

for The Defense

Training Newsletter of the Maricopa County Public Defender's Office
James J. Haas, Maricopa County Public Defender

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*Delivering America's
Promise of Justice for All*

for The Defense

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Editors' note: the following updates an article that originally ran in Volume 17, Issue 2 of for The Defense.

Suggestions for Developing Mitigation

By Tammy Velting, Mitigation Specialist

Developing mitigation is a critical aspect of our representation. Our office's mitigation specialists can be of great assistance in this regard. Due to staffing levels, however, we are not available to work on all of the cases for which we receive requests. Accordingly, this article focuses on things attorneys can do on their own to develop mitigation. Many additional resources are available within the [Mitigation Resources](#) section of the MCPD intranet (available to MCPD employees only). In addition, it may be appropriate to retain a mental health professional to engage in a more detailed assessment. A list of experts is also available within the [Mitigation Resources](#) section.

Pursuant to A.R.S. § 13-701 (E), the court is required to consider the following mitigating circumstances:

1. The age of the defendant.
2. The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution.
3. The defendant was under unusual or substantial duress, although not such as to constitute a defense to prosecution.
4. The degree of the defendant's participation in the crime was minor, although not so minor as to constitute a defense to prosecution.
5. During or immediately following the commission of the offense, the defendant complied with all duties imposed under §§ 28-661, 28-662 and 28-663.
6. *Any other factor that is relevant to the defendant's character or background or to the nature or circumstances of the crime and that the court finds to be mitigating.* (Emphasis added).

Finding other relevant factors for the Judge to consider is very important. In some cases, it may be the only chance your client will have to be placed on probation or receive a mitigated sentence. Be prepared to spend significant time interviewing your client and ask open-ended questions. Some questions are too personal to ask until you have developed a rapport, but many clients will talk to you about mental health and drug abuse issues the first time you meet them.

Before meeting your client, take a few moments to check the file and IRIS for pertinent background information. When new clients are booked through the 4th Avenue Jail, their names appear on the Initial Appearance dockets. Our office's initial services assistants take these dockets and interview new clients to gather basic information about them and to brief them on the court processes they are facing. They collect information regarding the client's demographics, family/social history, and complete an initial assessment. The initial assessment is the first step in gathering medical, psychological, substance use, criminal history, and past trauma information. The information collected during this process can be used later for mitigation. The information is summarized and the documents are uploaded into IRIS. It is available under the case documents tab in IRIS. In addition, hard copies of lengthy assessments are placed in the file.

When you first meet your client, confirm the names, addresses, and phone numbers of family members, significant others, and employers. I would also have them sign several releases of information. Many agencies and medical facilities require an original signature on a release of information so it is important to have them sign more than one.

The following is a brief checklist of topics to discuss with your client. The attached [Client Questionnaire](#) (also available for MCPD employees in [Mitigation Resources](#)), provides a detailed road map for you to follow.

Mental Health

- Diagnosis – when and where were they evaluated, what was the diagnosis
- Medications – past and current
- Were they ever deemed SMI or case managed by Magellan or Value Options – ask for name and number of case manager
- Hospitalizations for mental health or suicide attempts – when and where
- Did they ever have a serious head injury – if so, get details

Substance Abuse

- How old were they when started using drugs
- What drugs have they used
- Drug of choice – find out why they prefer that drug
- What drugs are they addicted to and how long have they been using them
- Did parents or siblings abuse alcohol and/or use drugs
- Have they ever participated in substance abuse treatment

Education

- Were they ever placed in special education classes – if so, ask which schools provided them with special ed services so you can request the records
- How far did they go in school
- When and why did they drop out

Living Arrangements

- Where were they living before they were arrested
- Where could they live if they were released from jail
- Have they ever been homeless – if so, get details

Social background

- Who raised them – parents, grandparents, or other family members
- Did they move frequently while growing up
- Was CPS ever involved with their family
- Did they ever live in a group or foster home
- Were they in trouble as a juvenile – how many times were they arrested, placed on probation, or sent to the Department of Juvenile Corrections
- Did they ever hang out with gang members or join a gang – if so, ask how they got involved and if other family members are affiliated with a gang
- Any family members previously or currently on probation or in prison

Abuse

- Were they verbally, physically, or sexually abused as a child or an adult
- Victim of domestic violence – witnessed it as a child and/or experienced it themselves as an adult
- Did they ever participate in treatment – if so, ask for the name of the agency
- Are there police reports documenting the abuse –get details so you can request the reports

Veterans

If your client served in the military, a number of significant mitigators should be investigated. Our internal "[Military and Veteran Resources](#)" and Volume 19, Issue 9 and Volume 15, Issue 3 of *for the Defense* provide detailed information about obtaining military records, screening veterans for post-traumatic stress disorder and traumatic brain injury. In addition, the recently created [Maricopa County Veterans Court](#) provides a specialized court that may be appropriate for many veterans. See John Houston or Jeremy Mussman for additional information regarding this new court.

Miscellaneous

- Physical health problems
- Military experience
- Employment history
- Police reports in present offense – check for comments about alcohol and drug admissions, not on medications, hearing voices, etc.
- Court records – order court files from the Clerk of the Court in prior cases so you can get the Presentence Reports, Petitions to Revoke, and Probation Violation reports on previous cases. Ask clients about any failures on probation or parole.

If your client is in a position where he can sincerely do so, he should write a letter to the judge expressing remorse, taking responsibility for his actions and apologizing to the victim, if applicable. I also suggest asking family members, friends, employers, etc., to show their support for your client by writing character letters. Finally, it is essential to prepare your client to make an appropriate statement in court at sentencing.



Maricopa County Offices of the Public Defender, Legal Defender and
Legal Advocate; and Office of the Federal Public Defender-Capital Habeas Unit
Present



Phoenix Convention Center - West Building
100 N. Third Street
Phoenix, AZ 85004

.....
Pre-Conference Sessions—AZ Death Penalty Essentials

Death Penalty Process
Death Penalty Statute
Introduction to Mental Health and Capital Investigations

December 7, 2011 Half Day

12:00pm—1:00pm Registration
1:00pm—4:30pm

.....
Death Penalty Conference 2011

Session Topics include:
A Different Perspective
Morgan Based (Colorado Method) Voir Dire
Victim's Issues
Story Telling in Phase 3 with Ira Mickenberg

December 8, 2011 Full Day

8:30am—Check-in/Continental Breakfast
9:00am—4:30pm

December 9, 2011 Half Day

8:30am—Check-in/Continental Breakfast
9:00am—12:00pm

*This seminar is designed to meet the Arizona Supreme Court C.L.E. requirements for
criminal defense attorneys engaged in death penalty litigation
under Arizona Rule of Criminal Procedures 6.8.*

Maricopa County Offices of the Public Defender, Legal Defender and
Legal Advocate; and Office of the Federal Public Defender-Capital Habeas Unit
Present

The Fight for Life: Moving Forward Death Penalty 2011

December 7—9, 2011
Phoenix Convention Center, West Building
100 N. Third Street, Phoenix

Registration Form

Please return forms and payment by 11/18/11 *(No Refunds after 11/30/11)*
For Defense Community Only

Please mark if you are attending the Pre-Conference and/or the Conference.

Pre-Conference December 7, 2011 — Afternoon Only

No Fee for Public Defense Offices

\$25.00 Court-Appointed/Contract Counsel; City Public Defenders

\$50.00 Other/Private

Conference December 8, 2011— Full Day and December 9, 2011— Morning Only

No Fee for Public Defense Offices

\$75.00 Court-Appointed/Contract Counsel; City Public Defenders

\$150.00 Other/Private

Total Cost \$ _____ **\$ 15.00** Late Fee (Postmarked after November 18, 2011)

Last Name _____ First _____ MI _____

AZ State Bar # _____

Title/Office _____

Office Address _____

City _____ ZIP _____

E-Mail Address _____

Phone () _____ FAX () _____

- **This form must be filled out completely and legibly.**
- Enclose a **check or money order** payable to **Maricopa County Public Defender**,

Send to: Maricopa County Public Defender, Attn: Celeste Cogley
Downtown Justice Center
620 W. Jackson, Suite 4015
Phoenix, AZ 85003

If you have questions regarding registration or if you need ADA Accommodation, please contact Celeste Cogley by phone at 602-506-7711 X37569 or by email at cogleyc@mail.maricopa.gov

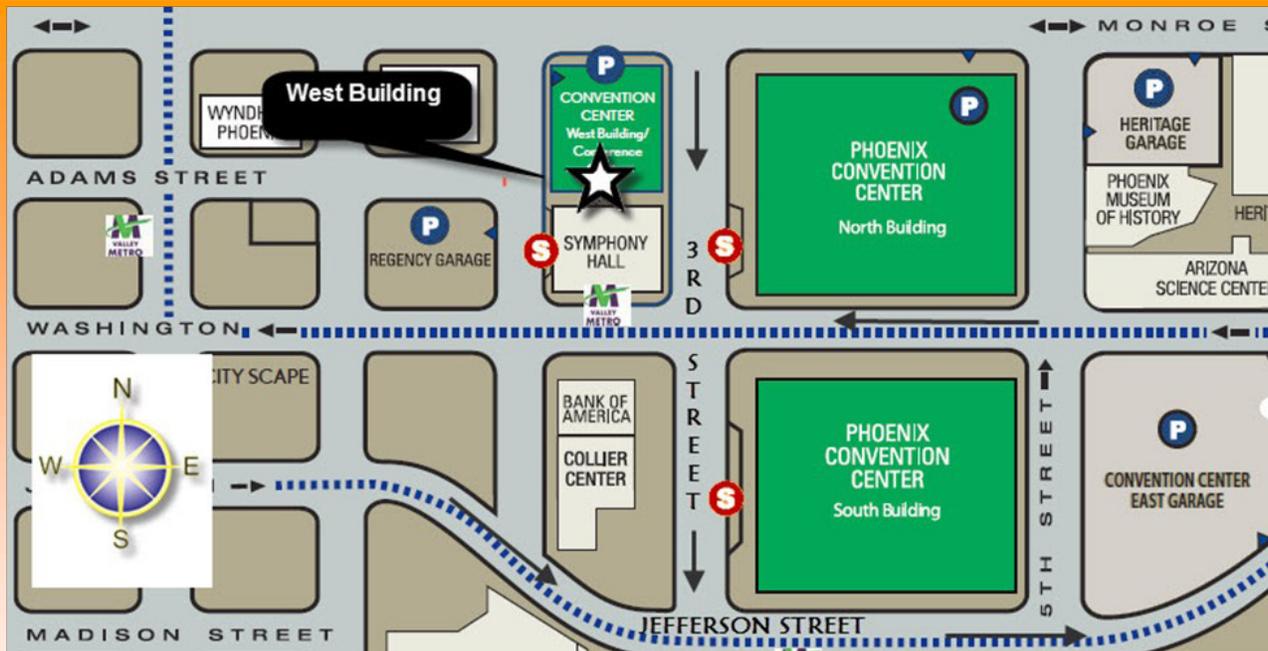
DEATH PENALTY PRE-CONFERENCE & CONFERENCE

All sessions will be held in the **West Building**
Use the **West Building** entrance off Adams and 3rd Street.

PARKING: \$10—\$12 ALL-DAY PARKING

- The **Convention Center East Garage** is located at 5th Street and Jefferson just east of the Conference Center South Building
- The **North Garage** is located in the North Building, off 5th Street and Monroe
- The **Heritage & Science Center Garage** is located off 5th Street and Monroe —just one block east of the North Building
- The **Regency Garage** is located across the street from Symphony Hall, off 3rd Street and Adams

- Alternate downtown public parking garages



Trebus v. Davis: Saving the Ham Sandwich

By David Brown, Defender Attorney

INTRODUCTION

Many years ago when I was an idealistic young prosecutor for Gila County, my associates and I would often recite the well circulated joke about the Ham Sandwich and the grand jury. The basis of the joke was that the grand jury indictment process was such a small and insignificant formality that whatever cases the County Attorney's office might place in front of a grand jury would be rubber stamped with an indictment, thus sending the defendant on his way to trial. Very infrequently would the grand jury not return a "True Bill" on a case presented for consideration. In fact, from my recollection of my short one-year tenure, I cannot remember a case not being indicted as presented.



Things have changed since that time, however, and that perception of the always complicit grand jury isn't always the reality. Currently, the most well-documented example of the grand jury properly working as a check on the "awesome power of the prosecutor's office" is the previous County Attorney's ill-fated attempt to prosecute judges and county officials.

Other less political examples include the 2007 prosecution of Ashly Duchene for the tragic death of her 17-month old son, Ryan Gallagher. Little Ryan was forgotten in a hot car while Ms. Duchene went to work at a Hooter's restaurant. In that case, the Maricopa County Attorney's Office sent her case, among other similar ones, to the grand jury for review. Defense attorneys offered to make their clients available for testimony to the grand jury. While the grand jury declined to hear testimony in the cases, they refused to indict or return a "True Bill" against the defendants. Presumably, the offering of a different side or the possibility of additional counter-information to the usual steady drone of bad deeds by the defendants in these cases was enough to give jurors pause before automatically passing the case along for trial.

These examples demonstrate some steps that can be taken by the defense in countering these usually secret, one-sided proceedings. Enter the *Trebus* Letter! While the *Trebus* letter is not a cure-all in every case facing a potential grand jury indictment, there are times when facts or evidence in your case should be heard for probable cause purposes whether it be a court commissioner or grand jury. The *Trebus* letter can potentially settle the case at its outset.

In most matters, indigent defense counsel is appointed after an initial appearance or at the time of arraignment. Unlike private counsel, court appointed attorneys do not usually have the luxury of being contacted by clients at the time they get into trouble. Despite this, the *Trebus* letter process can be very useful at the preliminary hearing stage. Many preliminary hearing (RCC/EDC) attorneys are finding success with the use of *Trebus* letter practice. Honing this important skill is a vital part of representing clients and making sure we do all that we can in defending a case.

STATUTORY FOUNDATION

The basis for a defendant to request a grand jury to consider exonerating evidence or testimony arises from A.R.S. § 21-412, which states:

The grand jurors are under no duty to hear evidence at the request of the person under investigation, but may do so. The person under

investigation shall have the right to advice of counsel during the giving of any testimony by him before the grand jury, provided that such counsel may not communicate with anyone other than his client. If such counsel communicates with anyone other than his client he may be summarily expelled by the court from the grand jury chambers. The grand jurors shall weigh all the evidence received by them and when they have reasonable ground to believe that other evidence, which is available, will explain away the contemplated charge, they may require the evidence to be produced.

Accordingly, the grand jury can be notified of potentially exonerating evidence and testimony by the defense, however, the grand jury is under no duty to listen to such evidence. Many times I have drafted *Trebus* letters to opposing counsel only to learn that my efforts were apparently in vain as my proffered evidence and testimony was presumably rejected by the grand jury. In these cases, it will be important for trial counsel to review the transcript record to make sure that the availability of such information was at least presented to the grand jury for review.

RELEVANT CASE LAW

Trebus v. Davis, (189 Ariz. 621, 624, 944 P.2d 1235, 1238, (1997) In this seminal case, the defendant was accused by the defendant's stepdaughter of sexually molesting her. Mr. Trebus allegedly had exculpatory information and testimony that he wanted to share with the Pima County Attorney. The Pima County Attorney was notified of this information via a hand-delivered letter, but proceeded with an indictment that resulted in twelve dangerous crimes against children. Mr. Trebus requested the case to be remanded back to the grand jury, but was denied this relief from the trial court and, on special action, by the Court of Appeals. The Arizona Supreme Court upheld the denial of the remand, but found that the right to request review of potentially exonerating information was implicit in A.R.S. §21-412.¹

Herrell v. Sargeant, (189 Ariz. 627, 630, 944, P.2d 1241, 1244 (1997) The defendant was charged with aggravated assault, a class 3 dangerous felony for mistakenly aiming a CO2-powered BB gun at the victim after a mistaken encounter with the defendant, who was searching for his 13-year old runaway daughter. Several issues surrounding the case included the daughter being a known associate of gang members, being on probation and having a propensity for running away.

After an initial indictment in the case, the defendant requested remand to the grand jury due to the one-sidedness of the testimony presented. In addition, a request was made to have the grand jury educated about justification defenses for self-defense, use of a deadly weapon and use of force in crime prevention. The Court found that while the first two justification defenses were not relevant to the case, the third justification defense was relevant, but couldn't be presented due to the prosecutor not fully informing the grand jury of all relevant facts in the case. The Court found that when a grand jury is not able to accurately review the facts in a case, the defendant is denied a fair and impartial presentation of the evidence, and therefore the remedy is remand for a new determination of probable cause.

Crimmins v. Superior Court, (137 Ariz. 39, 40, 668 P.2d 882, 883 (1983). The court remanded the matter, finding that the prosecutor failed to instruct the grand jury on applicable statutes, allowed a prosecution witness to testify in a misleading manner and ignored the defendant's request to present his side of the incident. As stated by the court: "the grand jury is neither an arm nor a servant of the prosecution," and "the prosecutor's discretion is to be used 'in assisting the grand jury.'" *Crimmins*, 137 Ariz. at 43-44, 668 P.2d 886-887 (quoting *Gershon v. Broomfield*, 131 Ariz. 507, 509, 642 P.2d 852, 854 (1982)).

Coker v. Black, 226 Ariz. 335, 247 P.3d 1005 (App. 2011). In this very recent decision, Division 1 clarified that the duty of the State to inform the grand jury of exonerating information is triggered when the defendant has requested to appear before it. The choice to detail or not detail the testimony of the defendant is a strategic choice, with potential negative consequences. As stated by the court:

We read this statement, however, as applying to evidence the prosecutor is obligated to present to the grand jury even if not requested, not to the defendant's offer to testify and present evidence. An unequivocal offer by a defendant to appear before the grand jury is distinct from any other proposed evidence. The defendant is uniquely situated to either "explain away the contemplated charge" or irrevocably incriminate himself. The grand jury is entitled to learn about such an offer. Of course, if the offer is not accompanied by any details the prosecutor may inform the grand jury of that fact, and the defendant should not be surprised if the grand jury chooses not to hear from him. Nevertheless, there may be cases in which the grand jury wishes or is willing to hear from a possible defendant even without knowing in advance what the testimony will be. A grand jury cannot make such a decision if it is unaware of the request.

226 Ariz. at 341, 247 P.3d at 1010.

ETHICAL RULES AND CONSIDERATIONS

Ethical Rule 1.3 of the Arizona Rules of Professional Conduct requires a lawyer to "act with reasonable diligence and promptness in representing a client." Comment 1 further states:

A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interest of the client.

Ethical Rule 3.3 (d) provides that "[i]n an ex parte proceeding, the lawyer shall inform the tribunal of all material facts known to the lawyer which will enable the tribunal to make an informed decision, whether or not the facts are adverse." Comment 14 explains that

an advocate has the limited responsibility of presenting one side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party. However, in an ex parte proceeding, such as an application for a temporary restraining order, there is no balance of presentation by opposing advocates. The object of an ex parte proceeding is nevertheless to yield a substantially just result. The judge has an affirmative responsibility to accord the absent party just consideration. The lawyer for the represented party has the correlative duty to make disclosures of material facts known to the lawyer and that the lawyer reasonably believes are necessary to an informed decision. (Emphasis added).

The comment to Ethical Rule 3.8, which governs the special responsibilities of a prosecutor, specifically notes that Ethical Rule 3.3 (d) applies to grand jury proceedings. Therefore, there is a clear legal standard and ethical duty for the prosecutor to present clearly exculpatory evidence to grand jurors.

THE LETTER

The *Trebus* letter should contain the highlights of clearly exonerating information contained within the police report, testimony your client can honestly give without perjuring himself/herself, and a list of documents, photographs, videos, statutes or other information within your or the state's control that needs to be considered by the grand jury.

It is an official letter from you. The letter should be addressed to the County Attorney supervisor of the unit in which you are operating. Even though you may have an informal working relationship with opposing counsel, it is important to be formal in presentation. For example:

Dear (prosecutor's name):

I represent Mr. John Doe in the above referenced matter. I understand there is possibility that you will take this case before the grand jury. If this occurs, it will be your duty to present clearly exculpatory evidence in a fair and impartial manner to the grand jury. This letter serves to alert you to the clearly exculpatory evidence that your office must present to the grand jury. However, you should not deem this letter exhaustive, and you must present all clearly exculpatory evidence that may be within your control or the control of law enforcement.

The next section of the *Trebus* letter can be divided into two parts. In the first part, alert the prosecutor of clearly exculpatory information which must be presented to the grand jury. This information can include quotes from the police report, witness statements to police (foundation rules still apply), official records and certified documents such as motor vehicle histories and photographs, videos, 6-pack photo lineups, and the like. To be complete, close this part with a statement such as: "Any other potentially exculpatory evidence currently in the state's possession that has not been disclosed to defense counsel prior to defense counsel's formal Rule 15 disclosure request letters, notices and motions, including any exculpatory evidence that comes into the state's possession after the drafting of this letter."

The second part of this section puts the state on notice of witnesses and whether the defendant wishes to offer testimony to the grand jury. In addition to disclosing witnesses, it is very important to note the home address of each witness so that arrangements can be made to have them transported to the grand jury proceeding. If your client is incarcerated, offer to arrange to have your client dressed appropriately. Finally, the substance of the witnesses and/or defendant's testimony needs to be disclosed with specificity.

The last section of the letter should contain the relevant case law, statutory law, and ethical rules. You should close the *Trebus* letter by requesting the prosecutor contact you with information on when and where you and your client need to be for presenting testimony to the grand jury.

DELIVERY

All reasonable steps should be taken to put the State on notice of potentially exonerating information that the grand jury needs to hear. As defense attorneys, we have no control over whether a case is going to be presented to a grand jury. However, with enough experience, defense attorneys can gain a feel for the type of cases which may be heading to the grand jury. As a general rule in Maricopa County, class 6 felonies and drug cases seem to stay in the preliminary hearing court for probable cause review by commissioners, while more serious cases, and cases where the County Attorney's office seem to be making special offers or taking special interest in the case, tend to go to the grand jury for review.

If you have a case in the RCC and anticipate that the prosecutor will be vacating a preliminary hearing to take a case to the grand jury, file a motion in the RCC informing the court that you are requesting a preliminary hearing and if the prosecutor, instead, chooses to go before the grand jury, that a *Trebus* letter is being submitted to the County Attorney's Office. Also, be sure to put the deputy county attorney handling the case on notice of a *Trebus* letter being generated, so they can make notes, correctly flag their file of the forthcoming *Trebus* information and route it to the appropriate individuals in their office for review.

At the hearing on your request for a preliminary hearing, put on the record that a *Trebus* letter is forthcoming. Explain to the court that exonerating information is available and that the defendant and other witnesses are available to testify at the grand jury proceeding, should it occur.

At this juncture, due to the time limits provided by the Rules of Criminal Procedure, the County Attorney has very little time to secure an indictment if they are going to go the grand jury route. Depending on how much unwaived time has transpired in the case and whether a client is in custody, the County Attorney's office may have as little as three days to secure an indictment for more serious cases.

Hence, the *Trebus* letter needs to be drafted and delivered very quickly – usually the same day as the request for the Witness Preliminary Hearing, if not with the motion for the Witness Preliminary Hearing. Undue delay, procrastination in writing the letter, or relying on the mail (regular or interoffice) to deliver your preemptive strike will usually result in untimely notice. In practice, I will prepare my *Trebus* letters after I am finished with my assigned caseload for the day, sending a copy via email to the appropriate prosecuting attorney unit supervisor and hand-delivering a copy to their office.

THE HAPPY PLACE

Ah, the “Happy Place”. For me, this phrase traditionally conjured up images of Disneyland or summer trips to the beach with my family. In the criminal justice reality, “The Happy Place” usually isn't so happy. Based on my experience, it's actually a pretty dreary place deep in the bowels of a county building – a dank, dungeon-like basement where seemingly endless hearings take place about evil deeds by presumably evil people, while a parade of police officers and detectives give one-sided testimony about their “earnest” observations. Hurriedly trained jurors empaneled for two and a half months at a time are relegated to these dark places for absurd compensation to quickly decide cases for other human beings they've never met at a break-neck pace. The court reporter's chair hardly has a chance to warm before she is quickly ushered out to allow for a swift and cursory deliberation.

The “Happy Place” is so named due to the prosecutors' rightful apprehension of improperly using the “grand jury” term or alerting anyone to their intentions. Newly anointed prosecutors are specially trained and indoctrinated not to mention the grand jury by name within earshot of an outsider, lest they be complicit in revealing privileged information. The “grand jury” term is so sacrosanct that it is usually only used in hushed tones in private meetings with other like-minded prosecutors with the reverence reserved for deity and religious artifacts. The cautious handling of grand jury proceedings by both sides is well-founded and advised. The basis for the absurd misnomer of “the Happy Place” is for the benefit of secrecy of the grand jury proceeding imposed by the Rules of Criminal Procedure and Arizona Statutory Criminal Law. Rule 12.8(c) states:

The certified court reporter's verbatim record of the proceedings from which an indictment is returned shall be transcribed and filed with the clerk of the superior court no later than 20 days following the return of the indictment and the certified transcript shall be made available to the prosecution and defendant only. (Emphasis added).

This rule explicitly limits the disclosure of the transcript of the proceedings to the prosecution and the defendant only, and by extension to defense counsel. In addition, A.R.S. § 13-2812 makes it a class one misdemeanor (punishable by up to six months in the County Jail and/or a \$2,500 fine plus current 84% surcharges, court fees) if a "... person knowingly discloses to another the nature or substance of any grand jury testimony or any decision, result or other matter attending a grand jury proceeding, except in the proper discharge of official duties, at the discretion of the prosecutor to inform a victim of the status of the case or when permitted by the court in furtherance of justice."

Furthermore, as outlined by Maricopa County Public Defender Office (MCPD) guidelines, grand jury transcripts are not public documents even after the indictment has been served upon a defendant. MCPD Guideline B-15 outlines very specific procedures for handling and sharing a grand jury transcript with a client. Public defense attorneys are encouraged to read and comply with these guidelines in handling, storing and caring for these transcripts so as not to run afoul of the rules and relevant statutory law.

While these are all important considerations, we are not always precluded from appearing before the grand jury. Rule 12.5 of the Rules of Criminal Procedure states:

No person other than the witness under examination, counsel for the witness if the witness is a person under investigation by the grand jury, prosecutors authorized to present evidence to the grand jury, the certified court reporter, and the interpreter, if any, shall be present during sessions of the grand jury. No person other than the grand jurors shall be present during their deliberation and voting

Rule 12.6 further explains:

A person under investigation by the grand jury may be compelled to appear or may be permitted to appear before the grand jury upon the person's written request. Such person shall be advised of the right to remain silent and the right to have counsel present to advise the person while he or she is giving testimony. If the person is accompanied by counsel before the grand jury, counsel shall not attempt to communicate with anyone other than his or her client. Any communication or attempted communication shall result in counsel's summary expulsion by the foreman from the grand jury session.

Accordingly, all outside parties, including the prosecutor, are excluded during the deliberation and voting process. This is an important phase, no matter how brief, away from the influence of the State, and in those very rare cases, the defense. Meaningful and thoughtful discussion can and does take place during this time.

Second, while the grand jury is a secret proceeding, defense counsel is permitted to be present at a grand jury review if the grand jurors order the defendant to be present. However, this presence is extremely limited. As Rule 12.6 states, any attempt to communicate with anyone other than the client could lead to defense counsel's expulsion from the proceedings. This requirement is echoed by A.R.S. § 21-412.

CONCLUSION

The grand jury process traditionally has been a somewhat intimidating process due to the inexperience and infrequency of many defense attorneys handling this phase of the criminal

justice process, as well as the secrecy that surrounds this type of proceeding. It need not be so, as it can actually work to your benefit. The recourse for defense counsel in a case that was not properly presented to the grand jury is to remand it back to the grand jury, usually with specific instructions from the court to the State to present potentially exonerating evidence.

Properly worded and well-founded *Trebus* letters can free you up to handle more pressing cases, gain you more respect from your clients, and lessen the caseload for all, thus saving the proverbial Ham Sandwich from the gallows and preserving it for its true purpose -- lunch.

(Endnote)

1. The lower court's decision to deny the remand was upheld by the Arizona Supreme Court due to the ambiguity and general nature of the defendant's letter to the County Attorney's office. There, in essence, was nothing for the State to present to the grand jury, as there was no "clearly exonerating evidence" presented to the State by the defendant's original letter. What constitutes a "fair presentation" of the facts of the case is not addressed by the court, and no firm test was given, as it will vary from case to case. In addition, the court recognized that due process standards may require the State to inform the grand jury of the existence of this information and give the grand jury a chance to order its presentation, independent of the prosecutor, and decide what it will hear and if it is exonerating. The *Trebus* case, therefore, is illustrative of the importance of writing a detailed letter, specifying the "clearly exonerating" evidence you are requesting be presented.



Diversity in Action

By Alan Tavassoli, Defender Attorney



In 1979, I became “the enemy.” From all appearances, I was an ordinary high school student that did not have the same features as many of my relatives, had never been to the country of my ethnic heritage, and was not even able to speak the same language as the people I was related to halfway around the globe. Yet I am forever tied to them in a way that defines who I am. My last name, as it is, sounds Italian, but it is not. Perhaps one person in a thousand has actually guessed my national heritage before I revealed it to them. Back in my high school in the northwest suburbs of Chicago, no one knew that I was Iranian; a fact that I kept hidden because of the revolution that was engulfing that country, where student protesters had taken 66 people, most of whom worked in the United States Embassy, hostage.

At that time, I heard comments such as, “Let’s nuke those (expletive) Iranians!” I also heard many derogatory terms directed at the people of Iran from “camel jockeys” and “rag-heads” to “sand (n-word)”, and these hateful words affected me. “Passing” allowed me to discover a person’s true feelings without being the focus of the anger directed at the crowds of Iranian student protesters shouting, “Death to America!” while burning the American flag, attitudes which I also certainly did not condone. Being able to “pass” is an interesting and unique experience. It is a psychological phenomenon that forces a person into a classic “prisoner’s dilemma.” I quickly learned how to maintain emotional neutrality in such situations, but such neutrality can often come at a cost to one’s psychological health, particularly in more extreme cases. On a positive note, I do believe this experience also helped me to be open to hearing differing points of view from my own, and actually allow my opinions to be changed for the better at times. It is also part of the reason that I eventually became a public defender.

The phenomenon of passing is nothing new. People have been passing in the United States since the revolutionary war. The former Chief Executive of the National Association for the Advancement of Colored People (NAACP), Walter Francis White, was of mostly Caucasian ancestry. Of his thirty-two great-great-grandparents, twenty-seven were Caucasian, and five were classified as black, and had been slaves. White was raised in Atlanta as a part of the black community, and came to identify with it. Early on in White’s career, he would pass as Caucasian, investigating lynchings, violence and other discriminatory behavior to protect himself from the bigotry that existed in the southern United States at that time. Although he identified himself with the black community, White was blond, had blue eyes and was very fair skinned. He served as the chief executive of the NAACP from 1929 until his death in 1955.

Everyone has an ethnic history, and everyone has a story. The United States is rich in ethnic diversity, and who you perceive as the person in front of you may not be the person who is actually

there. The Diversity Council of the Public Defender's Office is composed of many individuals who bring their stories with them, and contribute to the fabric of the office by promoting diversity in our workplace. Maricopa County, through its Office of Diversity, recognizes that, "diversity and inclusion are prominent factors that can maximize success in the workplace. Maricopa County employees reflect the different cultures, backgrounds, beliefs and abilities inherent in the larger population of the county." Our Diversity Council here at the Public Defender's Office has come to realize that through respect and understanding of other people's cultures, we are better able to serve the people that it is our mission to serve, and provide a much happier work environment for all employees.

Our Diversity Council, lead by Celeste Cogley, has been actively organizing and promoting events that recognize and celebrate diversity in the workplace. Some of the events that we have supported include Annual Unity Day, Annual Black History Month, and the Annual Diversity Conference, in conjunction with the Office of Diversity of Maricopa County. In addition, some of the members have attended Diversity Leadership Alliance training courses scheduled throughout the year on a variety of subjects. The Council has also organized such activities as Diversity in the Military, Celebrating Our Independence, and the Civil Rights Movement in Arizona. On October 25, 2011, we came together for our second annual United Nations Day event, celebrating the countries of the world meeting together peacefully and having a permanent forum to discuss global problems that affect everyone on our planet. It was a great event, and we thank those of you who were able to attend.

What about you? What is your story? The Diversity Council is always interested in new opinions and viewpoints. We invite you to share your story with us, and journey with us in our mission to promote diversity, respect and understanding in the workplace. Together we can build a much more dynamic and exciting program, and continue to celebrate our differences, as well as our similarities as human beings, for many years to come.



Jury and Bench Trial Results

June 2011 – August 2011

Public Defender's Office – Trial Division

| Closed Date* | Attorney Investigator Paralegal Mitigation | Judge | CR Number and Charge(s) | Counts | Result |
|----------------|---|------------|---|--------------------------------------|------------------------------------|
| Group 1 | | | | | |
| 6/3/2011 | Reece <i>Rankin</i> <i>Christiansen</i> | Hoffman | 2009-007607-001 Kidnap, F2 Sexual Assault, F2 Aggravated Assault, F3 Theft, F6 Theft-Means of Transportation, F4, Attempt to Commit Burglary 1st Degree, F2 Armed Robbery, F2 Sexual Abuse, F5 | 4 4 3 1 1 1 2 1 | Jury Trial-Guilty Lesser/Fewer |
| 6/10/2011 | Martin <i>Baker</i> | Hoffman | 2010-120806-001 Drug Paraphernalia Violation, F6 Marijuana Violation, F6 | 1 1 | Court Trial-Guilty Lesser/Fewer |
| 7/7/2011 | Mullins <i>Rankin</i> | Gottsfeld | 2010-122410-001 Theft by Extortion, F2 Armed Robbery, F2 Smuggling Humans, F4 Misconduct Involving Weapons, F4 Kidnap, F2 | 3 2 1 1 2 | Jury Trial-Guilty Lesser/Fewer |
| 8/12/2011 | Martin <i>Sain</i> <i>Austin</i> | Stephens | 2004-136261-001 Aggravated Assault, F2 | 2 | Jury Trial-Guilty Lesser/Fewer |
| 8/29/2011 | Houck Rock <i>Rankin</i> | Flores | 2010-103208-001 Molestation of Child, F2 Sexual Conduct with Minor, F2 | 2 4 | Jury Trial-Not Guilty |
| Group 2 | | | | | |
| 6/2/2011 | Califano <i>Brazinskas</i> <i>Browne</i> | Passamonte | 2010-156528-001 Agg DUI-Lic Susp/Rev for DUI, F4 | 2 | Jury Trial-Guilty Lesser/Fewer |

*Defined as the date the defendant was sentenced or case was dismissed.

Jury and Bench Trial Results

June 2011 – August 2011

Public Defender's Office – Trial Division

| Closed Date* | Attorney Investigator Paralegal Mitigation | Judge | CR Number and Charge(s) | Counts | Result |
|----------------|--|------------|--|-----------------------|------------------------------|
| 6/17/2011 | Traher Munoz Velting | Kemp | 2010-140021-001 Armed Robbery, F2 | 3 | Jury Trial-Guilty As Charged |
| Group 3 | | | | | |
| 6/3/2011 | Baker Salvato Yalden | Duncan | 2009-178141-001 Aggravated Assault, F3 Drive by Shooting, F2 Endangerment, F6 Dschg Firearm at a Structure, F3 | 2 1 1 1 | Jury Trial-Guilty As Charged |
| 6/17/2011 | Abramson | Kreamer | 2010-007644-001 Agg Aslt-Serious Phy Injury, F3 Disord Conduct-Weapon/Instr, F6 Street Gang-Promot Crim Objctv, F3 Criminal Damage-Deface, M2 Escape 2nd Deg-Felony Custody, F5 | 1 1 1 1 1 | Jury Trial-Guilty As Charged |
| 6/21/2011 | Whitney Jarrell | Stephens | 2010-048032-001 Robbery, F4 | 2 | Jury Trial-Guilty As Charged |
| 8/8/2011 | Parker Salvato Thompson Farley Yalden | Contes | 2010-165541-001 Armed Robbery, F2 Unlaw Flight from Law Enf Veh, F5 Aggravated Robbery, F3 | 1 1 1 | Jury Trial-Guilty As Charged |
| 8/25/2011 | Parker Salvato Farley | Barton | 2010-125039-001 Narcotic Drug Violation, F4 Dangerous Drug Violation, F4 Marijuana Violation, F6 | 1 1 1 | Jury Trial-Guilty As Charged |
| 8/26/2011 | Parker Salvato Farley Shaw | Passamonte | 2011-107149-001 Agg Aslt-Deadly Wpn/Dang Inst, F3 Criminal Damage-Deface, M1 Disorderly Conduct-Fighting, M1 | 1 1 1 | Jury Trial-Not Guilty |

*Defined as the date the defendant was sentenced or case was dismissed.

Jury and Bench Trial Results

June 2011 – August 2011

Public Defender's Office – Trial Division

| Closed Date* | Attorney Investigator Paralegal Mitigation | Judge | CR Number and Charge(s) | Counts | Result |
|----------------|---|-----------|---|------------------|------------------------------------|
| Group 4 | | | | | |
| 6/1/2011 | Wallace Meginnis | Lynch | 2010-154462-001 Marijuana Violation, F6 | 1 | Court Trial-Guilty Lesser/Fewer |
| 6/2/2011 | Tivorsak | Anderson | 2010-148863-001 Misconduct Involving Weapons, F4 | 2 | Jury Trial-Guilty Lesser/Fewer |
| 6/28/2011 | Wallace Meginnis | Spencer | 2010-157065-001 Crim Tresp 1st Deg-Res Struct, F6 | 1 | Court Trial-Guilty Lesser/Fewer |
| 7/15/2011 | Becker Flannagan | Thumma | 2010-159761-001 Resisting Arrest, F6 Aggravated Assault, F4 Disorderly Conduct, M1 | 1 1 1 | Jury Trial-Guilty Lesser/Fewer |
| 8/1/2011 | Finsterwalder Flannagan | Gottsfeld | 2010-151453-001 Aggravated Assault, F4 | 1 | Jury Trial-Guilty As Charged |
| 8/2/2011 | Wallace Meginnis Kunz | Cohen | 2010-151863-001 Theft, F4 | 1 | Jury Trial-Guilty As Charged |
| 8/22/2011 | Rathkamp Verdugo | Gottsfeld | 2011-005052-001 Marijuana Violation, F6 | 1 | Court Trial-Guilty Lesser/Fewer |
| 8/26/2011 | Finsterwalder Flannagan | Bergin | 2011-107266-001 Aggravated Assault, F4, Attempt to Commit Assault-Intent/Reckless/Injure, M1 Aggravated Assault, F3 Misconduct Involving Weapons, F4 | 2 1 1 1 | Jury Trial-Guilty Lesser/Fewer |
| Group 5 | | | | | |
| 7/5/2011 | Ditsworth Peterson Ralston | Brnovich | 2010-123572-001 Aggravated Assault, F3 Murder 2nd Degree, F1 | 1 1 | Jury Trial-Guilty As Charged |

*Defined as the date the defendant was sentenced or case was dismissed.

Jury and Bench Trial Results

June 2011 – August 2011

Public Defender's Office – Trial Division

| Closed Date* | Attorney Investigator Paralegal Mitigation | Judge | CR Number and Charge(s) | Counts | Result |
|----------------|---|------------|--|-------------|------------------------------------|
| 8/2/2011 | Jackson Thompson | Stephens | 2010-152973-001 Trafficking In Stolen Property, F3 | 1 | Jury Trial-Not Guilty |
| 8/26/2011 | Spurling | Gottsfield | 2003-009568-001 Forgery, F4 | 1 | Jury Trial-Guilty As Charged |
| Group 6 | | | | | |
| 6/3/2011 | Ramos Souther Farrell | Blomo | 2010-131284-001 Resisting Arrest, F6 Aggravated Assault, F6 | 1 1 | Jury Trial-Guilty Lesser/Fewer |
| 8/19/2011 | Steinfeld Godinez | Starr | 2010-007296-001 Drug Paraphernalia Violation, F6 Money Laundering, F3 Marijuana Violation, F2 | 1 1 1 | Jury Trial-Not Guilty |
| 8/19/2011 | Ramos Souther Farrell | Contes | 2010-158893-001 Aggravated Assault, F5 | 2 | Jury Trial-Guilty As Charged |
| 8/29/2011 | Fritz | Reinstein | 2011-101895-001 Marijuana Violation, F4 | 1 | Jury Trial-Guilty As Charged |
| 8/30/2011 | McCarthy Souther | Garcia | 2010-166799-001 Theft-Means of Transportation, F3 | 1 | Jury Trial-Guilty Lesser/Fewer |
| RCC | | | | | |
| 6/3/2011 | Bond | Anderson | 2010-111696-001 DUI-Liquor/Drugs/Vapors/Combo, M1 DUI W/Bac of .08 or More, M1 | 1 1 | Jury Trial-Guilty As Charged |
| 6/16/2011 | Goodman | Fine | 2011-116272-001 DUI-Liquor/Drugs/Vapors/Combo, M1 DUI W/Bac of .08 or More, M1 | 1 1 | Court Trial-Guilty Lesser/Fewer |

*Defined as the date the defendant was sentenced or case was dismissed.

Jury and Bench Trial Results

June 2011 – August 2011

Public Defender's Office – Trial Division

| Closed Date* | Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i> | Judge | CR Number and Charge(s) | Counts | Result |
|------------------|--|------------|--|--------|--------------------------------|
| 6/29/2011 | Griffin | McMurry | 2011-110804-001 Fail to Comply-Court Order, M1 | 1 | Court Trial-Guilty As Charged |
| 7/13/2011 | Braaksma <i>Jarrell</i> | Goodman | 2009-179923-001 DUI/Drugs/Metabolite, M1 DUI-Liquor/Drugs/Vapors/Combo, M1 | 1 1 | Jury Trial-Guilty As Charged |
| 7/19/2011 | Brown | Anderson | 2010-109131-001 Assault-Intent/Reckless/Injure, M1 | 1 | Court Trial-Guilty As Charged |
| 8/16/2011 | Brown | Anderson | 2010-131115-001 Reckless Driving, M1 | 1 | Jury Trial-Guilty As Charged |
| 8/17/2011 | Brown | Goodman | 2010-167654-001 Criminal Damage-Deface, M2 Disorderly Conduct-Fighting, M1 | 1 1 | Court Trial-Guilty As Charged |
| Vehicular | | | | | |
| 7/1/2011 | Black <i>Moss</i> <i>Renning</i> | Svoboda | 2009-154844-001 Agg DUI-Lic Susp/Rev for DUI, F4 | 2 | Jury Trial-Guilty Lesser/Fewer |
| 8/12/2011 | Marnar <i>Renning</i> | Cohen | 2011-105235-001 Agg DUI-Lic Susp/Rev For DUI, F4 | 2 | Jury Trial-Guilty As Charged |
| 8/26/2011 | Foundas <i>Renning</i> | Passamonte | 2009-173216-001 Agg DUI-Lic Susp/Rev For DUI, F4 | 1 | Jury Trial-Guilty As Charged |



Jury and Bench Trial Results

June 2011 – August 2011

Legal Advocate's Office – Trial Division

| Closed Date* | Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i> | Judge | CR Number and Charge(S) | Counts | Result |
|--------------|--|-----------|--|-------------|--------------------------------|
| 6/3/2011 | Orozco | Gottsfeld | 2010-122647-001 Theft-Means of Transportation, F3 Misconduct Involving Weapons, F4 | 1 1 | Court Trial-Guilty As Charged |
| 7/12/2011 | Whiteside | Stephens | 2011-005846-001 Trafficking in Stolen Property, F3 Burglary 3rd Degree, F4 | 13 1 | Jury Trial-Guilty Lesser/Fewer |
| 8/4/2011 | Glow | Hoffman | 2007-107501-003 Murder 1st Degree, F2 Armed Robbery, F2 Marijuana Violation, F2 | 1 1 1 | Court Trial-Not Guilty |
| 8/19/2011 | Roskosz | Warner | 2010-157391-003 Marijuana Violation, F2 Misconduct Involving Weapons, F4 | 2 1 | Jury Trial-Guilty As Charged |
| 8/26/2011 | Reinhardt | Miles | 2010-107293-001 Aggravated Assault, F4 | 2 | Jury Trial-Guilty Lesser/Fewer |

Legal Advocate's Office – Dependency

| Last Day of Trial | Attorney <i>CWS</i> | Judge | Case Number and Type | Result | Bench Or Jury Trial |
|-------------------|---|----------|-------------------------------------|--------------------------------|---------------------|
| 8/5/2011 | Timmes <i>Gill</i> | Udall | JD509226 Dependency | Dependency Found | Bench |
| 8/10/2011 | Klass <i>Sherry</i> | Sinclair | JD17708 Severance and Dependency | Severance and Dependency Found | Bench |
| 8/11/2011 | Konkel <i>Nations</i> | Mahoney | JD17910 Severance | Severance Granted | Bench |
| 8/17/2011 | Timmes <i>Gill</i> | Aceto | JD509230 Dependency | Dependency Found | Bench |
| 8/18/2011 | Christian <i>Christiansen</i> | Thompson | JD506341R Dependency | Dependency found as to Father | Bench |

*Defined as the date the defendant was sentenced or case was dismissed.

Jury and Bench Trial Results

June 2011 – August 2011

Legal Defender's Office – Trial Division

| Closed Date* | Attorney Investigator Paralegal Mitigation | Judge | CR Number and Charge(S) | Counts | Result |
|--------------|---|-----------|---|--------------------------------------|--------------------------------|
| 6/10/2011 | Beck <i>De Santiago</i> | Newell | 2010-129454-001 Agg DUI-Lic Susp/Rev for DUI, F4 | 2 | Jury Trial-Guilty As Charged |
| 6/3/2011 | Shipman | Stephens | 2010-149297-002 Kidnap, F2 Armed Robbery, F2 Aggravated Assault, F3 Misconduct Involving Weapons, F4 Burglary 1st Degree, F2 | 2 2 2 1 1 | Jury Trial-Guilty Lesser/Fewer |
| 6/14/2011 | Collins | Anderson | 2010-112066-002 Unlaw Flight From Law Enf Veh, F5 | 1 | Jury Trial-Guilty As Charged |
| 7/7/2011 | Babbitt | Gottsfeld | 2010-122410-002 Kidnap, F2 Theft by Extortion, F2 Armed Robbery, F2 Smuggling Humans, F4 Misconduct Involving Weapons, F4 | 2 3 2 1 1 | Jury Trial-Guilty Lesser/Fewer |
| 8/26/2011 | Shannon <i>Haimovitz</i> <i>Baker</i> | Hoffman | 2009-007186-001 Interfer w/Judicial Proceeding, M1 Misconduct Involving Weapons, F4 Disorderly Conduct, F6 Threat-Intimidate, M1 Murder 1st Degree, F2, Attempt to Commit Aggravated Assault, F3 Sexual Assault, F2 Sexual Assault, F3, Attempt to Commit | 1 1 1 1 1 2 2 1 | Jury Trial-Guilty Lesser/Fewer |



Jury and Bench Trial Results

June 2011 – August 2011

Legal Defender's Office – Dependency

| Last Day of Trial | Attorney <i>Case Manager</i> | Judge | Case Number and Type | Result | Bench Or Jury Trial |
|-------------------|---------------------------------|---------|----------------------------|-------------------|---------------------------|
| 6/15 | Ross | Hicks | JD16327 Severance Trial | Severance Granted | Bench |
| 6/20 | Ross | Adleman | JD19222 Severance Trial | Severance Granted | Bench |
| 6/21 | Ross | Hicks | JD17408 Severance Trial | Severance Granted | Bench |



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for The Defense

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Office of the Public Defender

MARICOPA COUNTY

JEREMY D. MUSSMAN
Deputy Director

JAMES J. HAAS
Public Defender

DIANE J. TERRIBILE
Administrator

CLIENT BACKGROUND INFORMATION MITIGATION PACKET

NAME _____ DATE: _____

How old are you? _____ Are you married? _____

Divorced? _____

With a partner? _____ How long have you been with the person? _____

Do you have any children? _____ If yes, please list name, age, sex, and date of birth for each child.

| Name of Child | Age | Male/Female | Date of Birth |
|---------------|-----|-------------|---------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Were you adopted? _____ If yes, at what age were you adopted? _____

If no, were you born to a two-parent family? _____

Did you grow up in a two-parent family? _____

Were your parents legally married? _____

Did your mother have any complications with the pregnancy or with your birth? _____

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Were you raised by people other than your birth parents or your adopted parents? _____ If yes, who raised you? _____

Did either or both of your parents have problems with substance abuse? If your answer is yes, write a paragraph about what it was like for you to grow up in that type of household. _____

Was an organized religion practiced in your home when you were growing up? _____ Were you taught values and traditions based on religious practice? _____ Can you name a few values that your family instilled in you? _____

Were there financial problems in your household while you were growing up? If yes, please write a paragraph about what it was like for you to grow up in a household where there was never enough money?

Who lived in your household when you were growing up?

| Name | Age | Relationship |
|------|-----|--------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

What type of work does your father do? _____

What type of work does your mother do? _____

Was there any violence or abuse practiced in your home growing up?

Did you have any family members who died at a young age? _____

The cause of death? _____

Do any members of your family have a criminal record? Who and for what crime? _____

When you were in elementary school did you have a place in your home where you could sit down quietly and concentrate on your homework? If yes, where? _____

What subjects were you good in? _____

What activities did you enjoy in school? _____

Did your parent(s) take an active role in your school life? Reading to you? Helping you with your homework? Taking you to weekend activities? Attending parent/teacher conferences? _____ If no, how did you feel about that? _____

Have you ever been diagnosed with a learning disability? _____ Were you ever in special education classes? _____ Do you feel these classes were of benefit to you? _____

How did being in special education classes affect you in your school life? _____

How far did your parents go in school? _____ High School? _____
Graduate? _____ College? _____ Graduate? _____

What was the highest grade you completed in school? _____

Name all of the schools you have attended with each address.

| School | Address | Grades Attended |
|--------|---------|-----------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Did you like going to school at any point in your life? ___ When? _____

Did you ever get good (excellent) grades in school? _____ When? _____

Did you ever participate in extra curricular activities after school?
Religious school? Boy/Girl Scouts? Athletics? Choir? Music Lessons?
Anything else? _____

Did you have good friends when you were in elementary school? Middle
school? High school? _____

Do you have good friends now? _____

Are you close to any of your brothers and/or sisters? _____ Are you estranged from any of your brothers and/or sisters? _____ Explain the situation that made you close to certain brother(s) or sister(s) and not close to others? _____

In your teenage years, were you involved in any addictive behaviors? Recreational or prescription drugs, alcohol, relationships, sex, gambling, food, shopping, other? If yes, please explain. _____

Have you ever taken steps to overcome your addiction problem? If so, what steps have you taken? _____

Did you ever serve in the military? _____ What branch and for how long?

_____ What type of duty did you perform? _____

How were you discharged? _____

What is the longest period of time you have ever held a job? _____

What type of job was that? _____ How much money did you earn doing that job? _____ Was that job satisfying to you? ____ Did you earn enough money performing that job to pay your bills and live a lifestyle which you considered acceptable? ____ Do you

see yourself doing a different type of work? ____ If yes, what type of work? _____

Have you ever been in an accident? ____ Where? _____
When? _____ Explain what happened. _____

Name all physicians who have treated you as far back as you can remember with their addresses.

| Name of Doctor | City and State | Date(s) |
|----------------|----------------|---------|
| | | |
| | | |
| | | |
| | | |
| | | |

Have you ever had any physical or emotional problems? ____ Have you ever been treated by a professional counselor for these problems? ____
Explain. _____

Where do you see yourself in ten years? With whom, (if anyone), doing what? Living where? Having what type of lifestyle? _____

Who is your hero? Whom do you look up to as having the type of life that you think is worth admiring? _____
Why do you admire that person? _____

Were you ever involved in the criminal justice system before? _____
When? _____ Were you ever placed on probation? _____ Did you
successfully complete your probation grant? _____

What steps would you personally be prepared to take in improving your own life to avoid ever becoming involved in the criminal justice system again? Have you attempted to take these specific steps before? With what result? Explain. _____

Have you ever been placed on probation? _____ Yes. ___ No. How many times? _____ Intensive probation? _____ How many times? _____ Have you ever successfully completed a probation grant? _____

What specific terms were you unable to comply with? _____

Why? _____

What terms and conditions were you SUCCESSFUL in complying with?

Were you ever aware of the importance of a healthy diet and regular exercise? _____

What foods did you consume most frequently?

Were you ever active in sports, weight training or any other exercise program? _____

Do you have a genuine interest in taking better care of your health in the future? _____

Why? _____

What are the three qualities about yourself that you consider your greatest strengths?

1. _____
2. _____
3. _____

Why? _____

