



REPRESENTATION

Stun Belts and Shackles: Why Are Our Clients Still Chained Up?

Amy Kalman, Defender Attorney

“Don’t let the jury see your back.”

“Don’t straighten your leg all the way or your brace will lock.”

“If you want to testify, we’ll send the jury out so they don’t see you hobble to the stand.”

“Please do take notes, but try to not be too obvious about the fact that you’re using a golf pencil.”

In trial, we are often called on to give our clients advice about some strange things. Often they bear not on strategy, the progress of the case, or their testimony. Rather, attorneys must spend a large amount of their mental energy monitoring and reminding their clients of how to keep the fact that they are wearing restraints away from a jury. Ten years ago, the United States Supreme Court held in *Deck v. Missouri* that “[v]isible shackling undermines the presumption of innocence and the related fairness of the factfinding process. It suggests to the jury that the justice system itself sees a need to separate a defendant from the community at large.”¹

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Your client, whether in or out of custody, has the right to wear street clothes for trial.² The Sheriff's Department will help your in-custody client dress for court. When they dress, they are given a stun belt or vest. This is a R.A.C.C. (Remotely Activated Custody and Control) device.³ It is an electric stun device operated by battery. The courtroom deputy holds onto the remote control and can activate the device if a security threat is seen, such as an escape or an assault. This device would send an electronic shock through the device and into the client, causing pain and incapacitating the client.

slightly larger around the waist and including an undershirt and, if possible, a jacket or sweater.



The belt can create a noticeable bulge at the small of the back, where two power packs are positioned over the kidneys.⁴ Inside the belt, there are two metal probes which contact the client. The vest will lie closer to the body⁵ and may be slightly more comfortable than a belt, which might be a consideration for defendants with back injuries or for whom the belt is particularly noticeable. However, it may be hotter and thus uncomfortable for the client.

Either way, clothing should take this into account, erring

The undershirt would provide a layer between the probes and the client, to increase the client's physical comfort (it does not decrease effectiveness of the restraint per the manufacturer⁶). It could also be used over the belt in order to further conceal it. This is especially important if a dress shirt is worn and no jacket is available.

The client will likely also be wearing a leg brace. It's a metal device with Velcro straps that attach to the left or right leg. It is hinged at the knee joint. If the client fully straightens her leg, it will lock straight, and must be manually unlocked by way of a lever at the knee in order for the leg to bend again.⁷

For this reason, a client (male or female) will need to wear pants that are loose enough to not show the shape of the brace.

Finally, the client should be prepared to use a golf pencil to write with during trial. This short

pencil is deemed to pose less risk of being used as a weapon in an assault against a member of the court.⁸ Clients should be warned about this ahead of time so that they can be prepared.

What are my client's rights?

The current practice of the Maricopa County Sheriff's Department, responsible for courtroom security, is to place trial defendants in restraints, and to see if their attorneys object. Often, they do not.⁹



But there are excellent grounds to object. Your client is facing a double threat in terms of the use of restraints at trial. One (more commonly noted) is the risk of the visibility of the restraints.¹⁰ The risk that a jury may see a bulge at your client's back, or hear the creaking of a leg iron, or see your client's leg locked out straight are all risks that your client faces with these restraint devices. And they are not eliminated due merely to being worn under clothing. The jury is constantly watching the defendant,

likely even more than the judge or either attorney.¹¹ In such a circumstance the risk of being seen restrained is substantial and devastating to the presumption of innocence.¹²

However, the second threat is no less serious. A defendant who is affected by the restraints, whether by fear or simple distraction, has his right to a fair trial eroded.¹³ A defendant might be afraid about being shocked by the stun belt.¹⁴ It is also possible that the defendant may be unable to concentrate due to the discomfort. This compromises the right to be present at trial and assist counsel in her defense.¹⁵ So does a defendant who finds it too difficult to take effective notes during a trial and stops paying attention. The risk to your client's liberty means that decisions such as these are subject to close judicial scrutiny.¹⁶

How do I challenge this?

First, discuss the potential restraints with your client. You may receive information that will assist you in formulating a challenge.

Then file a written motion requesting the court to order that the Sheriff's Department justify the use of restraints before they are to be applied at trial. A sample motion is attached to this article. For efficiency's sake, it is likely best practice to do this well in advance of trial. Endorse both the County Attorney and the MCAO's Civil Division.

Once challenged, the burden shifts to the MCSO to justify the use of restraints. There is no pre-

sumption in favor of restraints, and they must be justified by circumstances specific to your client. The court is required to make a particularized, specific determination regarding your client and they are not permitted to default to a Sheriff's policy.¹⁷

A commonly cited factor, the charges your client is facing (including the potential sentence) are not alone enough to justify the use of restraints.¹⁸ Other factors that I have seen cited include prior convictions (anything violent or escape related will be very compelling for a judge),



any disciplinary history in the jail, the client's previous behavior in court, and the layout of the courtroom.

If any of these factors are in your client's favor, be sure to point them out. If your client has circumstances that make the restraints uniquely problematic, point those out as well. If your client's anxiety disorder is magnified by an electronic device strapped to her body, say so. If your client has a back issue and the belt and brace may cause him to be in serious discomfort, place that in the motion.

If the court rules that your client may be restrained, do not give up the fight. Keep raising the issue as further evidence of

prejudice makes itself known. This includes any time your client complains of discomfort, that you are concerned about visibility of the restraints, or the restraints otherwise keep your client from fully participating in the trial. This may include a lack of note-taking, fidgeting, difficulty in standing and sitting smoothly (including when the jury is entering court), any awkward or restricted movements, and any sound made by the devices. If the judge advises they are not changing their ruling, that's fine, but assert your client's right to have you make the record for appeal.

It should be noted that there may be times when you opt not to challenge the application of restraints. If your client has a prior conviction that the state is unaware of but may be discovered when the Sheriff's Department does its research, then you may decide that risk is not warranted. The same goes when you have a client who has gathered many disciplinary infractions at the jail. You may reasonably determine that the potential of that information causing prejudice to your client outweighs the small chance of succeeding in a challenge to restraints.

So I have a plan for trial. What about beforehand? Anything else I can do?

You may want to consider challenging standard shackling at pretrial hearings. The MCSO routinely shackles every in-custody defendant for pretrial hearings. But the Ninth Circuit just struck down such a blanket policy.¹⁹ The Court held that there is

no justification for a generalized pretrial shackling policy.

There is further research and increased media attention on the issue of pretrial shackling specific to juveniles. The National Prevention Science Coalition has recently come out against indiscriminate pretrial shackling of juveniles, citing many of the factors listed above, and adding the particularized risk of trauma faced by juveniles. They have posted a wealth of information on their website.²⁰ If your client is a juvenile, consider adding this research to your challenge.

What's next?

Ideally, in the face of continued challenges, the Maricopa County Sheriff's Department will shift away from their "restrain first and deal with it later" policy. The Sheriff's Department transports many defendants to trial every day in addition to hundreds of inmates moved to and from court per day. This is, admittedly, a sizable task. However, a cookie-cutter policy does not meet our clients' constitutional rights. If substantial and regular challenges are posed to restraints, it may cause the MCSO to revisit the policy, and only apply restraints in particular cases. In any event, it is our duty to remind the court of its obligations, and to defend our clients' rights to be restrained only to the extent warranted by their individual circumstances.

(Endnotes)

1 544 U.S. 622, 630, 125 S.Ct. 2013 (2005).

2 *Estelle v. Williams*, 425 US 501, 96 S.Ct. 1691 (1976); *State v. Jeffers*, 135 Ariz. 404, 416, 661 P.2d 1105, 1117 (1983).

3 For information about the belt, see the manufacturer's demonstration video at <https://www.youtube.com/watch?v=B-fz0lYztV0>

4 <http://i50.tinypic.com/2z-pl6c9.png>

5 Photo Credit: [http://www.lesslethalproducts.com/NOVA Stun Devices.php](http://www.lesslethalproducts.com/NOVA_Stun_Devices.php)

6 [http://www.lesslethalproducts.com/NOVA Stun Devices.php](http://www.lesslethalproducts.com/NOVA_Stun_Devices.php)

7 Photo Credit- <https://www.charm-tex.com/transport-leg-brace.html>. When used for trial, the brace would be fitted under the pants.

8 Notably, many recent defendants who have committed assaults in the courtroom have done so with no weapons or with other weapons, such as a glass of water. Meanwhile, defendants have committed assaults with golf pencils. http://www.abajournal.com/news/article/inmate_who_stabbed_lawyer_with_pencil_accused_of_repeat_assault_on_new_coun/

9 I had a client who did. When he was forced to wear a

stun belt and leg brace in trial, and his trial attorney advised him that he could not object to the restraints, this client wrote his own objection to the use of the restraints. The court overruled the objection, incorrectly deferring to the Sheriff's policy as binding. The court of appeals found error and remanded the case to the trial court for an evidentiary hearing to determine whether he should have had to wear the restraints, and what prejudice he may have suffered. (*State v. Rodriguez*, No. 1 CA-CR 09-0085, 2010 WL 2889565 (App. 2010)).

This hearing went on for nearly three years, with extensive discovery and a variety of challenges. The judge was cognizant that he had erred and wanted very much to get it right, so this hearing generated a great deal of information not only about this client, but the belt and other instances of discharge. Please feel free to contact me if any of this information might be useful.

10 For even more information about this issue and a history of Arizona's jurisprudence on shackling, see Rose Weston's excellent article: "Freeing Defendants from their Chains" For the Defense, Volume 16, Issue 11 (2006).

11 *Riggins v. Nevada*, 504 U.S. 127, 142, 112 S. Ct. 1810, 1819 (1992) ("At all stages of the proceedings, the defendant's behavior, manner, facial expressions, and emotional responses, or their

absence, combine to make an overall impression on the trier of fact, an impression that can have a powerful influence on the outcome of the trial.”).

12 “Visible shackling undermines the presumption of innocence and the related functions of the factfinding process.” *Deck v. Missouri*, 544 U.S. 622, 630, 125 S.Ct. 2007, 2010 (2005)

13 There is some evidence that the intention of the belt is to cause anxiety in the defendant, with reckless disregard for the impact on the defendant’s right to a fair trial. In evaluating the propriety of the belt, the Supreme Court of California has twice noted a brochure of the manufacturer of the REACT stun belt “One of the great advantages, the company says, is its capacity to humiliate the wearer. ‘After all, if you were wearing a contraption around your waist that by the mere push of a button in someone else’s hand could make you defecate or urinate yourself,’ the brochure asks, ‘what would that do to you from a psychological standpoint?’” *People v. Jackson*, 58 Cal.4th 724, 776, 319 P.3d 925, 965 (Cal. Supreme Court, 2014) (citing *People v. Mar* 28 Cal.4th 1201, 1227, fn8, 319 P.3d 95 (Cal Supreme Court, 2002)). The REACT stun belt is a different belt (although similarly manufactured) that is no longer in use.

14 This fear is not unfounded. Defendants were accidentally shocked on December 3, 2008

and October 27, 2009 while being dressed out for trial. I can provide incident reports and transcripts on request. Additionally, an inmate was accidentally shocked during trial (but outside the presence of the jury) on March 8, 2012. *State v. Collins*, 1CA-CR12-0296, ¶ 7 (Memo, 2014) (available at <https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2014/1%20CA-CR%2012-0296.pdf>)

15 *United States v. Durham*, 287 F.3d 1297, 1306 n.7 (11th Cir.2002) (“Mandatory use of a stun belt implicates [the right to be present at trial], because despite the defendant’s physical presence in the courtroom, fear of discharge may eviscerate the defendant’s ability to take an active role in his own defense.”).

16 “Whenever a courtroom arrangement is challenged as inherently prejudicial, therefore, the question must be not whether jurors actually articulated a consciousness of some prejudicial effect, but rather whether ‘an unacceptable risk is presented of impermissible factors coming into play.’” *Holbrook v. Flynn*, 475 U.S. 560, 570, 106 S.Ct. 1340, 1346 (1986) (quoting *Estelle v. Williams*, 425 US 501, 503-504, 96 S.Ct. 1691, 1692-1693 (1976)). In *Deck*, the court noted that the practice of shackling “will often have negative effects that cannot be shown from a trial transcript.” *Deck v. Missouri*, 544 U.S. 622, 635, 125 S.Ct. 2007, 2015 (2005)

(quoting *Riggins v. Nevada*, 504 U.S. 127, 137 (1992)).

17 Once challenged the burden shifts to the MCSO to justify the use of shackling. *State v. Benson*, 232 Ariz. 452, 461, ¶ 31, 307 P.3d. 19 (2013); *State v. Cruz*, 218 Ariz. 149, 168, ¶ 119, 181 P.3d 196, 215 (2008).

18 The Arizona Supreme Court and United States Supreme Courts have both held that even a capital murder conviction was insufficient to justify shackling in the sentencing phase. *State v. Gomez*, 211 Ariz. 494, 504-505; 1141 P.3d 1131, 1141 (2005) (“As an initial matter, we note that Gomez’s conviction for a capital crime cannot by itself justify shackling; *Deck* is precisely to the contrary”). Circuit courts have incorporated this clearly established law in their own findings. *E.g. Lakin v. Stine*, 431 F.3d 959, 965 (6th Cir. 2005) (“The nature of the charges against a particular defendant cannot themselves provide the entire justification for shackling; rather, all of the relevant factors must be considered, including alternative means of providing a safe and fair trial.”).

19 *U.S. v. Sanchez-Gomez*, ___ F.3d ___, 2015 WL 5010701 (9th Cir. 2015).

20 <http://njdc.info/campaign-against-indiscriminate-juvenile-shackling/>

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,

Plaintiff,

v.

DEFENDANT NAME,

Defendant.

No. CR20**-000000-001 DT

**NOTICE OF OBJECTION TO
TRIAL RESTRAINTS**

(HON. JUDICIAL OFFICER)

DEFENDANT, by and through counsel undersigned, hereby places the court and counsel on notice of his objection to trial restraints of his person, to include: stun belt and/or vest; leg brace; shackles; and unusually sized writing utensils. This motion is made pursuant to Article 2, §24 of the Arizona Constitution and the 5th, 6th, and 14th amendments of the United States Constitution, as well as State v. Cruz, 218 Ariz. 149, 168, ¶ 119, 181 P.3d 196, 215 (2008) and State v. Benson, 232 Ariz. 452, 461, 307 P.3d 19, 28 (2013). If the court wishes to consider the application of such devices to Mr. DEFENDANT’s person, Mr. DEFENDANT asserts his right to an evidentiary hearing. This objection is supported by the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Facts

Mr. DEFENDANT has been incarcerated for approximately one year in the Jail, awaiting charges relating to [SUMMARY OF CHARGES]. As far as counsel is aware, he has no previous convictions or write-ups for escape or violence while in custody. He has not been a disruption during any courtroom proceeding and has made no

threats of violence against any person.

II. Law and Argument

A. Matters of courtroom security are at the discretion of the trial court, but the court may not defer this discretion without good cause.

“Matters of courtroom security are left to the discretion of the trial court.” *State v. Davolt*, 207 Ariz. 191, 211, ¶ 84, 84 P.3d 456, 476 (2004). Arizona courts have long held that a person being tried for a criminal offense “was entitled to appear free from all manner of shackles or bonds... unless there was evident danger of his escape” *Parker v. Territory*, 5 Ariz. 283, 287, 52 P. 361, 363 (1898) (emphasis added); see also, *Estelle v. Williams*, 425 U.S. 501, 512, 96 S. Ct. 1691, 1697 (1976) (the State cannot, consistently with the Fourteenth Amendment, compel an accused to stand trial before a jury while dressed in jail clothes); *Holbrook v. Flynn*, 475 U.S. 560, 570, 106 S. Ct. 1340, 1346 (1986) (the presence of extra officers in the courtroom can be so inherently prejudicial a defendant can be denied his constitutional right to a fair trial). Before restraints are used, the trial court should inquire about the need for the security devices, and, if necessary, hold an evidentiary hearing. *State v. Benson*, 232 Ariz. 452, 461, 307 P.3d 19, 28 (2013).

The United States Supreme Court, in *Deck v. Missouri*, held that the Fifth and Fourteenth Amendments to the Constitution forbid the use of any restraints visible to the jury, absent a determination that restraints are justified by a state interest specific to the particular defendant on trial. 544 U.S. 622, 622, 125 S.Ct. 2007, 2008 (2005). The trial court “must have grounds for ordering restraints and should not simply defer to the prosecutor’s request, a sheriff’s department’s policy, or security personnel’s preference for the use of restraints. Rather, the judge should schedule a hearing at the defendant’s request regarding the need for the restraints.” *State v. Cruz*, 218 Ariz. 149, 168, ¶ 119, 181 P.3d 196, 215 (2008).

B. Forcing Mr. DEFENDANT to wear restraints or use an unusually sized writing instrument violates the presumption of innocence.

“At all stages of the proceedings, the defendant’s behavior, manner, facial expressions, and emotional responses, or their absence, combine to make an overall impression on the trier of fact, an impression that can have a powerful influence on the outcome of the trial.” *Riggins v. Nevada*, 504 U.S. 127, 142, 112 S. Ct. 1810, 1819 (1992). Mr. DEFENDANT has a due process right to be presumed innocent in all ways, including in his courtroom appearance. This is essential to ensuring Mr. DEFENDANT receives a fair trial.

Here, the restraint of being forced to use a markedly short pencil, reserved for the miniature golf course, infringes on Mr. DEFENDANT's due process right to be presumed innocent because Mr. DEFENDANT is the only person in the courtroom not permitted to use a pen, including the judge, staff, counsel, gallery, and the jurors themselves. Mr. DEFENDANT will be seen by the jury as the only person in the courtroom too dangerous to be permitted to use a pen. Mr. DEFENDANT is reduced to the status of "dangerous prisoner" who should not have something long and made of plastic. Already the jury believes that Mr. DEFENDANT must have done "something" just because he is sitting at defense counsel table. He stands out as a sore thumb because he cannot use a pen like everyone else. The court in *Deck* stated such treatment "suggests to a jury that the justice system itself sees a 'need to separate a defendant from the community at large.'" *Deck*, 544 U.S. at 630, 125 S.Ct. at 2013 (quoting *Holbrook v. Flynn*, 475 U.S. 560, 569, 106 S.Ct. 1340 (1986)).

The use of a belt or brace for restraint similarly stigmatizes Mr. DEFENDANT. While worn under clothing, the devices cause visible bulges and noticeable restrictions of movement. A defendant wearing a stun belt or brace must sit and stand with altered posture and often telltale signs of the device are visible through clothing. A defendant wearing a leg brace suffers from similar impacts. Additionally, the leg brace, by design, regularly locks the leg in a straight position, requiring the defendant to reach down to unlock the device at the knee. Such procedures will be visible to the jury.

C. Forcing Mr. DEFENDANT to wear restraints or use an unusually sized writing instrument violates the right to due process

The limitations placed on Mr. DEFENDANT by such devices will also inevitably infringe on his right to fully participate in trial. If he is more concerned about his restraint devices and keeping them concealed from the jury, then he is not fully engaged in his trial, listening to witnesses, and communicating with counsel. Furthermore, his writing will be restricted if he is not permitted a normally sized writing instrument. Golf pencils are more difficult to hold and to write with. This will prevent him from taking notes and writing notes to counsel.

III. Conclusion

For the forgoing reasons, the Court should inquire about the need for any restraint devices used on Mr. DEFENDANT before trial begins, and if the sheriff's office intends to use any restraint devices, to hold a hearing to evaluate whether there is an individual justification of the devices.

RESPECTFULLY SUBMITTED this DATE.

MARICOPA COUNTY PUBLIC DEFENDER

By: /s/ ATTORNEY NAME

ATTORNEY NAME

Deputy Public Defender

Copy of the foregoing e-filed
this DATE, to:

HON. JUDICIAL OFFICER
Judge of the Superior Court
Central Court Building
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Phoenix, AZ 85003

PROSECUTOR NAME
Deputy County Attorney
Administration Building
301 West Jefferson Street
Phoenix, AZ 85003

CIVIL COUNSEL
Deputy County Attorney
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By: /s/ ATTORNEY NAME

ATTORNEY NAME

Deputy Public Defender

EVIDENCE

Bite Mark Evidence Should Bite the Dust

Kalla Gottry, Defender Attorney

According to the Innocence Project, as of 2013, at least twenty-four men had been exonerated after they were wrongfully convicted due, at least in part, to bite mark evidence. One of the most famous exonerations was that of the so-called “Snaggletooth Killer,” Ray Krone, who was wrongfully convicted not once, but twice, due to expert testimony of bite mark evidence presented at both trials. Ray Krone spent over ten years in prison for a murder he did not commit.

Bite mark evidence has been described by one Innocence Project lawyer as “the poster child of unreliable forensic science.” In 2009, the National Academy of Sciences (NAS) conducted a study that examined the current state of forensic sciences within America’s criminal justice system and concluded that there are currently no scientific studies to support the notion that

bite marks in skin can provide sufficient information to positively identify a suspect to the exclusion of all others.

1. The Theories Underlying Bite Mark Evidence

The foundation of bite mark evidence rests on two underlying theories: (1) that each person has a unique bite mark, and (2) that human skin is capable of capturing and registering bite marks in a way that makes them distinguishable. The inference drawn from these premises is that this information can be used to match a particular individual to a bite mark to the exclusion of all others.

2. Applying the Daubert Factors to Bite Mark Evidence

The most recent report on forensic sciences issued by the NAS

states: “[t]here is nothing to indicate that courts review bite mark evidence pursuant to Daubert’s standard of reliability.” However, if the court performed a Daubert analysis, bite mark evidence would not meet the standard for admissibility as demonstrated in the tables on the following pages.

3. Practice Pointer:

Don’t be afraid to challenge the use of any type of forensic evidence, and don’t be afraid to look outside of the caselaw when you do. Even if a certain type of evidence has been admitted in thousands of cases before, this does not mean it is valid, reliable, or should be admissible in your case. Daubert looks to the scientific community and scientific principles to determine admissibility, so when making these sorts of challenges we should look there, too.



DAUBERT FACTOR	REASONING
General Acceptance	<ul style="list-style-type: none"> • Bite mark evidence is not accepted in the scientific community at large: <ul style="list-style-type: none"> ▪ Forensic dentistry is not recognized by the American Dental Association, the nation's largest dental organization.⁹ ▪ The NAS Report concluded there was no scientific basis for the underlying theories of bite mark evidence.¹⁰ • The FBI no longer utilizes bite mark evidence in its investigations.¹¹
Scientific validity	<ul style="list-style-type: none"> • The two foundational principles of bite mark evidence have not been scientifically proven: <ul style="list-style-type: none"> ▪ At least three recent studies have all concluded that human bite marks are not unique.¹² ▪ Even assuming bite marks are unique, it has not been scientifically established that these unique patterns can be transferred to, and remain impressed upon, human skin due to problems arising from distortion.¹³
Reliability	<ul style="list-style-type: none"> • One major concern of bite mark evidence is the potential for bias among experts:¹⁴ <ul style="list-style-type: none"> ▪ Although the expert bases her conclusions on objective, albeit unreliable, data, the conclusion is essentially just the expert's subjective opinion.¹⁵
Testable Hypothesis	<ul style="list-style-type: none"> • Scientists face difficulties in attempting to replicate the infliction of bite marks: <ul style="list-style-type: none"> ▪ It is nearly impossible to reproduce a violent altercation.¹⁶ ▪ Scientists are restricted to the use of human cadavers or animals, but these tissues do not correctly replicate the biomechanical properties of living human skin.¹⁷
Peer Review and Publication	<ul style="list-style-type: none"> • Bite mark evidence was not subject to peer-reviewed empirical studies until at least 2006, and the studies that have been published since then have called the validity of bite mark evidence into question: <ul style="list-style-type: none"> ▪ In 2006, a critical review of bite mark evidence literature found 163 papers specifically related to bite marks, but less than 15% of these papers were considered empirical research, i.e. hypothesis driven studies with defined outcomes and objectives.¹⁸ ▪ Since 2006, there have been more peer-reviewed studies published, but the results demonstrate that there is no scientific basis for either of the theories underlying bite mark evidence.¹⁹
Error Rate	<ul style="list-style-type: none"> • Multiple studies have been conducted on the error rate of bite mark evidence, and the results have varied: <ul style="list-style-type: none"> ▪ A 1974 study found that false positive identifications occurred 24% of the time.²⁰ ▪ A 2001 study found false positive identifications ranging from 11.9% to 22% for bite mark experts with varying levels of experience.²¹ ▪ Another study found incorrect identifications were made 24% of the time under ideal laboratory conditions and 91% of the time when the bites were photographed 24 hours after they were made.²² • Even the lowest rates of error are disturbingly high in light of the fact that bite marks made under controlled laboratory settings result in cleaner, clearer bites than those inflicted upon a victim.²³
Existing Standards for Analysis	<ul style="list-style-type: none"> • There are no objective standards in place to determine the minimal criteria or points of similarity required for declaring a match.²⁴

DAUBERT FACTOR	REASONING
Expert Qualifications	<ul style="list-style-type: none"> • The American Board of Forensic Odontology was established in 1976 to provide a certification program for forensic dentists.²⁵ <ul style="list-style-type: none"> ▪ Certification requirements include a doctoral degree in dentistry from an accredited university, active involvement in the field, and a passing grade on a certification examination.²⁶ ▪ Of note, there is no full-time academic graduate training program for bite mark analysis.²⁷

(Endnotes)

- 1 The Associated Press, *Experts deride bite marks as unreliable in court*, USA TODAY, (June 16, 2013), <http://www.usatoday.com/story/news/nation/2013/06/16/bite-marks-court/2428511/>.
- 2 Hans Sherrer, *Ray Krone Settles For \$4.4 Million After Two Wrongful Murder Convictions*, 32 JUSTICE DENIED 16 (July 2006), http://justice.denied.org/issue/issue_32/krone_jd32.pdf.
- 3 *Id.*
- 4 The Associated Press, *Experts deride bite marks as unreliable in court*, USA TODAY, (June 16, 2013), <http://www.usatoday.com/story/news/nation/2013/06/16/bite-marks-court/2428511/>.
- 5 Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council [hereinafter National Research Council], *Strengthening Forensic Science in the United States: A Path Forward*, NATIONAL ACADEMY OF SCIENCES, 176 (2009), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/228091.pdf> 9. The Associated Press, *supra* note 1; see also *American Dental Association*, <http://www.ada.org/en/about-the-ada/> (LAST VISITED MAY 1, 2015).
- 6 Mary A. Bush, Peter J. Bush & H. David Sheets, *Statistical Evidence for the Similarity of the Human Dentition*, 56 J. FORENSIC SCI. 118, 118 (2011).
- 7 *Id.*
- 8 National Research Council, *supra* note 2, at 107 (citations omitted).
- 9 National Research Council, *supra* note 2, at 176 (citations omitted).
- 10 National Research Council, *supra* note 2, at 176 (citations omitted).
- 11 *Id.* at 122.
- 12 Bush et al., *supra* note 7, at 118; H. David Sheets, Mary A. Bush & Peter J. Bush, *Similarity and match rates of the human dentition in three dimensions: relevance to bite mark evidence*, 125 Int'l. J. Legal Med. 779, 779 (2011) (CITATION OMITTED); *Id.* at 783.
- 13 National Research Council, *supra* note 2, at 175 (citations omitted).
- 14 *Id.* at 174.
- 15 Paul C. Giannelli, *Bite Mark Analysis*, 43 No. 6 Crim. LAW BULLETIN ART 5 (2007).
- 16 H. David Sheets, Mary A. Bush & Peter J. Bush, *A study of multiple bite marks inflicted in human skin by a single dentition using geometric morphometric analysis*, 211 Forensic Sci. INT'L. 1, 1 (2011).
- 17 *Id.* at 7; see also S.L. Avon et al., *Error rates in bite mark analysis in an in vivo animal model*, 201 Forensic Sci. INT'L. 45 (2010).
- 18 Iain A Pretty, *The barriers to achieving an evidence base for bitemark analysis*, 159S Forensic Sci. INT'L. S110, S111 (2006).
- 19 National Research Council, *supra* note 2, at 176 (citations omitted).
- 20 Erica Beecher-Monas, *supra* note 12, at 1388 (citation omitted).
- 21 *Id.*
- 22 Paul C. Giannelli, *supra* note 13 (citation omitted).
- 23 Radley Balko, *Attack of the bite mark matchers*, *The Washington Post*, (Feb. 18, 2015), <http://www.washingtonpost.com/news/the-watch/wp/2015/02/18/attack-of-the-bite-MARK-MATCHERS-2/>.
- 24 Erica Beecher-Monas, *Reality Bites: The Illusion of Science in Bite-Mark Evidence*, 30 Cardozo L. Rev. 1369, 1377 (2009).
- 25 American Board of Forensic Odontology, *Diplomates Reference Manual*, *American Board of Forensic Odontology*, 8 (March 2015), <http://www.abfo.org/wp-content/uploads/2012/08/ABFO-REFERENCE-MANUAL-MARCH-2015.PDF>
- 26 *Id.* at 29-31.
- 27 Erica Beecher-Monas, *supra* note 12, at 1389.

HONORS

Office Presents Annual Awards

By Jim Haas, Public Defender

At the office end-of-year celebration on December 8, the office presented its two annual awards, the Bingle Dizon Commitment to Excellence and Joseph P. Shaw Awards, and recognized seven employees who reached their 25 year anniversary with the office.

THE BINGLE DIZON COMMITMENT TO EXCELLENCE

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 staff representing all parts of our office.



The 2015 Dizon Award was presented to Capital Mitigation Specialist Susan Alling.

Susan Alling works selflessly not only for the benefit of her clients,

but for the office as a whole. She never tires in her efforts to help clients. She is always learning and gladly shares her knowledge with her colleagues.

Susan's professional, non-judgmental relationships with clients are oftentimes transformative. In a recent case, the client had given up on his life and welcomed the possibility of being executed. After working with Susan, he made a complete reversal. He found meaning to his life, he wanted to work with his capital team to fight for a life sentence and he literally had a transformation as a human being.

THE JOE SHAW AWARD

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.

Louise Stark was nominated by twelve of her colleagues, who call her the "unsung hero" of the office. She is consistently superior in her work ethic and product. She has complete and unwavering commitment to her clients and does whatever it takes to make sure her clients' stories are heard in court.

Louise has dedicated her career to

our clients and our office. Her selfless dedication to her clients and our office are what the Joe Shaw Award is all about.



The 2015 Shaw Award was presented to Appeals Attorney Louise Stark.



In addition to our two annual awards, seven individuals were recognized for reaching their 25-year anniversary with the office:

- Lucie Tabeek
- Rob Corbitt
- Dan Sheperd
- Tom Timmer
- Tim Bein
- Diane Terribile
- And me (Jim Haas).

Congratulations to all who were honored!

Technical Tips

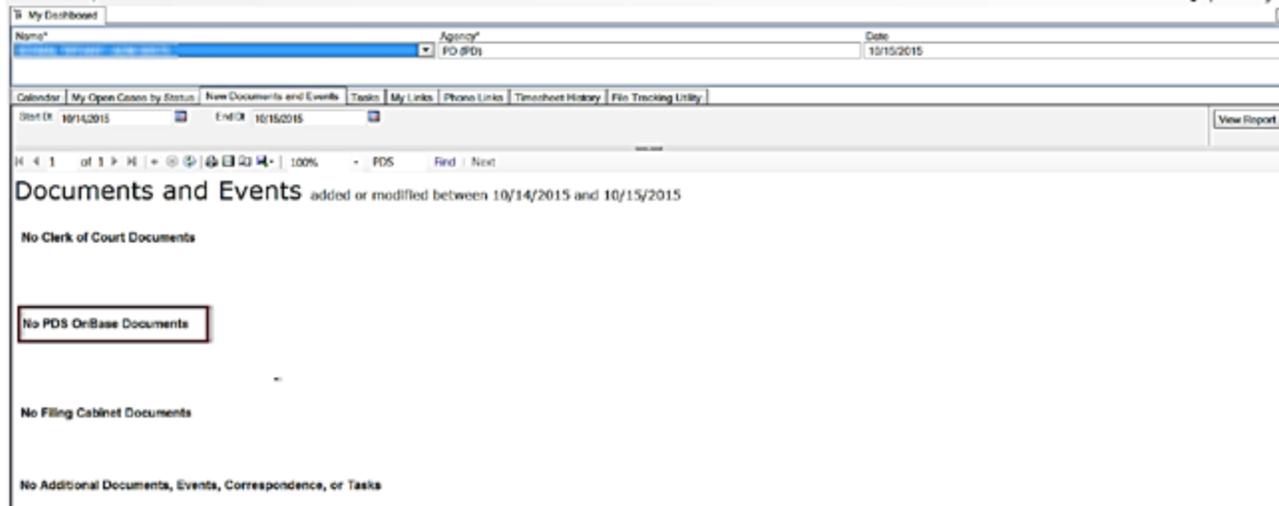
Viewing PSR Reports in JustWare

by Tiffany Schian, Litigation Support Analyst

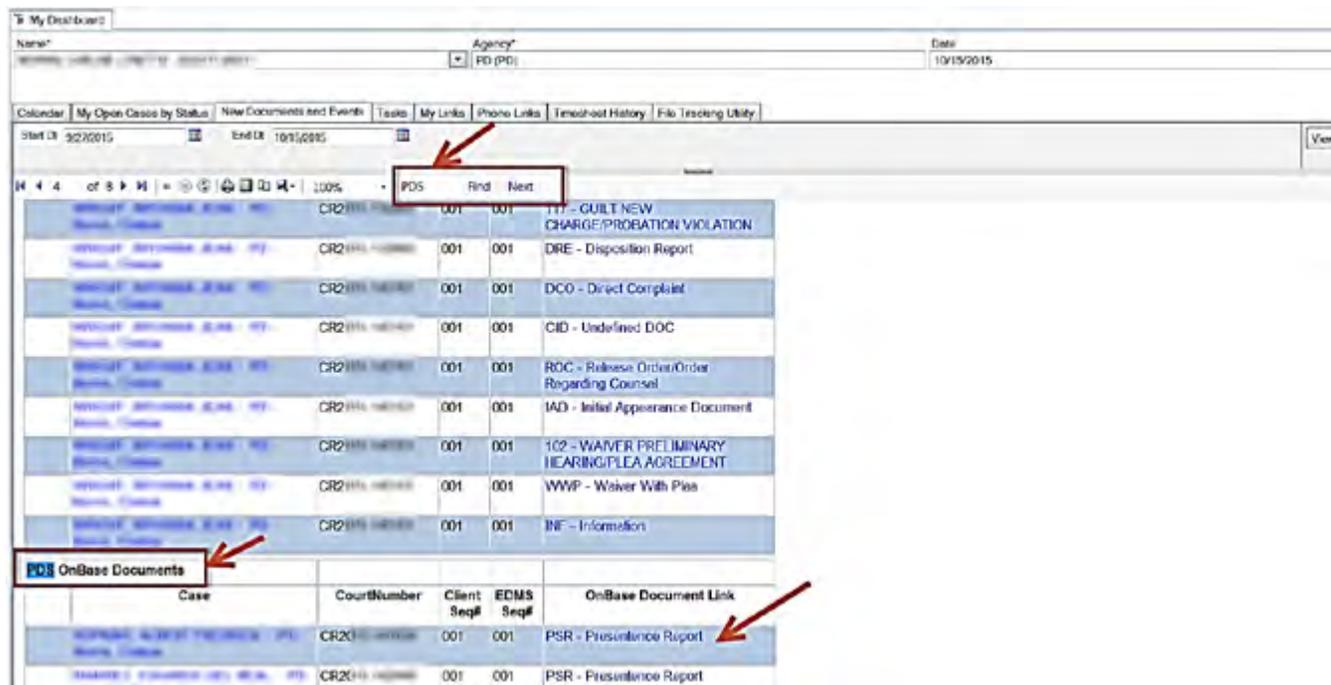
We now have the ability to access presentence reports and print them from Justware. To do this, go to your Dashboard in Justware.

On your Dashboard there is a tab for New Documents and Events which you should be monitoring daily. This tab consists of 4 different categories for “New” filings, whether from the Clerk of Court, PDS OnBase, Filing Cabinet or Additional Events or Tasks.

Under the PDS OnBase Documents, you will find the Presentence Reports:

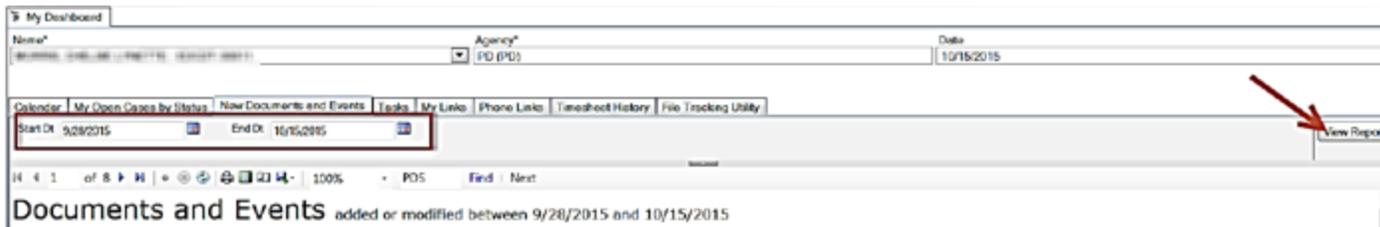


If you have several Clerk of the Court documents that show up in the first category, you can type “PDS” in the FIND box so it jumps to the PDS section of the report and you don’t have to page forward to find these documents or the PSRs.

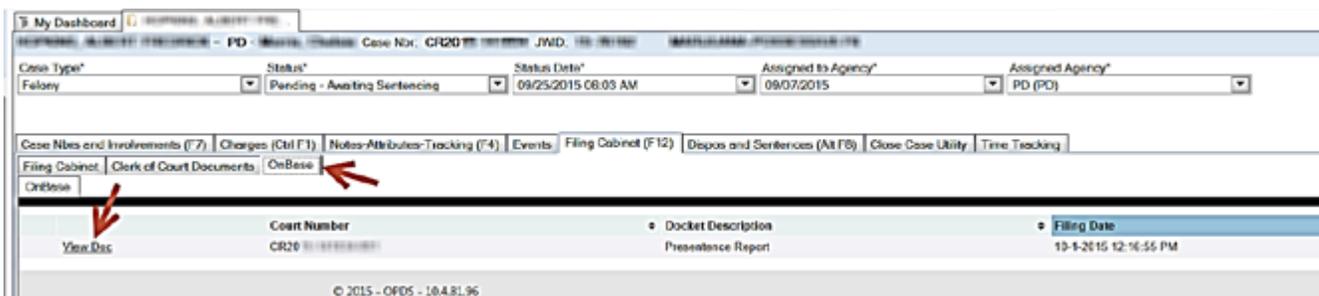


NOTE: The Dashboard is date driven. It automatically defaults to the last 24 hours because of the “New” in the name of the report.

If you don't see a particular PSR for a case within the PDS OnBase Documents, try changing the date range to whatever date you want to pull. Example: If a PSR is filed on 10/1 but you don't check JustWare until the morning of 10/3 you will want to change the date range and click View Report.



If you find that you are still unable to pull up the needed PSR on a particular case, you can go into the case by defendant's name, and go to the OnBase tab and view the Presentence Report.



WRITERS CORNER

Why Can't Judges Look Past Trivial Errors? *By Bryan A. Garner*

More often than you might think, a lawyer will say to me: “Why care so much about tiny points of correctness? A judge isn't going to rule against you just because you've misspelled *de minimis*.”

True enough, but naive. This view disregards the science behind the “halo effect”: a strong showing in matters of form strongly predisposes readers to think you're trustworthy in matters of substance—and a weak initial showing predisposes the reader to think you're unreliable in more ways than bad spelling.

And here's another point: sloppy, substandard, ungrammatical language can really irritate educated readers. It distracts them and makes them less likely—even unwilling—to align themselves with you. Wrong words are like wrong notes in music: they spoil the tune. And wrong words make readers stop thinking about your message and start pondering your educational and professional deficits. You want the judge to think about the strength of your argument, not about how many typos and solecisms you've committed.

That's a handicap no lawyer should complacently accept. So you *must* worry about your command of the language.

Further reading:

Antonin Scalia & Bryan A. Garner, *Making Your Case* 61–64 (2008).

Garner on Language and Writing 211–221 (2009).

Editors' Note: *Bryan A. Garner is a best selling legal author with more than a dozen titles to his credit, including A Dictionary of Modern Legal Usage, The Winning Brief, A Dictionary of Modern American Usage, and Legal Writing in Plain English. The selection above is an excerpt from Garner's "Usage Tip of the Day" e-mail service and is reprinted with his permission.*



TESTIMONY

Challenging the Gang Expert

*Steve McCarthy and Nikolas Forner,
Defender Attorneys*

Introduction

Your client, Johnny Smith, has been indicted for committing an aggravated assault in furtherance of a gang. Johnny likes to hang out with his friends on the corner of Main and Elm Street. The owner of the auto parts store at Main and Elm Street, Mr. Radiator, has watched Johnny hang out on the corner with his friends for months.

At trial, the prosecutor wants to call Mr. Radiator to testify as follows:

1. Mr. Radiator has overheard Johnny's friends speak about beating people up; and
2. Mr. Radiator believes Johnny and his friends beat people up to intimidate the neighborhood; and
3. Mr. Radiator has seen the clothing Johnny and his friends wear and believes the clothing to be gang related; and
4. Mr. Radiator has seen Johnny's tattoos and knows their meaning; and
5. Johnny and his friends are all members of the Sharks.

What sort of objections would you raise? You could convincingly argue that any conversations Mr. Radiator overheard constitute hearsay. Mr. Radiator is not an expert, and thus his testimony should be limited by Rule 701. You could argue that everything else is inadmissible opinion testimony that goes directly to the ultimate issue.

But, if the State calls Mr. Gang Expert, an ordinary gang

detective, then Mr. Gang Expert can present Mr. Radiator's observations as the basis for his expert opinion that Johnny is a gang member, right? Maybe not.

Evolution of Expert Authority - All That Matters is Rule 702

All you need to know to challenge the gang expert is Rule 702 of the Arizona Rules of Evidence. That's it. While a *Daubert* hearing may be intimidating, a Rule 702 hearing is not, and it's the same thing.

The *Daubert* trilogy of *Daubert*, *Joiner*, and *Kumho Tire* set forth the current standard for expert testimony. These three cases place an emphasis on Rules 701, 702, and 703 of the Federal Rules of Evidence when determining the relevance and reliability of expert testimony. Rule 702 applies to all types of expert testimony, and this includes gang expert testimony. The *Daubert* trilogy also places the "gatekeeper" function of expert testimony on the trial court, and the standard of review is abuse of discretion.

In 2000 and 2011, Rule 702 was amended to reflect the admissibility standards of the *Daubert* trilogy. Rule 702 of the Arizona Rules of Evidence mirrors Rule 702 of the Federal Rules of Evidence and reads as follows:

A witness who is qualified as an expert by knowledge, skill,

experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

When looking at Rule 702 you can see the relevance and reliability aspects the Court addressed in the *Daubert* trilogy. Section (a) refers to the relevance standard, while sections (b), (c), and (d) address the reliability aspect of the expert testimony.

Challenging the Gang Expert

Guarino

Once you have decided to challenge Mr. Gang Expert, what steps should you take? Below are a few cases that may be helpful in forming your challenge.

The Arizona Supreme Court recently decided *State v. Guarino*, 2015 WL 7770647, a capital case. The defendant was accused of committing

a murder in order to secure membership in the Aryan Brotherhood (AB). In *Guarino*, the gang experts testified about the origins of the AB, the legal definitions of a criminal street gang, terminology used by the AB, the leadership structure of the AB, and the significance of certain tattoos and symbols. In an interesting move, the State in *Guarino* also called an AB member to speak about the gang from a member's perspective.

Guarino argued that testimony by the gang experts violated the Confrontation Clause because it was based on information gathered during debriefings and free talks. Guarino argued that such information is provided in anticipation of litigation against other gang members, and is therefore testimonial hearsay that runs afoul of *Crawford*.

The defense argued that any information the gang experts learned from other sources was inextricably intertwined with the information provided during the debriefings and free talks. Because the defense did not have an opportunity to cross examine the gang member declarants, the gang experts should not be allowed to present those hearsay statements under the guise of an expert opinion.

The Court held that the rules of evidence expressly allow experts to base opinions

on otherwise inadmissible facts or data, including hearsay. See Ariz. R. Evid. 703. It is only when an expert's testimony simply transmits otherwise inadmissible facts, data, or hearsay to the jury, without an independent expert opinion, that the testimony is barred.

In other words, the expert is not a magician who converts inadmissible testimony into admissible testimony. If the court determines that the expert relied on inadmissible evidence to form an independent opinion, however, the expert likely can present the inadmissible evidence at trial. However, a way to combat this is Rule 703. Similar to the balancing test in Rule 403, Rule 703 only allows the State to disclose otherwise inadmissible facts or data if their probative value in helping the jury evaluate the expert's opinion substantially outweighs their prejudicial effect.

Mejia

In *United States v. Mejia*, 545 F.3d 179 (2d Cir. 2008), the court held that the gang expert's testimony was error. The *Mejia* court held that the gang expert simply transmitted hearsay to the jury, as opposed to applying expertise and a reliable methodology to the inadmissible facts and data.

Vera

In *United States v. Vera*, 770 F.3d 1232 (9th Cir. 2014),

the court reached the opposite result. The *Vera* court held the gang expert's opinion that the defendant was the leader of the area's drug trade was proper expert testimony. The expert did not merely serve as a conduit to inadmissible testimony, but rather the expert used the information to explain the basis for his opinion.

The *Vera* court, however, found fault with the gang expert offering both expert testimony, and lay testimony, stemming from his involvement in the investigation. The court stated "law enforcement officers may offer lay and expert opinions...but the foundation laid for those opinions must satisfy Rules 701 and 702, respectively. Further, if a single officer offers both lay and expert testimony, the jury must be informed of the fact and significance of his dual roles." *Id.* at 1243.

Conclusion

Gang expert testimony is very persuasive to a jury and very difficult to successfully challenge. That's the bad news. The good news is that the cases above provide a roadmap of what to look out for, and potential challenges to make.

Guarino is a great example of a creative approach to challenging the gang expert. Argue that, like in *Mejia*, the gang expert is simply spouting inadmissible hearsay in violation of Rules 702 and

703. Argue that the basis for the expert's opinion is testimonial hearsay in violation of the Confrontation Clause and *Crawford*. Argue that, like in *Vera*, the gang expert who is also involved in the investigation is a problem.

Practice Pointers

- 1) Find out as much background information as possible on the State's gang expert;
- 2) Find out where the expert's knowledge came from;
- 3) If the expert's knowledge came from inadmissible hearsay, challenge the gang expert pursuant to the Confrontation Clause and *Crawford*;
- 4) Challenge the gang expert under Rule 702 and 703;
- 5) Argue that the expert should not also be a witness involved in the case;
- 6) Remember, the trial court's decision will be reviewed for abuse of discretion, so aggressively challenge the expert *before* trial!

TRIAL RESULTS

Jury and Bench Trial Results

September 2015-November 2015

Indigent Representation

Public Defender's Office – Trial Division

Closed	Team	Judge	Case No. and Charges	Counts	Result
GROUP 1					
10/20/2015	Dees	Gates	CR2013-428616-001		Jury Trial
	Alldredge		Sexual Assault, F2	2	Guilty Lesser/Fewer
	Romani		Aggravated Assault, F3	1	
GROUP 2					
9/3/2015	Peterson	Sanders	CR2014-107532-001		Court Trial
			Marijuana Violation, F6	1	Guilty Lesser/Fewer
9/8/2015	Gurion	Rummage	CR2015-111629-001		Jury Trial
	Munoz		Theft-Means of Transportation, F3	1	Guilty as Charged
	McGivern				
9/9/2015	Gurion	Newcomb	CR2014-154323-001		Jury Trial
	Munoz		Narc Drug-Obtain Illegally, F4	1	Guilty as Charged
	McGivern				
9/11/2015	Podsiadlik	Gordon	CR2014-148532-001		Jury Trial
	Brazinskas		Agg Aslt-Officer, F5	1	Guilty as Charged
			Resist Arrest-Physical Force, F6	1	
			Disorderly Conduct Fighting, M1	1	
9/11/2015	Vandergaw	Newell	CR2015-109833-001		Jury Trial
	Krulic		Armed Robbery-Threat Use Wpn, F2	2	Guilty as Charged
	McGivern		Agg Aslt-Deadly Wpn/Dang Inst, F3	2	
			Assault-Intent/Reckless/Injure, M1	1	
			Aslt-Cause Fear of Phys Inj, M2	1	
GROUP 3					
9/11/2015	Allen	Foster	CR2014-002703-001		Jury Trial
	Alkhatib		Agg Aslt-Deadly Wpn/Dang Inst, F3	1	Guilty Lesser/Fewer
	Meginnis		Murder 1 st Deg-Premeditated, F2	1	
	Cole				
9/21/2015	Caulfield	Astrowsky	CR2014-147941-001		Jury Trial
	Schyvynck		Unlaw Flight From Law Enf Veh, F5	1	Guilty as Charged

Public Defender's Office--Trial Division

Closed	Team	Judge	Case No. and Charges	Counts	Result
11/25/2015	Alkhatib Couch	Hegy	CR2015-134047-001 Traffick Stolen Prop 1 st Deg, F2 Theft-Control Property, F4	2 1	Court Trial Guilty as Charged
10/2/2015	Taylor Tomaiko Whearty	Miller	CR2015-105867-001 Dangerous Drug Poss/Use, F4 Drug Paraphernalia Possess/Use, F6	1 1	Jury Trial Guilty as Charged
10/12/2015	Krejci Olmedo-Guer- ra Schyvynck	Brain	CR2014-143045-001 Marijuana Violation, F6 Drug Paraphernalia Violation, F6	1 1	Court Trial Guilty as Charged
GROUP 4					
9/2/2015	Perkins Gilchrist Wishart	Gordon	CR2007-151260-001 Theft, F5	1	Jury Trial Guilty as Charged
11/2/2015	Finefrock Tomaiko Kunz	Richter	CR2014-126264-001 Child/Vul Adult Abuse Intent, F4	3	Jury Trial Guilty as Charged
11/18/2015	Finefrock Kunz	Granville	CR2014-005790-001 Child/Vul Adult Abuse-Intent, F3	2	Jury Trial Guilty as Charged
GROUP 5					
9/18/2015	Culbert Thompson Whearty	Bernstein	CR2013-460375-001 Drug Paraphernalia Possess/Use, F6 Dangerous Drug Violation, F4	1 1	Jury Trial Guilty as Charged
10/9/2015	Lamb Alexander Thompson Slingbaum	Rueter	CR2015-001471-001 Resist Arrest-Physical Force, F6	1	Jury Trial Guilty as Charged
10/12/2015	Glass-Hess Hintze Romani Henry	Granville	CR2014-001174-001 Murder 2 nd Deg-Knowing, F1	1	Jury Trial Guilty as Charged
10/14/2015	Ortega Romani	Newell	CR2013-450279-001 Unlaw Flight from Law Enf Veh, F5	1	Jury Trial Guilty as Charged

Public Defender's Office--Trial Division

Closed	Team	Judge	CR Number and Charge(s)	Counts	Results
10/23/2015	Alexander Romani Taylor Henry	Gentry	CR2014-111181-001 Agg Aslt-Deadly Wpn/Dang Inst, F3 Disord Conduct-Weapon/Instr, F6	1 1	Jury Trial Guilty as Charged
11/23/2015	Brown Mathurin	Rueter	CR2015-119474-001 Unlaw Flight from Law Enf Veh, F5 Threat-Intim W/ Injur-Dmge Prop, M1	1 1	Jury Trial Guilty Lesser/Fewer
11/23/2015	Brown Thompson Mathurin	Rueter	CR2015-111861-001 Agg DUI-Lic Susp/Rev for DUI, F4 Unlaw Flight from Law Enf Veh, F5 Dangerous Drug Poss/Use, F4 Drug Paraphernalia Possess/Use, F6	1 1 1 1	Jury Trial Guilty Lesser/Fewer
TRAINING					
9/29/2015	Roth	Gottsfeld	CR2014-156813-001 Marijuana-Possess/Use, F6	1	Court Trial Guilty Lesser/Fewer
SPECIALTY COURT GROUP					
9/29/2015	Schwartz Heade Rankin Batie	Mroz	CR2013-003226-001 Fraudulent Schemes/Artifices, F2 Illegal Control of Enterprise, F3 Securities-Article Violation, F4 Sale-Unregistered Securities, F4 Money Laundering, F2 Theft, F2	2 1 3 2 1 4	Jury Trial Not Guilty
11/13/2015	Knowles Rock Leazotte Batie Prasetio	Granville	CR2014-122505-001 Agg Aslt-Deadly Wpn/Dang Inst, F3 Poss Wpn By Prohib Person, F4 Dschrng Firearm in City Limit, F6 False Report to Law Enforce, M1 Threat-Intimidate-Gang, F3 Threat-Intim W/ Inj-Dmge, F6 Unlaw Means Transp-Control, F5	5 1 1 1 2 1 1	Jury Trial Guilty Lesser/Fewer

Public Defender's Office -- Trial Division

Closed	Team	Judge	CR Number and Charge(S)	Counts	Result
VEHICULAR					
10/16/2015	Baker	Newcomb	CR2009-117520-001		Jury Trial
	Decker		Agg DUI-Lic Susp/Rev for DUI, F4	2	Guilty as Charged
11/20/2015	Conter	Van Wie	CR2013-446515-001		Jury Trial
			Agg DUI-Passenger Under 15, F6	2	Guilty as Charged
11/24/2015	Quesada	Van Wie	CR2015-113827-001		Jury Trial
			Agg Dui-Lic Susp/Rev for DUI, F4	2	Guilty as Charged

Legal Defender's Office -- Trial Division

Closed	Team	Judge	CR Number and Charge(S)	Counts	Result
9/8/2015	Amiri	Donofrio	CR2014-108204-001		Jury Trial
			Agg DUI-Lic Susp/Rev for DUI, F4	2	Guilty as Charged
			Aggravated DUI-Third DUI, F4	2	
11/10/2015	Abernethy	Gates	CR2015-112529-001		Jury Trial
	Santiago		Agg Aslt-Deadly Wpn/Dang Inst, F3	1	Not Guilty
			Theft-Control Property, M1	1	
10/20/2015	Warner	Otis	CR2015-116593-001		Jury Trial
			Agg Aslt DV-Impede Breathing, F4	1	Not Guilty
11/10/2015	Aguilar	Brodman	CR2013-424604-001		Jury Trial
			Narcotic Drug-Possess for Sale, F2	1	Guilty as Charged
			Dangerous Drug-Poss For Sale, F2	1	
			Drug Paraphernalia Possess/Use, F6	1	
10/27/2015	Evans	Brain	CR2013-000045-001		Jury Trial
			Narcotic Drug Violation, F2	2	Guilty as Charged
11/17/2015	Valentine	Nothwehr	CR2015-112273-001		Jury Trial
			Theft-Means of Transportation, F3	1	Not Guilty

Legal Advocate's Office – Trial Division

Closed	Team	Judge	CR Number and Charge(S)	Counts	Result
11/2/2015	Schum Rood	Svoboda	CR2014-127321-001 Narc Drug-Transp And/Or Sell, F2 Poss Wpn by Prohib Person, F4	1 1	Court Trial Guilty as Charged
11/25/2015	Marcy	Mahoney	CR2014-160010-001 Poss Wpn by Prohib Person, F4	1	Court Trial Not Guilty
10/20/2015	Woods	Granville	R2015-127706-001 Marijuana Possess/Use, F6 False Report to Law Enforce, M1	1 1	Court Trial Guilty Lesser/Fewer

Legal Advocate's Office – Dependency

Last Day of Trial	Team	Judge	Case Number and Type	Result
9/3/2015	Richardson Jenkins	Welty	JD38068 Dependency Trial	Dep Found
10/6/2015	Youngblood	Contes	JD23439 Dependency Trial	Dep Found
10/8/2015	Richardson Jenkins	Smith	JD28323 Dependency Trial	Dep Found
10/14/2015	Richardson Jenkins	Cohen	JD20488 Severance Trial	Father's rights Terminated
11/16/2015	Vera Elwood	Martin	JD30694 Dependency Trial	Dep Found
11/28/2015	Vera Elwood	Martin	JD30031 Dependency Trial	Dismissed

forThe Defense

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