Helpful Handbook” and on the MCAO’s award-winning drugfreeaz.com website. Together, the PSAs, the website, the billboards and the handbook provide much-needed education about the dangers of different prescription drugs to parents, children and teachers. These important items provide our community with a trusted, informative guide through the sometimes confusing and often dangerous world of peer pressure and prescription drugs. The prescription drugs campaign was meaningful and “hit home.” The tragic stories that were told were real, requiring courage and strength from the five mothers who have participated in our drug outreach program. By sharing their grief with the community at large, they may help to spare other parents the same tragedy.

In The News



*Defendant **David Ratey** picked up Courtney Sierzchula, a 17-year-old senior at Mountain Ridge High School, from a friend’s house. He offered her OxyContin; she took at least one pill, laid down and never woke up again. Courtney never graduated from high school with the rest of her class. Deputy County Attorney Cynthia Gialketsis was successful in securing a guilty plea from Ratey. He was sentenced to three years in the Arizona Department of Corrections. Courtney’s mother spoke about her daughter’s tragic death on the MCAO PSA’s and warned parents and teens of the deadly consequences of prescription drug abuse.*

Most Commonly Abused Prescription Drugs ...

Opioids (or Painkillers):

- Codeine
- OxyContin
- Morphine

Central Nervous System Depressants (or anti-anxiety pills):

- Valium
- Xanax

Stimulants (often ADD medication):

- Ritalin
- Adderall

Prescription Drug Abuse Facts...²

- Teens are moving away from street drugs and using prescription medications to get high.
- Next to marijuana, prescription drug abuse is the most common form of drug abuse among today's teens.
- This is the fastest growing type of teen drug abuse.
- Teens believe the myth that prescription drugs are "safer" than street drugs.
- This new trend is dangerous, resulting in addiction, overdose and even death.

IT'S WORSE THAN YOU THINK...

1 in 5 teens abuse prescription drugs.¹

Talk to your kids about the risks of misusing prescription drugs. Visit DrugFreeAZ.com for help.

Sponsored by County Attorney Andrew Thomas

Andrew Thomas County Attorney

1. Partnership for a Drug-Free America, Annual Tracking Survey
2. SAMHSA - 2005 National Survey on Drug Use & Health

CrimeFreeAZ Electronic Newsletter

In order to help achieve the priority mission of the MCAO, fighting crime, a new website was created in early 2007 – www.crimefreeaz.com. The website was intended to provide Maricopa County citizens with important information on crime awareness and prevention. This online reference tool includes sections on burglary, auto theft, drunk driving, gangs, identity theft and much more. Released in conjunction with the website was the NACo award-winning “Road Map to Crime Prevention” booklet. The website and the booklet have proven immensely popular, so much so that the



MCAO recently launched weekly and monthly CrimeFreeAZ newsletters to address citizen requests for more information on other crimes not featured on the website. Each Friday and again each month, citizens who have signed up via the website receive an “electronic newsletter” in their in-box. The electronic CrimeFreeAZ publication is designed to resemble a magazine and features important topics like drug prevention, how to stay safe in school, bullying, animal cruelty and ATM theft. When recipients click on the electronic cover, they are taken to a concise one-page summary that includes local, state and nationwide statistics, prevention tips and links to current studies and research material.

Speaker's Bureau

Offered as a free public service by the MCAO, the Speaker's Bureau provides basic, useful information in an effort to keep the citizens of Maricopa County aware of public policy, social issues, crime trends, crime prevention and the criminal justice system. The MCAO experts speak to elementary and high schools, colleges, civic organizations, and other business and professional associations throughout Maricopa

County. All speakers, who are Deputy County Attorneys and/or other staff members, volunteer their time. They discuss topics such as organized crime, fraud and identify theft, constitutional law, sex crimes, drug laws, victims' rights and graffiti. The MCAO website contains additional information on the program (www.maricopacountyattorney.org/community-programs/speakers) and includes an online sign-up form. Not only can website visitors request speakers on a variety of topics, they can request the MCAO's presence at community events. Visitors can also download the Speaker's Bureau brochure and request additional printed copies of the brochure for distribution at events. The Speaker's Bureau is an important aspect of the County Attorney's crime prevention and education efforts. More than 12,500 citizens have attended a presentation from a member of the Speaker's Bureau since it began, and the last two years have seen dramatic growth in the number of requested presentations. Nearly 400 presentations have been given since



the Bureau was implemented. The most popular experts requested are those who speak about preventing identity theft and gang-related issues.



Andrew P. Thomas **County Attorney**

Elected Maricopa County Attorney in November 2004 and re-elected in November 2008, Andrew Thomas, a former prosecutor and published author, is a leading authority on the criminal justice system.

Born in Long Beach, California in 1966, Andrew 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, Andrew moved to the Valley of the Sun to work for a large law firm, where he practiced civil litigation. In 1994, he left the private practice of law to serve as an Assistant Attorney General for Arizona. Subsequently, Andrew 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, Andrew 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, Andrew ran successfully for Maricopa County Attorney and he took office in January 2005.

As County Attorney, Andrew Thomas has championed the rights of crime victims, adopted 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. After his decisive re-election win in 2008, Andrew pledged to step up efforts to aggressively prosecute environmental and financial fraud cases, in addition to crimes against the elderly.

Married to Ann Estrada Thomas, Andrew 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 administration 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 later 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. In 1987, Phil became a partner with the law firm of Jennings Strouss. He has served as Chief Deputy County Attorney since 2005.

Sally Wells Chief Assistant County Attorney

Appointed by Maricopa County Attorney Andrew Thomas in 2005, Sally is the Chief Assistant County Attorney 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 for most divisions of the office, including more than 300 attorneys and more than 600 paralegals, investigators, advocates and support staff.



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 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 Chief. She has served as Chief Assistant County Attorney since 2005.

Main Contact Numbers

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

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

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

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

Wells Fargo Facility(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

Specific Information on Programs of Interest

Kids in Court Program(602) 506-8522

Media Relations(602) 506-3411

Speaker's Bureau(602) 506-5754

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