

# for The Defense

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James J. Haas, Maricopa County Public Defender

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*Delivering America's  
Promise of Justice for All*

for The Defense

Editor: Stephanie Conlon

Assistant Editors:  
Jeremy Mussman  
Susie Graham

Office:  
620 West Jackson, Ste. 4015  
Phoenix, AZ 85003  
(602) 506-7711

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## Taking Inventory: Law Enforcement's Use and Abuse of Inventory Searches

**By Christopher Manberg, Defender Attorney**

Law enforcement and lawyers alike often regard inventory searches as being immune from Constitutional scrutiny. For law enforcement, an inventory search can be a way into a suspect's car – and around that pesky Fourth Amendment. For lawyers, the phrase “I then towed the car and conducted an inventory search, finding [whatever it is your client is now charged with]” can sometimes derail a motion to suppress.

Although the checks on the government's power to rummage through its citizens' belongings at will have been chipped away by exception to the Fourth Amendment after exception, the inventory search is not entirely without limits. This article analyzes the state of inventory search law in Arizona and attempts to provide some insight into the limitations on law enforcement's use of such searches.

One exception to the probable cause and warrant requirements of the Fourth Amendment is the so-called “inventory search.”<sup>1</sup> In certain circumstances, an inventory search may be reasonable under the Fourth Amendment despite being conducted without a warrant based upon probable cause. *Colorado v. Bertine*, 479 U.S. 367, 371 (1987); *State v. Organ*, 225 Ariz. 43, 48 (2010). The purposes served by such an intrusion are three-fold: “[T]o protect an owner's property while it is in the custody of the police, to insure against claims of lost, stolen, or vandalized property, and to guard the police from danger.” *Colorado v. Bertine*, 479 U.S. 367, 372 (1987).

An inventory search of a vehicle is only valid if: (1) law enforcement officials have lawful possession or custody of the vehicle; and (2) the inventory search is conducted in good faith and not used as a subterfuge for a warrantless search. *Organ*, 225 Ariz. at 48 (citing *State v. Schutte*, 117 Ariz. 482, 486 (App. 1977)); see *Bertine*, 479 U.S. at 371-74. However, if an inventory search “is conducted solely for the purpose of discovering

evidence of a crime, it is invalid.” *Organ*, 225 Ariz. at 48; see also *United States v. Johnson*, 820 F.2d 1065, 1072 (9th Cir. 1987) (prohibiting inventory searches conducted “in bad faith or solely for investigative purposes”).

**Lawful Custody: Was it reasonable and necessary to impound the vehicle? Was the suspicion of criminal activity the only basis for the impoundment?**

Under Arizona law, a police officer has the discretion to impound a vehicle if the driver of the vehicle “is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.”<sup>2</sup> A.R.S. § 28-872(C)(3).<sup>3</sup> That discretion, however, is not unbridled; it must be exercised “according to standard criteria and on the basis of something other than suspicion of evidence of criminal activity.” *Colorado v. Bertine*, 479 U.S. 367, 375-76 (1987). When police officers take custody of a vehicle merely as a result of an arrest, without further justification, the officers do not have the lawful custody required for a valid inventory search. *In Re One 1969 Chevrolet 2-Door, I.D. No. 136379K430353*, 121 Ariz. 532, 535-36 (App. 1979) (hereinafter *Moore v. State*); *Brown v. Superior Court*, 119 Ariz. 205, 207 (1978); *State v. Dean*, 206 Ariz. 158 (2003) (holding that a warrantless search of a defendant’s automobile while it was parked in the driveway of his residence could not be justified under the inventory exception to the warrant requirement). See also *State v. Simpson*, 622 P.2d 1199 (Wash.1980) (where defendant arrested at home, impoundment of his truck lawfully parked in front of house illegal).

Indeed, police discretion to impound a vehicle is limited by the necessity for the impoundment. For example, in *Moore*, officers stopped the defendant’s vehicle to effectuate an arrest warrant for the defendant. 121 Ariz. at 533. Upon seeing the officers, the defendant pulled over and parked the car in a legal parking area. *Id.* at 534. The officers then arrested the defendant, secured him in the back of a patrol car, and conducted an inventory search of the vehicle’s interior compartments – finding contraband. *Id.* At no time did the officers inquire as to alternative methods of “protecting” the vehicle, other than police custody. *Id.* at 536. Holding that the inventory search was illegitimate because the officers did not have lawful custody of the vehicle, the Court of Appeals reasoned, “[i]n the absence of facts which would reasonably justify the arresting officers taking custody of the vehicle, these officers cannot bootstrap themselves into custody based solely on the arrest of the driver.” *Id.* (citing *Virgil v. Superior Court Placer County*, 268 Ca.App.2d 127 (1963); *State v. Singleton*, 9 Wash.App. 327 (1973)). The court’s analysis turned on the facts that (1) the vehicle was lawfully parked on the street and was not creating a traffic hazard; and (2) there was no evidence that police custody would serve to protect the public safety or the safety of the vehicle. *Id.*



In the same vein, the Supreme Court in *Brown v. Superior Court* held that, because it was unnecessary and unreasonable for police to impound the defendant's car, police impoundment of vehicle subsequent to the defendant's arrest was unlawful. 119 Ariz. at 207. In that case, the defendant was arrested outside of a bar – approximately 30 feet from his vehicle, which was parked in the bar's parking lot – on suspicion of drug trafficking offenses. *Id.* at 206. Before impounding the vehicle, the officers conducted an inventory search which produced inculpatory evidence. The Supreme Court held that police did not have the lawful custody required to justify such a search because the vehicle was parked on private property and not impeding traffic or threatening the public safety, the defendant did not suggest that he wanted the vehicle taken for safekeeping, and officers had no other legitimate reason for taking possession of it. *Id.* at 207. The impoundment of the vehicle was unnecessary, the court noted, and therefore its seizure was illegal. *Id.*

Like the vehicle impoundments in *Moore* and *Brown*, which were invalidated because police custody of the vehicle was based solely on the arrest of the driver, law enforcement often impound vehicles unreasonably, unnecessarily, and based on nothing other than the suspicion of evidence of criminal activity. Evidence to suggest an officer has used the arrest of a driver to bootstrap himself into custody of that driver's vehicle for purposes of an inventory search (in the exact manner the *Moore* court expressly forbade) include:

- The vehicle being legally parked prior to impoundment
- The vehicle neither impeding traffic nor threatening public safety prior to impoundment
- No request by the driver for the officers to take custody of the vehicle for safekeeping

### **Investigatory Police Motive: Was the inventory search conducted as a subterfuge to the Fourth Amendment's warrant requirement?**

Although warrantless inventory searches conducted in good faith and pursuant to standard procedures are reasonable under the Fourth Amendment, police may not choose to impound and search a vehicle for the sole purpose of investigating suspected criminal activity. *Bertine*, 479 U.S. 36, 376; *State v. Organ*, 225 Ariz. 43 (App. 2010). "When the inventory search is conducted solely for the purpose of discovering evidence of a crime, it is invalid." *Organ*, 225 Ariz. at 48 (citing *State v. Davis*, 154 Ariz. 370, 375 (App. 1987)); see also *United States v. Johnson*, 820 F.2d 1065, 1072 (9th Cir. 1987) ("[s]earching for incriminating evidence of a crime does not fall within the purview of an inventory search").

If an officer is required by law to impound a vehicle, an inventory search of that vehicle is valid irrespective of the officer's subjective motivations to perform the search.<sup>4</sup> For example, in *Organ*, a police officer discovered the defendant's car parked on the side of the highway with its emergency lights flashing. 225 Ariz. at 45. The officer approached the vehicle with the sole purpose of conducting a welfare check. *Id.* After the officer learned that the defendant was driving on a suspended license, he was required under Arizona law to impound the vehicle. Because he was so required, the Court of Appeals held that the subsequent inventory search of the vehicle, which produced incriminating evidence, was not unreasonable under the Fourth Amendment. *Id.* at 48. The Court reasoned that the legal requirement that vehicle be impounded, coupled with the departmental requirement that the vehicle's inventory be searched, provided the objective standards necessary to render the search permissible. *Id.*

However, believe it or not, officers often impound vehicles for the sole purpose of conducting inventory searches to discover evidence of a crime. On more than one occasion, I've even seen an officer write in his report that he had the vehicle towed specifically "for an inventory." Such language, coupled with other factors including extensive surveillance of the arrestee prior to the inventory search, suggest that the sole reason for the impoundment of the vehicle was to search for incriminating evidence.

When analyzing the legitimacy of such practices, it's important to keep in mind the purposes of an inventory search: Were the purposes of an inventory search served by the warrantless search in your case? To protect the arrestee's property inside the vehicle and themselves from false claims, could the officers have merely locked the doors before leaving? To protect themselves from danger, could the officers have exercised their discretion to not impound the vehicle?

## Conclusion

Warrantless searches of vehicles conducted without lawful authority are too often masqueraded under the guise of an inventory search. Such searches are not Constitutionally permissible merely because law enforcement had the discretion to impound a vehicle and exercised that discretion.

### (Endnotes)

1. A vehicle inventory search is one well-defined exception to the warrant requirement. *Organ*, 225 Ariz. at 48, 20, 234 P.3d at 616
2. It seems, under Arizona law, that every offense for which one may be arrested is "an offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay." See, e.g., Ariz. R. Crim. P. 4.1 (a) (A person arrested shall be taken before a magistrate without unnecessary delay); A.R.S. § 13-3883(A) (providing circumstances under which an officer may arrest someone without a warrant).
3. See generally A.R.S. § 28-872 (providing a list of circumstances under which a police officer may remove a vehicle).
4. Inventory searches, sometimes referred to as "administrative" searches, have been justified under the "community caretaking functions" of the police. See *South Dakota v. Opperman*, 428 U.S. 364, 368, 96 S.Ct. 3092 (1976); *State v. Dean*, 206 Ariz. 158, 161, 76 P.3d 429, 432 (2003).
5. Emilie F. Short, "Lawfulness of 'inventory search' of motor vehicle impounded by police." 48 A.L.R.3d 537



# Going to Mexico

By Norma Martens, Defender Attorney

There are many challenges for criminal defendants living along the border. Living so close to the border makes it appealing for people accused of committing crimes to move to Mexico. As defense attorneys, it is important to know what tools prosecutors have to go after our clients, as well as what tools we can use to help our clients.

## EXTRADITION

The most widely known and most commonly used tool by prosecutors is extradition. International extraditions are very different from interstate extraditions. International extraditions involve making an official request to the foreign country (for purposes of this article, the Mexican Federal Government) and may take several years. State prosecutors requesting the extradition must go through the United States State Department to make the request. It involves compiling an "Extradition Packet" demonstrating that a crime has been committed and that the person sought is the person who committed the offense.



Typically, the State seeks extraditions for the more serious felonies such as homicides, crimes against children and sexual crimes. Extradition for white collar crime may also be requested, although it is not as common. If a client has an experienced and knowledgeable defense attorney in Mexico, he or she may be able to delay the extradition. The time table for an extradition depends on the aggressiveness of the Mexican defense attorney.

Under Mexican law, if the crime is one for which the defendant would be held in custody in Mexico if the crime had been committed there, the client will be held in custody in a Mexican jail pending the extradition proceedings. Conditions in Mexican jails are unlike anything in the United States: if a person wants a bed, food, a television, or any other item, it is up to the person's family or friends to provide such items. Sleeping on the floor is not uncommon.

Historically, the Mexican authorities would not extradite Mexican Nationals. It has been only in the past fifteen years or so that Mexico began extraditing its Nationals. The Mexican government traditionally felt that the crimes committed by their own people were Mexico's problems to take care of and would not allow other countries to deal with them. Instead, they enacted Article 4 of the Mexican Federal Penal Code which allows Mexico to prosecute their Nationals for crimes committed in other countries. This will be discussed in more detail below. This attitude has changed over the years, and Mexico now grants extraditions of their Nationals, especially for violent crimes.

Communications on extradition are generally governed by a treaty among countries who are parties to the treaty and occur at the federal level. In the United States, the Federal Government will work with the individual states to obtain all documentation for the extradition packet.

As with any international treaty, the sending country can impose restrictions on the prosecution of the individuals they extradite. For example, as a general rule, Mexico will not extradite one of its Nationals facing the death penalty or life imprisonment. Prior to agreeing to the extradition, the Mexican government will require the receiving country to stipulate that these sentences will not be imposed. The State Department will then request the state seeking the extradition for those assurances. If the receiving country/state will not agree, then the individual sought is not extradited.

## TERMS OF ART

1. **Requesting/Receiving Country:** The country requesting the extradition.
2. **Sending Country:** The country where the individual who is sought is located.
3. **Assurances:** Statements made by the Receiving Country assuring compliance with any conditions set by the Sending Country.
4. **Extradition Packet:** The packet containing documentation to show that a crime has been committed and that the person sought most likely committed the offense. It consists of the police report, photos, scientific examinations, and anything else that may be used in trial.
5. **Nationals:** Mexican citizens.
6. **Letters Rogatory:** Request made to a foreign court for assistance in obtaining information.
7. **Legalization:** Certification by the Secretary of State's Office certifying that the person signing the request is in fact who he/she claims to be.

When representing a client who has been extradited, it is important to request a copy of all documentation relating to the extradition, including correspondence between the two countries and between the prosecutor's office and the State Department or any other federal agency that has contact with Mexico or the prosecutor's office. All assurances made to Mexico will be set out in the correspondence. For example, if the United States makes any assurances that a life sentence will not be sought against a particular individual, the assurances will be requested from the prosecutor. The prosecutor will write a letter setting forth those assurances and the State Department will use that letter to demonstrate to the Mexican government that Mexico's request will be granted.

So, what happens if the prosecutor does not comply with the assurances? Certainly there will be international ramifications and may result in no further extraditions being granted. The question for defense attorneys is whether failing to comply with the assurances will have any ramifications in the case. The issue is certainly left open to argue to the judge.

For example, several years ago the Attorney General's Office extradited an individual and assurances were made that a life sentence would not be imposed. The case proceeded to trial as a first degree murder case for which the defendant was convicted. At sentencing the defense attorney argued that the defendant could not be sentenced to life as that would not be in accordance with the assurances made to Mexico. At that time the only possible sentences were the death penalty or life without the possibility of parole until he had served 25 years.

Because the case arose at the time when Mexico had just begun to require the no life sentences assurances, the defense attorney argued that even though the defendant was eligible for parole after 25 years the sentence was nevertheless a life sentence and therefore violated the assurances made to the Mexican government. At that time the Mexican Courts had just issued a decision that life imprisonment constituted cruel and unusual punishment and therefore no life sentences could be imposed. According to the Mexican Courts the reason for imprisonment is to rehabilitate and a life sentence does not serve that purpose and it is therefore cruel and unusual. The issue as to whether that reasoning would apply to an individual who is eligible for parole or community supervision after 25 years had not yet been decided. The case was resolved by sentencing the defendant under the Second Degree Murder sentencing guidelines, which imposed a fixed term rather than a life sentence. Since that time, however, the Mexican courts have ruled that if a person is eligible for parole or community supervision after 25 years the sentence is not a life sentence. Another possible issue with life sentences that remains, however, is whether a sentence that is tantamount to a life sentence violates the assurance. In other words, if a defendant is sentenced to 97 years, the effect is a life sentence.

It is also important to request a copy of the actual extradition packet submitted to Mexico for the extradition. In addition to sentencing issues, a review of the packet may reveal weaknesses in the case as well as possible grounds for challenging the extradition.

## **DEPORTATION OF UNDESIREABLE ALIEN**

The extradition of an individual can take several years from the time of initial arrest. To avoid these delays, the Mexican government, when dealing with a foreign citizen, will deport the individual, designating him an undesirable alien. This can occur within weeks. Even in these cases, the Mexican government can impose the same restrictions as with an extradition. The Mexican government will still request the letter assuring the Mexican Government that the State will abide by Mexico's sentencing restrictions. It is important to request and review all correspondence between all entities involved in the deportation as well as any documentation that may have been provided to the Mexican government, whether provided directly to a Mexican state or the United States Federal Government.

## **ARTICLE 4 OF THE MEXICAN FEDERAL PENAL CODE**

A lesser known tool is Article 4 of the Mexican Federal Penal Code. Article 4 of the Mexican Federal Penal Code was instituted in Mexico in the 1930's to justify the denials of extraditions. It provides a means by which the Mexican Government can prosecute a defendant in Mexico for a crime committed outside of its country. It requires that:

1. Either the defendant or the victim must be a Mexican National;
2. The crime must be a crime in both countries;
3. The defendant must be located within the Mexican borders; and
4. The defendant must not have been definitively tried.

Sometimes meeting these criteria can be difficult for the State. One of the difficulties can be determining if a client has been definitively tried. If he was tried in absentia but has not been sentenced, does that mean that he has been definitively tried? A lot of the answers depend on how the Mexican courts interpret the requirements.

The filing of an Article 4 prosecution in Mexico results in the defendant being tried in Mexico. The investigation occurs in Arizona, the Arizona authorities provide Mexico with written documentation of the evidence, including witness statements and proof of any other evidence available in the case. The Arizona authorities then work directly with the Mexican Federal authorities who work in the Article 4 unit of the Mexican Attorney General's Office. The defendant is tried in Mexico provided with a Mexican defense attorney.

## **THE MUTUAL LEGAL ASSISTANCE TREATY**

Another tool available to the State is the Mutual Legal Assistance Treaty (MLAT). Under the MLAT the State can request information and evidence located in any country that is a party to the MLAT. This is used when

## **TERMS OF ART**

8. Undesirable Alien:  
A term used by the Mexican government for a foreign-born individual who has committed or is being accused of a crime outside of Mexico.

## **RESOURCE WEBSITES**

**Letters Rogatory:**  
[http://travel.state.gov/law/judicial/judicial\\_683.html](http://travel.state.gov/law/judicial/judicial_683.html)

**State Department:**  
<http://www.state.gov>

**Mexican Sites:**  
<http://www.pgr.gob.mx>

<http://www.pgjeson.gob.mx/Default.aspx>



the State believes that a defendant may have information relating to a crime he allegedly committed here, but the defendant has ties to another country, usually Mexico, and believes that evidence may be found there. There are specific procedures set forth in the treaty that the State must follow. Using the MLAT, prosecutors are able to obtain just about any type of information they wish; they can request such things as witness testimony, financial records, and even search warrants. However, it is time-consuming and the protocols must be strictly followed.

The MLAT has been successfully used in Arizona. The most prominent case was when the State used the MLAT to bring in a witness from Mexico on a murder case. The murder occurred in Rocky Point, Mexico. A couple killed the husband's wife while visiting Rocky Point. However, the State alleged that the murder was planned in Arizona and prosecuted the husband. The husband's girlfriend was detained and prosecuted in Mexico. Because she was in custody, the State was able to utilize the MLAT to transport the girlfriend to Arizona to testify against the husband. The husband was convicted.

As with extraditions and deportations, it is always a good idea to make sure the State has complied with all requirements of the MLAT to assure that there are no issues to be addressed.

### **LETTERS ROGATORY**

Another way to obtain information located in another country is through Letters Rogatory. This is the customary method of obtaining judicial assistance in the absence of a treaty. It is a formal request from a court requesting judicial assistance from another court in a foreign country, such as obtaining information that the originating court cannot access due to a lack of jurisdiction.

As with the MLAT, there are certain procedures that must be followed, including the "legalization" by the competent authorities. Legalization is done pursuant to the Hague Convention and is a certification by the Secretary of State.

Letters Rogatory must be precise in their request and must be submitted to the competent authorities with proper certification. Any documentary evidence that the State attempts to introduce at trial must comply with the Hague Convention and be legalized with the correct seal of the sending country. If the proper procedures are not meticulously followed, there may be grounds for excluding the evidence from trial.

Defense attorneys can utilize Letters Rogatory if they can demonstrate that exculpatory information is in a foreign country. The United States Department of State webpage provides assistance in completing the Letters Rogatory. However, the execution of the Letters Rogatory may take a year or more. The Letters Rogatory should be written in plain English and should be succinct in their requests. The State Department's website has a very detailed summary of what must be included in the Letters Rogatory.

Hopefully, this general overview has somewhat simplified this rather complex area. The bottom line is to request all underlying documentation whenever the State is seeking to inject international issues into your case and examine that paperwork closely – make sure that all aspects of it have been satisfied and that any agreements regarding sentencing are honored. In addition, be cognizant that you, too, may have tools at your disposal should you need to obtain key discovery from another country.



Sponsored by Maricopa County Public Defender

# Spring Trial College

April 3 & 4, 2014

The Maricopa County Public Defender's Office is sponsoring a two-day Spring Trial College. The college is intended for attorneys who have handled at least one trial and are ready to take the next steps in developing their trial skills.

The format includes large group lectures, demonstrations and small group breakout sessions focusing on individual exercises on:

- ◆ Cross-examination
- ◆ Impeachment
- ◆ Objections
- ◆ Motive & Bias

This format facilitates the learning process and enables attendees to hone their trial skills while receiving constructive critiques.

During those sessions, each attorney will be given an opportunity to cross-examine and impeach one of our witnesses. The witnesses are professional actors who have studied the different roles and are prepared for the attorneys. Materials will be provided. This is a very challenging part of the program and one that the attorneys and the actors love.

**Dates:**

Thursday, April 3, 2014

8:30am Check in

9:00am—4:30pm (lunch on your own)

Friday, April 4, 2014

8:30am Check in

9:00am—4:30pm (lunch on your own)

**Location:**

Downtown Justice Center (DTJC)

620 W. Jackson,

5th Floor Training Room

**Note:** DTJC is a secured building and opens at 8:00am. Please allow time to go through security.

**Free Parking:**

Visitor Lot on Madison and 5th Ave., just north of DTJC.

May qualify for up to 10.5 hours CLE

No Fee required for PD, OLD, OLA, FPD and OPA agencies  
The registration fee is \$100.00 for Private, City, Contract/ Court-Appointed Counsel.

If you have questions regarding registration or  
if you need ADA Accommodation, please contact Ebony Cowley, Training Facilitator  
by email at [cowleye@mail.maricopa.gov](mailto:cowleye@mail.maricopa.gov)

# Office Presents Annual Awards at Holiday Celebration

By **Jim Haas, Public Defender**

At the office holiday party on December 17, the office presented its two annual awards, the Bingle Dizon Commitment to Excellence and Joseph P. Shaw Awards, and recognized six employees who reached their 25 year anniversary with the office.

The Dizon Award was created in 2001 to honor a longtime and beloved secretary with our office known for her extraordinary commitment to excellent work and her dedication to our office. The recipient of this award is selected by a committee composed of attorneys and support staff representing all parts of our office.

The 2013 Dizon Award was presented to Legal Secretary **Raquel Moller**.

Raquel received three nominations. One said, "She epitomizes excellence in every aspect of her job. Her abilities are unmatched and her kind nature shines through in each task she completes. She is truly exceptional."

Another nomination said, "Over the past 10 years her enthusiasm and professionalism has been her trademark. She has a strong work ethic and believes in the office mission. She ensures that all clients get efficient and effective customer service. She often volunteers to take on additional work both from within and outside our group. She often takes the initiative to complete foreseeable future assignments even without being asked. She is not only dedicated and determined, she is also thoughtful and kind. She sets the standard for perfection and is often looked to for guidance."

The third nomination said "She is committed to excellence in every piece of work she completes. I am thankful each day that I get to work beside her."

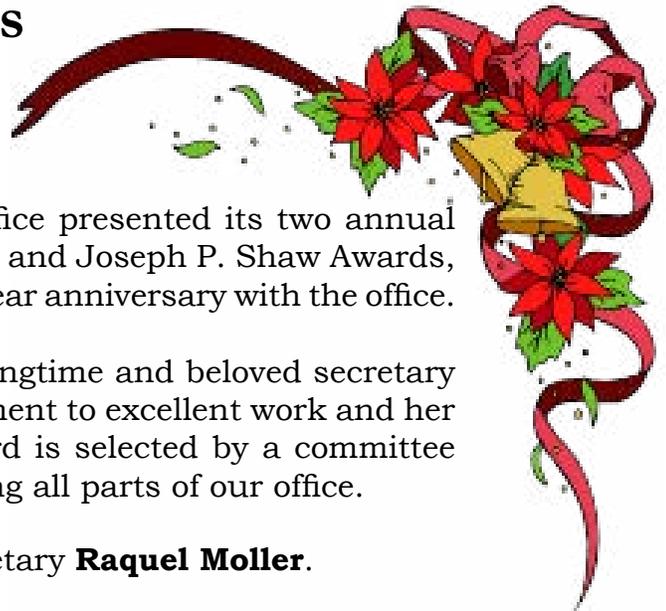
The Joe Shaw Award was created in 1995 to honor a remarkable attorney who spent 20 years in our office, starting at the age of 65. Joe was known for his integrity, professionalism, generosity, and dedication to our office. The Shaw Award is given each year to an attorney, selected by the same committee that chooses the Dizon Award, who best demonstrates Joe Shaw's many qualities.

The 2013 Shaw Award was presented to Probation Violation Group Attorney **Bill Pearlman**.

Bill received six nominations for the award. All of the nominations noted that Bill is constantly thinking "outside the box", continually raising novel legal issues and finding creative solutions to help his clients. One nomination said, "He always takes the extra step needed for his client, including tracking down records that most of us would never think about let alone find."

Bill is known by our appellate attorneys for the excellent record he makes so that his clients can get relief on appeal, and his efforts have led to favorable changes in the law. He is tireless and dogged when it comes to challenging and rethinking even the most mundane case.

One nomination put it simply: "He fights hard."



In addition to our two annual awards, one records processor and five attorneys were recognized for reaching their 25-year anniversary with the office:

**Susan Wesch** joined our office in September of 1988. She has long served as our Records Processor in Mesa.

**John Taradash** joined the office as a law clerk in August 1988, and was promoted to attorney in May 1989. John has served the office as a trial group attorney, lead attorney, capital attorney, and trial group supervisor.

**Anna Unterberger** joined the office in May 1988 as a trial attorney. In 1996, she transferred to our Appeals Division, where she served until 2007, when she joined our Capital Group.

**Christopher Johns** joined us in March 1988 as a trial attorney. He served as our Training Director and later transferred to Appeals.

**Karen Noble** joined the office in February 1988, after practicing as a trial attorney in the Pima County Public Defender's Office. She served as a trial attorney, then transferred to Appeals, and later transferred to the Capital Group.

**Larry Blieden** first joined the office as a trial attorney in March of 1984. He left in 1987 and went to work with a private law firm. In June 1988, he returned to the office, where he served as a trial attorney, lead attorney, trial group supervisor, and capital attorney.

Our office is recognized as one of the best public defense offices in the country, largely because of the incredible talent and dedication of these individuals, and many others. Congratulations to all who were honored!



# Jury and Bench Trial Results

## September 2013 - October 2013

### 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
<b>Group 1</b>					
7/18/2012	<b>Turner</b> <i>Christiansen</i>	Bernstein	2012-103613-001 Aggravated Assault, F5 Resisting Arrest, F6	1 1	Jury Trial-Guilty As Charged
9/5/2013	<b>Walker</b> <b>Beckman</b>	Mulleneaux	2013-106410-001 Criminal Trespass 2nd Deg, M2 Resisting Arrest, F6	1 1	Jury Trial-Guilty As Charged
9/13/2013	<b>Walker</b> <i>Rankin</i> <i>Christiansen</i>	Mroz	2012-139910-001 Misconduct Involving Weapons, F4	1	Jury Trial-Guilty As Charged
10/11/2013	<b>Schulz</b> <b>Rock</b> <i>Sain</i> <i>Granillo</i>	Reinstein	2010-005401-001 Armed Robbery, F2 Aggravated Assault, F3	1 1	Jury Trial-Guilty As Charged
10/24/2013	<b>Fornier</b> <i>Rankin</i> <i>Christiansen</i> <i>Wright</i>	Kiley	2013-108216-001 Aggravated Assault, F5 Assault-Touched To Injure, M3 Resisting Arrest, F6	1 1 1	Jury Trial-Guilty Lesser/Fewer
<b>Group 2</b>					
9/17/2013	<b>Abramson</b> <i>Munoz</i> <i>Beal</i>	Gass	2012-143021-001 Hindering Prosecution 1st Deg, F5 Threat-Intimidate, M1 Misconduct Involving Weapons, F4 Unlaw Flight From Law Enf Veh, F5	1 3 1 1	Jury Trial-Guilty Lesser/Fewer
9/30/2013	<b>Gurion</b> <i>Schyvynck</i>	Mullins	2013-002377-001 False Report To Law Enforce, M1 Aggravated Assault, F3	1 1	Jury Trial-Not Guilty

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

# Jury and Bench Trial Results

## September 2013 - October 2013

### 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
10/1/2013	<b>Peterson</b>	Vandenberg	2012-156431-001 Resisting Arrest, F6 Aggravated Assault, F5	1 1	Jury Trial-Guilty As Charged
10/11/2013	<b>Jones</b>	Lynch	2012-106219-001 Narc Drug-Obtain Illegally, F3, Attempt To Commit	1	Jury Trial-Guilty Lesser/Fewer
10/24/2013	<b>Vandergaw</b> <i>Munoz</i> <i>Schyvynck</i>	Mullins	2013-103235-001 Trafficking In Stolen Property, F3	1	Jury Trial-Not Guilty
<b>Group 3</b>					
9/16/2013	<b>Gronski</b> <i>Thompson</i> <i>Delrio</i>	Hegy	2012-137951-001 Aggravated Assault, F2 Theft-Means Of Transportation, F3 Resisting Arrest, F6 Theft, M1 Unlaw Flight From Law Enf Veh, F5	5 1 1 1 1	Jury Trial-Guilty Lesser/Fewer
10/17/2013	<b>Brady</b> <i>Salvato</i> <i>Farley</i>	Stephens	2012-140225-001 Aggravated Assault, F5	1	Jury Trial-Guilty As Charged
<b>Group 4</b>					
9/26/2013	<b>Wallace</b> <i>Gilchrist</i>	Kiley	2013-102961-001 Armed Robbery, F2 Unlaw Flight From Law Enf Veh, F5 Burglary Tools Possession, F6 Theft-Means Of Transportation Criminal Trespass 2nd Deg, M2 Aggravated Assault, F3	1 1 1 1 2	Jury Trial-Guilty Lesser/Fewer

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

# Jury and Bench Trial Results

## September 2013 - October 2013

Public Defender's Office – Trial Division					
Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
10/10/2013	<b>Warner</b> <i>Verdugo</i> <i>Kunz</i>	Gottsfield	2012-135863-001 Unlaw Flight From Law Enf Veh, F5 Endangerment, F6	1 2	Jury Trial-Guilty Lesser/Fewer
10/28/2013	<b>Schachar</b>	Gass	2012-111752-001 Drive W/Lic Susp/Revoke/Canc, M1 Unlaw Flight From Law Enf Veh, F5	1 1	Jury Trial-Guilty As Charged
10/28/2013	<b>Schachar</b> <i>Kunz</i>	Gass	2013-106190-001 Forgery, F4	2	Jury Trial-Guilty As Charged
<b>Group 5</b>					
9/4/2013	<b>Glass-Hess</b> <i>Henry</i>	Kreamer	2012-006890-001 Tampering W/Physical Evidence, F6 Drive By Shooting, F2 Murder 1st Degree, F1 Aggravated Assault, F3	1 1 1 1	Jury Trial-Guilty Lesser/Fewer
9/27/2013	<b>Beatty</b> <i>OFarrell</i> <i>Falle</i>	Bassett	2012-156270-001 Resisting Arrest, F6 Aggravated Assault, F5	1 1	Jury Trial-Guilty As Charged
<b>Group 6</b>					
9/19/2013	<b>Weinstein</b>	Miller	2013-103991-001 Forgery-Offers Forged Instrum, F4 Drive W/Lic Susp/Revoke/Canc, M1 Taking Identity Of Another, F4	1 1 1	Jury Trial-Guilty Lesser/Fewer

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

# Jury and Bench Trial Results

## September 2013 - October 2013

### Public Defender's Office – Trial Division

Closed Date*	Attorney <i>Investigator Paralegal Mitigation</i>	Judge	CR Number and Charge(s)	Counts	Result
9/21/2013	Mccarthy <i>Souther Verdugo Springer</i>	Miles	2012-005669-001 Murder 1st Degree, F1 Misconduct Involving Weapons, F4	1 1	Jury Trial-Guilty As Charged
10/18/2013	<b>Llewellyn</b> <i>Souther Springer Johnson</i>	Gass	2010-112998-001 Dangerous Drug Violation, F4 Resisting Arrest, F6 Interfer W/Judicial Proceeding, M1	1 1 1	Court Trial-Guilty Lesser/Fewer
10/29/2013	<b>Ramos</b> <i>Souther Springer</i>	Miles	2013-418294-001 Armed Robbery, F2	1	Jury Trial-Not Guilty
<b>Specialty Court Group</b>					
10/16/2013	<b>Duncan</b> <i>Spizer Velting</i>		2013-105238-001 Armed Robbery, F2	1	Court Trial-Guilty As Charged
<b>Vehicular</b>					
9/6/2013	<b>Brink</b> <i>Jarrell Ralls</i>	Bernstein	2011-131637-001 Agg DUI-Lic Susp/Rev For DUI, F4 Aggravated DUI-Third DUI, F4	2 2	Jury Trial-Guilty As Charged
10/3/2013	<b>Dehner</b>	Bernstein	2012-159869-001 Agg DUI-Lic Susp/Rev For DUI, F4	2	Jury Trial-Guilty As Charged

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

# Jury and Bench Trial Results

## September 2013 - October 2013

### Legal Advocate's Office – Trial Division

Closed Date*	Attorney <i>Investigator Paralegal Mitigation</i>	Judge	CR Number and Charge(S)	Counts	Result
10/18/2013	<b>Miller</b>	Gentry-Lewis	2007-150761-001 Armed Robbery, F2 Resisting Arrest, F6	1 1	Court Trial-Guilty As Charged
10/29/2013	<b>Roskosz</b>	Martin	2011-109324-005 Burglary 1st Degree, F2 Kidnap, F2	1 1	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
9/12/2013	<b>Times Gill</b>	Lopez	JD511054 Dependency Trial	Dependency found	Bench
9/17/2013	<b>Christian Christensen</b>	Thompson	JD511003 Dependency Trial	Dependency granted	Bench
9/25/2013	<b>Haywood Sanchez</b>	Ishikawa	JD510932 Dependency Trial	Under advisement	Bench
10/2/2013	<b>Haywood Sanchez</b>	Palmer	JD510359 Severance Trial	Granted	Bench
10/22/2013	<b>Haywood Sanchez</b>	Ishikawa	JD509527 Severance Trial	Granted	Bench

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

# Jury and Bench Trial Results

## September 2013 - October 2013

### Legal Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(S)	Counts	Result
9/20/2013	<b>Chawla</b> <i>Williams</i>	Granville	2012-162336-002 Aggravated Robbery, F3	2	Jury Trial-Guilty As Charged
9/30/2013	<b>Garner</b>	Mulleneaux	2012-157514-001 Narcotic Drug Violation, F4	1	Jury Trial-Guilty As Charged
10/11/2013	<b>Jolly</b> <i>McReynolds</i> <i>Bowen</i> <i>Woodrick</i> <i>Apple</i>	Bergin	2012-127763-001 Murder 1st Degree, F1 Misconduct Involving Weapons, F4	1 1	Jury Trial-Guilty Lesser/Fewer Sentenced to life
10/17/2013	<b>Garner</b> <i>Haimovitz</i>	Nothwehr	2012-158469-001 Forgery, F4	1	Jury Trial-Guilty Lesser/Fewer

### Legal Defender's Office – Dependency

Last Day of Trial	Attorney Case Manager	Judge	Case Number and Type	Result	Bench Or Jury Trial
9/9/2013	<b>Sanders</b>	Grant	JD16503 Severance Trial	Severance Granted	Bench

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Maricopa County  
Public Defender's Office  
620 West Jackson, Ste. 4015  
Phoenix, AZ 85003  
Tel: 602 506 7711  
Fax: 602 372 8902  
pdinfo@mail.maricopa.gov

*for The Defense*

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