

MARICOPA COUNTY ATTORNEY'S OFFICE  
2007 ANNUAL REPORT



*Defending the Law  
Delivering Justice*

## *Maricopa County Attorney's Office*

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

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

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

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

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

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

[www.maricopacountyattorney.org](http://www.maricopacountyattorney.org)

## *Specific Information on Programs of Interest*

Kids in Court Program ..... (602) 506-8522

Media Relations ..... (602) 506-3411

Speakers Bureau ..... (602) 506-5754

Drug Free AZ ..... (602) 506-7630

Adoptions ..... (480) 962-8002

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

Victim Services Division ..... (602) 506-8522

Victim Compensation  
Bureau ..... (602) 506-4955

## *Hotlines*

Graffiti ..... (602) 262-7327

Hate Crimes ..... (602) 506-5000

Illegal Dumping ..... (602) 506-6616

Slumlord ..... (602) 372-7586

# Defending the Law, Delivering Justice



**R**ESOURCES—TIME, ENERGY, MONEY—  
CANNOT BE EFFECTIVELY USED WITHOUT  
A VISION FOR THEIR PURPOSE.

This office is charged with enforcing the law, and my vision for Maricopa County is safer neighborhoods, safer streets and less crime. This office has and will continue to uphold the law and defend order. We

championed some groundbreaking arguments and initiatives in 2007 and set some important legal precedents. We addressed concerns such as human smuggling and holding all parties to this crime accountable, denying bail to illegal immigrants accused of serious crimes, and rigorous sentencing and plea policies.

Our attempts to protect the rule of law throughout the year too often faced determined opposition. Our arguments, however, were sound, and we were heard. We were successful in both passing Proposition 100 in 2006 and forcing proper implementation of the law in 2007. Dangerous defendants are being held without bond under this law, and the community is safer for it. The public and private fight waged and won by this office to fully enforce this statute ensures that those defendants determined to be non-bondable will not be fleeing justice by disappearing, as many have done in the past. Last year also marked the first 500 successful convictions under Arizona's human smuggling statute, another line drawn in response to crimes resulting from a porous border. This groundbreaking law holds people accountable for their part in illegally entering the U.S.

We have continued to make progress in the fight against identity theft, elder abuse and many other crimes. We are working hard to both prosecute and prevent crimes, and we hope that you are seeing the results in your city, on your street, and in your home.

A handwritten signature in black ink that reads "Andrew P. Thomas". The signature is fluid and cursive.

Andrew Thomas



### **Suspected “Chandler Rapist” faces 47 charges**

The Maricopa County Attorney’s Office has charged Santana Batiz-Aceves, the suspected “Chandler Rapist,” with 47 charges including Child Molestation, Sexual Conduct with a Minor, Kidnapping, Aggravated Assault, and Burglary. If convicted on all charges the defendant faces a minimum sentence of more than 250 years.

Batiz-Aceves was arrested by Chandler Police officers for the attacks on six young girls which occurred between June 2006 and November 2007. According to police reports, Batiz-Aceves has previously been deported from the United States in 1999 and again in 2003 after his arrest in California on drug and burglary charges.

“It is troubling that an illegal immigrant with a criminal history is able to walk into Maricopa County and allegedly commit these horrible crimes. If this is not an indictment of what is wrong with our porous borders than I don’t know what is,” said Andrew Thomas.

## *Illegal Immigration*

**B**Y THE END OF 2007, THE COUNTY ATTORNEY’S OFFICE HAD PROSECUTED over 500 defendants under Arizona’s human smuggling statute. The County Attorney supported passage of this statute, which holds illegal immigrants responsible for their part in using smugglers to illegally enter the United States and is the only law of its kind in the country. The County Attorney’s office and the Maricopa County Sheriff’s Office are the only law enforcement agencies in the state making arrests for the charge of Conspiracy to Commit Human Smuggling, a class 4 felony. The County Attorney’s office has a 94% conviction rate in these cases. The office has adopted a “no amnesty” policy when prosecuting illegal immigrants. To deter illegal immigration, the County Attorney requires that illegal immigrants who plead guilty under the human smuggling statute plead guilty to a felony. This felony conviction greatly undermines the ability of such defendants to immigrate to the country legally or become a U.S. citizen.

Another component of the County Attorney’s approach to combatting illegal immigration was helping secure passage of Proposition 100, which denies bail to illegal immigrants who commit serious crimes. Defendants who fall under the jurisdiction of Proposition 100 should not be given the opportunity to evade justice by making bail and fleeing the country before standing trial for their crimes. In 2006, the voters of Arizona passed four illegal immigration related propositions with over 70% support. Of those four, Prop. 100 passed with the highest margin, an astounding 78% of the votes cast.

In 2007, several obstacles were encountered while implementing this law and the County Attorney’s office went to the legislature and helped pass SB1265 , which established a standard of “probable cause” for demonstrating illegal immigrant status in bail hearings. The Arizona Supreme Court modified the Rules of Criminal Procedure, eliminating extraneous “Simpson Hearings” that had been set up to establish a higher level of proof for determining immigration status. The County Attorney’s Office has successfully fought off all court challenges to Proposition 100.

# Thomas, Arpaio join forces to implement hiring sanctions law

## The Legal Arizona Workers Act

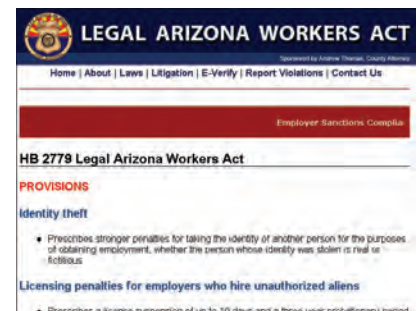
IN 2007, HB2779, THE LEGAL ARIZONA WORKERS ACT (LAWA), was passed by the state legislature and signed into law by the Governor. The County Attorney strongly supported passage of this law, the primary component of which provides licensing penalties and prosecution for employers who knowingly hire illegal immigrants. Beginning January 1, 2008 employers have been required to verify the legal status of every new employee hired. The E-Verify program administered by the U.S. Department of Homeland Security provides verification. LAWA also increases penalties for identity theft when it is done for the purpose of obtaining employment.

Legal challenges to LAWA have been unsuccessful.

LAWA designates Arizona's county attorneys as the enforcement agents. Maricopa County has been granted a budget of \$1.4 million to enforce the law and County Attorney Andrew Thomas and Sheriff Joe Arpaio signed an intergovernmental agreement in September to establish a partnership to jointly investigate potential violations of the law. Both the Sheriff's Office and the County Attorney's Office will field complaints from citizens regarding suspected LAWA violations. Complaints may come from phone calls, e-mails or regular mail. Sheriff's deputies will investigate and the County Attorney's Office will analyze the cases investigated and determine if there is sufficient evidence to prosecute. Employers who knowingly or intentionally hire illegal immigrants will be prosecuted. The County Attorney has set up webpage, <http://www.maricopacountyattorney.org/lawa> to help employers and the public stay informed about LAWA compliance and enforcement.

"In seeking a partner for enforcing Arizona's new employer sanctions law, I found the choice was clear. Sheriff Arpaio and the Maricopa County Sheriff's Office have a proven track record of enforcing our immigration laws and not caving in to political correctness."

— COUNTY ATTORNEY ANDREW THOMAS





## A Corrections "Tent City"

Arizona has a high crime rate. Our state ranks anywhere from first to third among the 50 states in most surveys. Arizonans are demanding decisive action to combat this problem. Tougher sentencing policies and ensuring that repeat felony offenders go to prison rather than probation will help reduce our crime rate.

In order to keep felons in prison, we must invest in prisons. The Arizona Department of Corrections had a total prison population of 37,636 in October of 2007. 6,515 of these inmates were housed in facilities outside the DOC. In order to address for the shortage of inmate beds, the County Attorney's office supports a "tent city" to house non-violent property offenders. This would reserve "hard" prison cells for violent offenders. A tent city for Arizona would be a cost-effective solution. Sheriff Joe Arpaio's Tent City Jail has an annual budget of \$7,977,182 and an average daily population of 1,526 inmates, making the cost per inmate per day about \$14.32. This is about 1/3 of the cost of housing inmates in traditional "hard" prisons. Additionally, to defray incarceration expenses, inmates should be required to engage in productive labor, with compensation paid so inmates can pay restitution to the victims of their crimes, build savings and learn skills to put to use upon release.

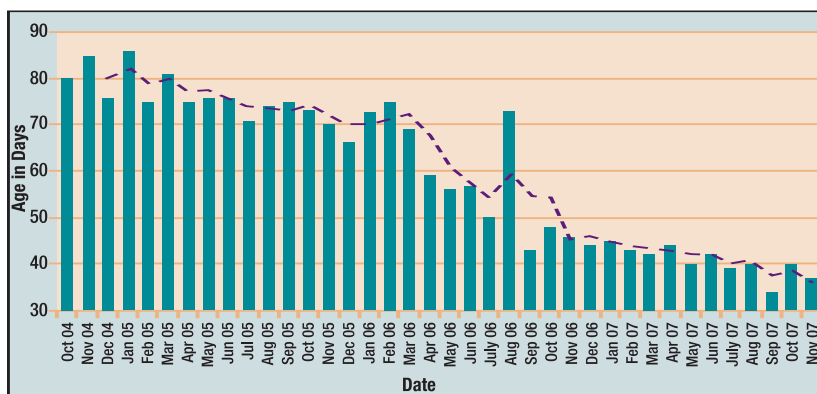
# Defending Policy and the People

## Plea Policies and Efficient Case Processing

**P**LEA POLICIES IMPLEMENTED IN 2005 AND 2006 continue to deliver justice to victims of crime and ensure that career criminals remain behind bars. National research indicates two out of three prisoners are re-arrested within three years. Our repeat offender plea policy means that the office will no longer enter into plea agreements with defendants who have a previous felony conviction unless the agreement includes prison time. While these policies increase the number of trials, we feel that this is a worthwhile investment of resources. The number of criminal cases in Maricopa County was approximately 40,000 in 2007. As cases increase, so does the need for prosecution resources. Despite the increase in the number of cases, the time to resolve these has been greatly reduced. The County Attorney's office has worked with the courts to decrease the average time to resolve a criminal case from 86 days (arraignment to sentencing) in November 2004 to 37 days in November 2007, a reduction of more than 50 percent.

The establishment of regional court centers to handle low level felony cases has also made it easier for prosecutors to keep up with increasing case loads. Previously, these felonies were handled through a scattered network of justice courts, with a single attorney moving a case through the system. We now employ a team-oriented approach where a specialized charging attorney reviews and charges the case and forwards it on to a working counterpart at the regional court center. Through these combined efforts to increase efficiency, justice is being delivered swiftly, while public safety, victim rights and fiscal discipline are respected.

Age in Days at Termination — Typical Criminal Case  
(50th Percentile)



Source: Superior Court of Arizona

# Capital Punishment delayed is justice denied for victims

## *Detering Crime*

**S**INCE TAKING OFFICE IN 2005, COUNTY ATTORNEY THOMAS has worked to make the death penalty an effective deterrent to murder. He has successfully pushed for legislation to decrease the amount of time between the crime and conviction and has called upon defense attorneys and judges to minimize dilatory tactics. In late 2006, the County Attorney's office released a report that identified problems responsible for excessive delays in death penalty cases. County Attorney Thomas strongly believes that the death penalty is a deterrent. Based on ample research. In 2007, for example, a University of Colorado study found that each execution resulted in five fewer homicides and commuting a death sentence means five more homicides. The County Attorney's Office will continue to seek appropriate and just punishment for the particularly heinous crimes.

## *Mental Health and Public Safety*

**D**ANGEROUS AND TROUBLED OFFENDERS in the custody of the mental-health system should not be released onto our streets. Recent cases in Maricopa County, as well as revelations about the serial shooter at Virginia Tech University, underscore the need to ensure that we do not rely on the mental-health industry to protect the public. Ultimately, law enforcement must act to make certain criminals are locked up and unable to prey upon the innocent.



**Brian Womble    Paul Speer**

Brian Womble and Paul Speer were sent to death row in 2007. The duo conspired to kill Adan and Enriqueta Soto as the victims slept in their West Phoenix home in 2002. Both Adan and Enriqueta were to testify against Womble's brother for burglarizing their home. Adan was shot and died in his bed with his arms around his young son. Enriqueta survived her gunshot injuries, but suffered permanent disability.



In 2006, accused murderer Rodney Moreno Aviles was to be released by the Arizona State Hospital. Aviles was indicted in 1999 for the murder of his mother and seven-year-old niece. A Superior Court judge declared Aviles incompetent to stand trial and he was sent to the state mental hospital. Upon learning that Aviles was to be released from the hospital, County Attorney Thomas directed detectives from his office to arrest Aviles prior to his release. Aviles two charges of first-degree murder were reinstated.

In 2004, Mikel Martinez was indicted for attempted first-degree murder and aggravated assault for attempting to slit his mother's throat. Upon learning of his pending release from a mental-health treatment facility in June, 2006, County Attorney Thomas intervened and had him re-arrested.



## U.S. Consumer Product Safety Commission

You can help keep your family safe by continually checking the U.S. Consumer Product Safety Commission's website for the latest information on product recalls. Visit [www.cpsc.gov](http://www.cpsc.gov) for safety tips, recall notifications or to report an unsafe product.



## Tainted Toy Checks

**N**EW OF POTENTIALLY hazardous materials in children's toys prompted widespread recalls of many products made in China during 2007. In response, investigators from the County Attorney's Office randomly selected retail outlets looking for toys outlined in a Consumer Product Safety Commission recall for compliance with laws that mandated their removal from store shelves, and from the hands of our children.

Well over 40 stores across the Valley have been visited to ensure compliance. Tests have shown toys such as trucks, trains and plastic dinosaurs to be safe and within acceptable limits for potential toxins. These inspections continued throughout the 2007 holiday season and revealed compliance with applicable laws and product recall notices.

"As with the fight against illegal immigration, the federal government is not performing its basic duties in this area. Toys and other products produced in China and elsewhere are not being tested and inspected adequately by federal agencies. That's why this office will do its part to help ensure that toys sold in the Valley are safe for children."

**-ANDREW THOMAS, COUNTY ATTORNEY**

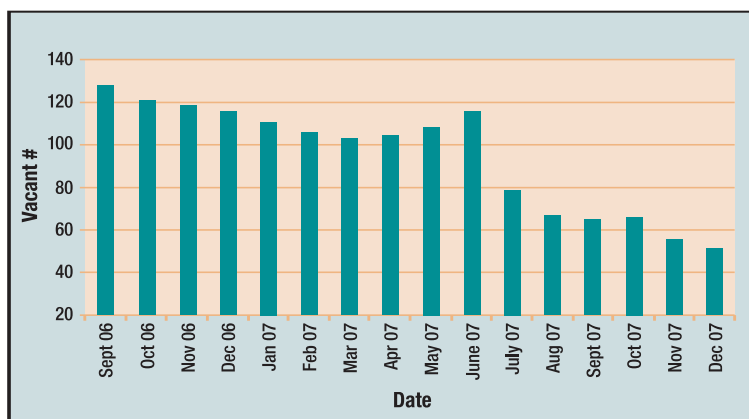
## Retaining Veteran Prosecutors, and Hiring High Quality Rookies

**R**ETENTION OF KNOWLEDGEABLE VETERAN PROSECUTORS at the Maricopa County Attorney's Office can be credited, in part, to the initiation of various new benefit programs, including the Attorney Loan Repayment Assistance Program, flex schedules and a progressive salary and promotion structure, all of which have been implemented since 2005. The office has 90 attorneys participating in the loan repayment program and 35% of prosecutors participating in the flexible work schedule plan, which has the added benefit of reducing the number of necessary commutes.

The overall vacancy rate at the Maricopa County Attorney's Office reached an all-time low of 6% in 2007. In the last two years, 95% of the positions in the Maricopa County Attorney's Office have been reviewed as part of a market pay rate study, resulting in pay increases and promotions for many. Approximately 7% of the office's employees currently participate in a regular telecommuting schedule and 41% of the office's employees are working a compressed work week schedule, hopefully contributing to a balance between work and family life.

As evidenced in the chart below, the number of adult felony filings continues to steadily grow. MCAO will continue to prosecute criminals and bring justice to victims of crimes. A low vacancy rate, satisfied employees and innovative rewards lead to effective and enhanced prosecution for the citizens of Maricopa County.

**MCAO Employee Vacancy**



Source: MCAO Human Resources

**Selected Adult Felony Filings by Offense Type**

	CY2006	CY2007	% Change CY06 to 07
Agg. Assault	2,999	2,975	-0.8
Arson	39	31	-20.5
Burglary	2,172	2,372	9.2
Child Molestation	317	351	10.7
DUI	2,562	3,277	27.9
Drug Related	16,020	17,129	6.9
Homicide	311	322	3.5
Robbery	894	1,151	28.7
Sexual Assault	99	83	-16.2
Theft	1,176	1,140	-3.1
Vehicle Theft	2,359	2,040	-13.5
<b>Total</b>	<b>28,948</b>	<b>30,871</b>	<b>6.6</b>

Source: County Attorney Information System, 01/09/2008. Data subject to change.

# Legislative Action

**T**HE MARICOPA COUNTY ATTORNEY'S OFFICE HAD A BUSY LEGISLATIVE SEASON in 2007, supporting 17 bills throughout the six-month session. Of those, 11 were signed into law. One of the most significant pieces of legislation supported by MCAO was establishing an appropriate evidentiary standard for determining whether or not defendants accused of serious crimes are illegal immigrants, and thus ineligible for bail under Proposition 100, passed with the support of the County Attorney by a margin of 78% in 2006.

Another legislative victory for the office was getting Victims' Rights legislation passed which now requires mental health agencies to notify victims in advance prior to releasing defendants back onto the streets. This legislation also increases victim notification of court proceedings and provides a way for victims to have their personal information redacted from certain court documents.

Other successful bills supported by MCAO included enhanced penalties for gang-related crimes; toughened penalties for employers who hire illegal immigrants; ensuring that incarcerated prisoners who commit multiple felonies must serve their new sentences consecutively; increasing the penalty for writing a bad check in excess of \$5,000; eliminating the option of receiving credit for time served for aggravated DUI offenders who are incarcerated or who have absconded; and eliminating the knowing requirement for punishing those engaging in child prostitution.



# Delivering Crime Prevention

EFFECTIVELY PREVENTING CRIME IS MUCH MORE DESIRABLE than effectively prosecuting it after the fact. We will always work hard to prosecute criminals, but by educating the public about their ability to protect and defend themselves, we can drive down crime rates, make our communities safer, and reduce the need for expensive prosecutions.

Throughout 2007, County Attorney Thomas continued to implement effective and innovative crime prevention programs. The County Attorney's websites remain some of the most visited and trusted resources for information about specific crimes. This year, The Arizona Crime News Roundup Website joined StopDUIAZ, Drug Free AZ and Illegal Immigration Journal on the list of MCAO's outstanding websites. Arizona Crime News Roundup offers subscribers daily e-mail updates with links to crime related stories across Arizona. StopDUIAZ got a makeover this year and MCAO partnered with additional cities and now posts conviction information and mug shots of DUI offenders from Tempe, Gilbert and Peoria, Glendale and Scottsdale.

Truancy is often a gateway to crime. Keeping kids in school is essential for crime prevention. County Attorney Thomas launched a comprehensive anti-truancy campaign in an effort to educate the public about the laws applying truant children and the consequences of truancy. These efforts included a handbook outlining truancy laws, strategies for keeping kids in school, resources for parents and educators, and a television public service campaign.

Year after year, Drug Free AZ continues to be one of the most recognizable and respected anti-drug programs in the country. Drug Free AZ reached out to a special population of leaders and role models for our children by creating a handbook designed for coaches and athletic trainers to help them educate athletes about the dangers of drugs. "Making an Impact: A Play by Play Guide to Keeping Student Athletes Drug Free" guides athletic professionals through the types of drugs most often abused by athletes, signs to look out for and strategies to help athletes in trouble. With the support of local athletes and coaches from the Phoenix Mercury, Harlem Globetrotters, Arizona Rattlers and the Arizona Cardinals, "The Coach's Handbook" is proving to be a valuable resource for Arizona coaches.

These are just a few examples of the ways that the County Attorney's Office is offering resources and crime prevention information to residents of Maricopa County and Arizona, for links to these and other websites, visit [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org).





## County Attorney Report

THE COUNTY ATTORNEY REPORT WAS HONORED by the National Association of Counties as a 2007 Achievement Award Winner for its effective and innovative programming. This well produced television show provides the public with current and accurate insights into the functions of the County Attorney's Office. Topics include well-known duties of the office, such as court proceedings, investigations, victim services, and prosecution, also featured lesser known functions such as adoption services. The program is taped in a 30 minute "magazine" format. Past episodes have included reports about Identity Theft, DUI, Home Burglary and Homicide. All eight major metropolitan cities within Maricopa County control their own public access stations (generally Channel 11) and run the show an average of 40 times a month. It can also be viewed at [www.maricopacountyattorney.org](http://www.maricopacountyattorney.org).



## Law Enforcement Torch Run for Special Olympics

EVERY YEAR THE MARICOPA COUNTY ATTORNEY'S OFFICE is a proud sponsor of the Law Enforcement Torch Run for Special Olympics. In 2007, through fundraising efforts including sales of baked goods, Easter baskets and employee casual day badges, the Maricopa County Attorney's Office collected \$11,131.41, making it one of the top 20 supporting agencies in Arizona. In addition, the office assists with staffing and a security detail for the Special Olympics games held at Arizona State University in May, lending more than 50 volunteers from the office. The office is proud of its association with the Special Olympics and hopes increase both its monetary and voluntary support every year.

## 2007 Neighborhood Summits

**M**ORE THAN 400 MARICOPA COUNTY CITIZENS attended two free neighborhood summits hosted by the County Attorney's office in 2007. The office partnered with police and community service departments in cities of the East and West Valley to offer a comprehensive crime prevention summit for Valley residents.

The summits were a series of classes designed to better inform citizens about some of the most important issues in the fight against crime. The classes were taught by experts from the various city agencies represented at the summits and topics included: 'Cybersafety', property crime prevention, drug education and awareness, school violence and many others.

"All the classes I attended were very thorough and educational. I learned a lot and will put some of the suggestions into practice."

— WEST VALLEY SUMMIT ATTENDEE

"All the classes were excellent and informative and were well presented. The presenters were well informed and gave good talks."

— EAST VALLEY SUMMIT ATTENDEE

Participants in the summits also learned about the roles of the various agencies involved in detecting and prosecuting criminal activity. A resource fair was also held in order to provide attendees with as much information about

keeping themselves and their neighborhoods safe as possible.



## Pets on Probation

**I**N THE SPRING OF 2006, THE MARICOPA COUNTY ATTORNEY'S OFFICE and the Maricopa County Sheriff's Office embarked on a program called Pets on Probation in an effort to find loving homes for dogs in need. The program allows employees of the County Attorney's office the opportunity to walk a dog from the Sheriff's M.A.S.H (Maricopa Animal Safe Hospice) Unit during their lunch hour, thus exposing the animals to people in downtown Phoenix. In the first 12 weeks, the program led to the successful adoption of 15 dogs and has been going strong ever since.





Pets on Probation is a wonderful program for both county employees and the dogs they walk. The animals, housed in jail cells, get out of their cells for an hour. The dogs are also walking billboards, selling themselves by wearing pink vests with “Adopt Me” emblazoned on the side.



Pet walkers carry information about each dog along with all the adoption information. Female inmates in the adjacent jail are charged with caring for the animals.

This program is a win-win for all involved. First, it solves the problem of getting adoptable dogs out of temporary shelter and into good homes. Pets on Probation generated news stories which provide additional advertising for animals needing adoption. All this while giving county employees the chance to leave their desks for some fresh air and exercise with lovable companions!



## Superstar Search

**E**NCOURAGING A CHILD’S NATURAL HOBBIES AND **T**ALENTS—their own personal “anti-drug”—is one of the keys to drug prevention.

This year, Drug Free AZ once again held their annual Drug Free AZ Superstar Search. Children across the state between the ages of 11-17 were asked “what activity, hobby, or passion stands



between you and drugs?” Hundreds of entries were received and the top 22 finalists performed their anti-drug in September at Arizona Mills Mall in Tempe, with the winner getting a chance to star in their very own television commercial. The Grand-Prize winners, Team Durbin Karate, were a group of martial arts performers who won the judges over with their acrobatic movements and anti-drug message. The kids had a commercial produced by local television station CW6 which was then played numerous times on television stations throughout Maricopa County.

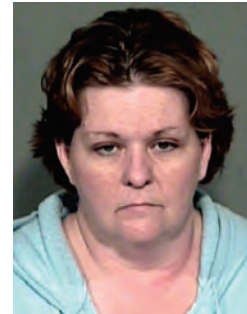
# Notable Cases

## *State v. Amy Scott*

**I**N MARCH 2007, A JURY CONVICTED 39 YEAR OLD AMY LYNN SCOTT on three counts of First Degree Murder for the killing of three infants over a nine month period in 1989. The victims; Shauna Cunningham, Zachary Mann, and Jordan Whitmer were all less than a year old. The cause of death in all three cases was originally listed as Sudden Infant Death Syndrome, but that diagnosis was later questioned and overturned. Scott was indicted by a Grand Jury in 2004. In May 2007, Scott was sentenced to three consecutive life sentences with the possibility of parole in 25 years.

"I am gratified to see this tragic case finally brought to a just conclusion. The passage of time creates tremendous complications for criminal prosecutions. I want to thank the Tempe and Scottsdale Police Departments for their commitment to solving these cases and commend the attorneys who successfully prosecuted."

— ANDREW THOMAS, COUNTY ATTORNEY



Amy Scott

## *State v. Robert Owens*

**B**ETWEEN JANUARY, 2000 AND MARCH, 2004, ROBERT OWENS DARED LAW ENFORCEMENT to catch him after posing for years as a criminal defense attorney. Owens fooled his clients into believing he was a legitimate attorney. Between January 2000 and March 2004, Owens took fees from a long list of victims who were seeking legal help in criminal proceedings. He pled guilty to Theft charges (two counts of theft, a class 2 felony, and one count of Theft, a class 3 felony) on April 5, 2007. He is now serving 10 years in prison.

"I am happy to report that the crimes he thought clever enough to go unpunished will now indeed find resolution," said County Attorney Andrew Thomas. "His victims, unfortunately, were bilked during a time of great stress in their lives and his crimes added to their duress. May he spend his prison time learning the error of his ways."

Owens is a repeat offender who previously did time for a conviction on theft and embezzlement charges in 1986. He received a sentence of 20 years for using stolen credit cards that he had pilfered from medical emergency patients while working as a paramedic. Unfortunately, Owens was released in 1993 after serving six years and six months.

## *Drop House Indictments*

**A**NOTHER WAY THE COUNTY ATTORNEY'S OFFICE HAS IMPLEMENTED ITS "NO AMNESTY" POLICY for illegal immigrants is by prosecuting illegal immigrants found in drop houses. Last summer, the Sheriff's Office launched an illegal immigration smuggling hotline for callers to leave tips regarding possible "drop-houses" or homes used as havens for immigrants that had illegally entered the country. As a result of these calls and tips, the County Attorney's office began prosecuting people who were arrested for being involved in human smuggling under Arizona's human smuggling statute which was passed in September 2006.

The first eight drop house defendants the County Attorney's office prosecuted were discovered in a drop house by the Sheriff's office in Glendale on August 21, 2007. Instead of turning them over to Immigrations and Customs Enforcement, the Sheriff's office arrested them. One of the defendants was accused of being a drop house guard and an active participant in a human smuggling operation. The other seven were charged with violating the human smuggling statute.



## Subway Murders

**I**N OCTOBER 2007, JESUS JARA AND JOSE BUSTOS RECEIVED LIFE SENTENCES for the brutal 2005 murders of Guillermo Rodriguez-Sanchez and Rafael Encinas-Rios. The victims, both high school students, were working at a Subway restaurant when Jara and Bustos entered the restaurant armed with an SKS assault rifle. The victims complied with robbery demands, handing Jara \$60 and their cell phones. One of the victims recognized Bustos as a former classmate and tried to talk him out of hurting anyone. Instead, Bustos shot both boys in the head at close range as they pled for their lives.

"It is disturbing that the Supreme Court struck down Arizona's voter-approved law authorizing the death penalty for certain heinous juvenile murderers."

— ANDREW THOMAS, COUNTY ATTORNEY

"These murders cut short the lives of two hard working high school students who were just trying to make a few dollars working the night shift at a neighborhood restaurant. Our office will try to honor their memories by making sure the people responsible for their deaths are properly punished."

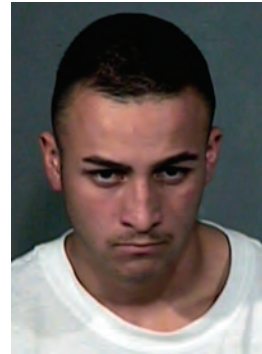
— ANDREW THOMAS, COUNTY ATTORNEY

Bustos pled guilty to two counts of First Degree Murder and one count of Armed Robbery in July. In August a jury found Jara guilty of two counts of First Degree Murder and one count of Armed Robbery.

Both defendants were juveniles when the crime occurred. Due to a U.S. Supreme Court ruling handed down in *Roper v. Simmons*, prosecutors were unable to seek the death penalty in this case.

"The death penalty should have been an option in this case. By striking down Arizona's laws on juvenile justice, the Supreme Court has removed hardened young killers from death row and prevented law enforcement officials from seeking capital punishment in appropriate cases."

— ANDREW THOMAS, COUNTY ATTORNEY

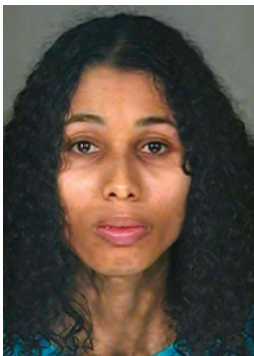


Jose Bustos

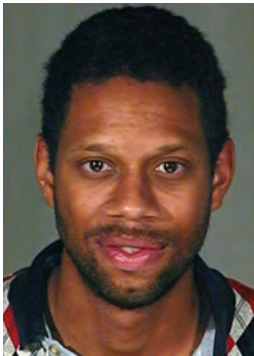


Jesus Jara

## Vegan Parent Gets 30 Years for Child Abuse



Kimu Parker



Blair Parker

### *State v. Kimu Parker*

**I**N AUGUST 2007, A JUDGE SENTENCED VEGAN MOTHER KIMU PARKER TO THIRTY YEARS IN PRISON for severely malnourishing her three children. Parker was convicted in April, 2007 on three counts of child abuse, and received ten years for each count, to be served consecutively. At the time of her arrest, her three-year-old child weighed 12 pounds, her nine-year-old child weighed 29 pounds, and her eleven-year-old child weighed 36 pounds. The parents blamed the low weights on a strict Vegan diet. The youngest child was taken to the hospital in April, 2005 after suffering a series of seizures over several hours. Police reports show it took the parents several hours to call 911. A social worker at a Valley hospital examined the child and called the police. When officers arrived at the home, they observed two other severely malnourished children. The parents were indicted weeks later.

**Goudeau convicted of rape**

**Alleged Baseline Killer  
given 438 years**

### *State v. Mark Goudeau*

**I**N SEPTEMBER 2007, ACCUSED “BASELINE KILLER” MARK GOUDEAU WAS CONVICTED of the 2005 kidnapping and sexual assault of two sisters, both in their twenties, in a South Phoenix park. Goudeau was convicted of kidnapping, sexual assault, sexual abuse, aggravated assault, and attempted sexual assault. The verdict was reached in less than a day. One of the victims was six months pregnant at the time of the assault. On December 7, 2007, Goudeau was sentenced to 438 years in prison.

“He will not get out again—that’s the bottom line . . . the victims of these brutal crimes deserve justice. I will do everything in my power to ensure that this defendant never again walks the streets a free man. The public has a right to expect that when a violent criminal is sentenced to incarceration for a specific term of years that the term of the sentence will be carried out. The early release of predators who endanger the lives and well-being of law-abiding citizens is unconscionable. Violent criminals deserve hard time, not early release from prison by a naive and misguided clemency board.”

— ANDREW THOMAS, COUNTY ATTORNEY

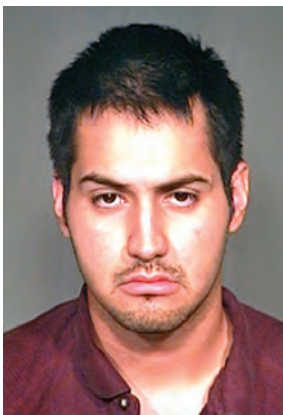


**Mark Goudeau**

Mark Goudeau’s history of violence is documented. In 1989, Goudeau was charged with sexual assault, kidnapping, aggravated assault, and attempted second degree murder. He pled no contest to three counts of aggravated assault, all class three felonies. Goudeau was sentenced to fifteen years in prison. In 2004, Goudeau was released from prison by the Arizona Board of Executive Clemency. A little over a year later, Goudeau committed the acts of kidnapping, rape and assault for which he has recently been convicted.

Goudeau now stands accused of 74 charges relating to the “Baseline Killer” case, including nine counts of First-Degree Murder, 15 counts of sexual assault and 11 counts of kidnapping. He has pled not guilty. County Attorney Andrew Thomas has announced the he will seek the death penalty against Goudeau.

## Defendant received 36 year sentence for killing pregnant girlfriend



Jorge Gurrola

### *State v. Jorge Mario Gurrola*

ON FEBRUARY 1, 2007, A JURY CONVICTED JORGE MARIO GURROLA, 25, ON TWO COUNTS OF SECOND DEGREE MURDER, both class two dangerous felonies and domestic violence offenses. Gurrola murdered Monica Sanchez and her unborn child during the course of an argument. This is the first case to go to trial in Maricopa County under a new Arizona law classifying the killing of an unborn child as second degree murder.

Gurrola and the victim shared an apartment. By his own admission, Gurrola had become enraged at Sanchez after finding a photograph of another man in her wallet. An argument ensued in which Gurrola struck the victim twice on her face. The victim fell to the ground crying and then became silent. Unable to wake her, Gurrola took her to the hospital, where she was diagnosed with non-survivable brain injuries. According to officers who responded to the incident, the victim had massive swelling and bruising on her face. Monica Sanchez was pronounced dead on September 6, 2005. She was nearly two months pregnant. On June 8, 2007, Gurrola was sentenced to 36 years in prison for the murders.

ARS § 13-1104—revised in April of 2005 to include unborn children—establishes that a person commits second degree murder if, without premeditation, “Under circumstances manifesting extreme indifference to human life, the person recklessly engages in conduct that creates a grave risk of death and thereby causes the death of another person, including an unborn child or, as a result of recklessly causing the death of another person, causes the death of an unborn child.”

## *State v. Mike Tyson*

ON JANUARY 12, 2007, A MARICOPA COUNTY GRAND JURY INDICTED FORMER HEAVYWEIGHT BOXING CHAMPION MIKE TYSON with possession or use of narcotic drugs, a class 4 felony; possession of drug paraphernalia, a class 6 felony; and two class 1 misdemeanor counts of driving while under the influence of intoxicating liquor or drugs. The indictment followed preliminary charges filed by the County Attorney's Office on January 3, 2007.

On December 29, 2006, police officers working in Scottsdale pulled Tyson over after they observed him driving erratically and failing to stop at an intersection, nearly colliding with a sheriff's office vehicle in the process. An officer approaching Tyson's car observed the defendant wiping something off the center console of his vehicle. Tyson was given a field sobriety test by the officer during which he failed to follow instructions and displayed poor coordination and a lack of balance. Officers searched his vehicle and found three baggies that later tested positive for cocaine. During questioning, Tyson admitted to using Zoloft, marijuana, and cocaine and said that he was addicted to cocaine.

Due to Tyson's previous convictions for violent offenses, the County Attorney's Office stated Tyson had appeared ineligible for Arizona's mandatory drug treatment program for first- and second-time non-violent drug offenders. Tyson was convicted of rape in Indiana in 1992. He was given a ten-year prison sentence, four years of which was suspended. In 1998, Tyson pled no contest to misdemeanor assault charges in Maryland.

County Attorney Andrew Thomas stated that based on Tyson's criminal history and the nature of these newest alleged offenses, that his office would seek a prison sentence for Tyson. "He has run out of second chances, at least in my book," Thomas said. "I believe some period of incarceration is necessary to help this man break his self-described addiction to cocaine and to protect the public."

"Tyson endangered the public and himself and must be held accountable for his actions. It's my hope that a conviction and prison time will help him to break his addictions and learn to comply with the law."

On November 19, 2007, a judge sentenced Tyson to three years probation and one day in jail, prompting this response from County Attorney Thomas:



“At the sentencing hearing this morning, our office requested that Mike Tyson be sentenced to prison for one year. We made this recommendation in view of his long history of criminal conduct, including convictions for rape, assault and disorderly conduct, and the new offenses of possession of illegal narcotics and operating a motor vehicle while under the influence of drugs or alcohol. His intentional criminal conduct seriously endangered the public. I believe then, and I believe now that Mr. Tyson should have been sentenced to a term of imprisonment greater than the one day in jail imposed by the Superior Court. While I recognize and respect that the Court has the final word regarding sentencing, I would be less than candid if I did not express my disappointment in the sentence. DUI is a very serious offense which too often results in death or injury to others. This office will continue to prosecute these crimes aggressively and to request substantial sentences when appropriate.”



Kenneth McCracken

### *State v. Kenneth McCracken*

**I**N THIS CASE, A 79-YEAR OLD PEORIA HOUSECLEANER who had invested in secured annuities lost a total of \$250,000 through an investment scam that began over a decade ago. Kenneth McCracken met the victim in 1995 while he was working at an estate planning company. McCracken and his boss went to the victim's home where she declined to liquidate her annuities and invest with them.

McCracken returned, befriended the victim and started visiting her at her house on a regular basis. In 2000, he convinced the victim that he was trustworthy. He told her he would invest her money where he had his own money invested. She initially gave him \$48,000 to invest and he made multiple interest payments to her. In 2002 McCracken lost his job, but never told the victim this. In 2003, the victim, then 75 years old, took money out of her secured annuities, all with McCracken's assistance, and gave him \$202,000, believing that he was investing it. He spent the money.

At trial, McCracken initially testified that the money was a loan for his personal use. Recognizing the futility of his defense, the defendant ultimately decided to plead guilty. McCracken was previously sued in civil court while working at an estate planning company by 34 elderly victims for giving fraudulent investment advice,. He had no prior criminal history. On March 15, 2007, McCracken was sentenced to 10 years in prison and ordered to pay restitution.

## 19 arrested in connection with 34 home invasions

### *West Valley Home Invasion Gang Members Charged in 115-Count Indictment*

**I**N JULY 2007, A GRAND JURY RETURNED A 115-COUNT INDICTMENT accusing 19 gang members of multiple counts each of Leading or Participating, or, Assisting in a Criminal Street Gang, Illegal Control of an Enterprise, Theft, Burglary, Impersonating a Peace Officer, Aggravated Assault, Unlawful Flight From a Law Enforcement Vehicle, Armed Robbery, Aggravated Assault, Misconduct Involving Body Armor, Theft of Means of Transportation, Misconduct Involving Weapons, Criminal Trespass, and Kidnapping. The crimes are associated with at least 34 brutal home

"These defendants allegedly were responsible for a wave of home invasions and domestic terrorism that we are accustomed to seeing in foreign countries but not in our own. Such organized violent crime must draw a very harsh response from law enforcement."

— ANDREW THOMAS, COUNTY ATTORNEY

invasions with dozens of victims that left several Phoenix neighborhoods terrorized. The suspects in these attacks allegedly would storm into homes and announce that they were "the police." Wearing simulated police, FBI or DEA gear and uniforms, they at various times carried handguns, assault rifles, grenades, shotguns, and knives. The home invasions were aimed at securing drugs, money and personal property. The arrests followed a six year Phoenix Police investigation. Other agencies involved in the arrests included the Department of Public Safety, Avondale Police, the Maricopa County Sheriff's Office, Mesa Police, Tempe Police, Tolleson Police, the U.S. Bureau of Alcohol, Tobacco and Firearms, the U.S. Attorney's Office, the U.S. Marshal's Office and the U.S. Postal Service.





State v. Imel

## *State v. Daniel Imel*

**O**N MAY 29, 2004, THE DEFENDANT WAS DRIVING 93 MPH IN A 35 MPH ZONE when he ran three red lights and struck and instantly killed Carlie Schulman. Imel had methamphetamine, ecstasy and marijuana in his system and began saying strange things once police arrived at the scene. He later claimed insanity at trial further complicating this difficult case. There were numerous experts at trial involving not only the vehicular aspects of the case, but also dealing with the insanity defense. Imel was eventually convicted of manslaughter and three counts of endangerment and sentenced to 27.25 years in prison.



State v. Dixon

## *State v. Justin Dixon*

**I**N DECEMBER, 2006, JUSTIN DIXON RECEIVED THE LONGEST SENTENCE EVER HANDED DOWN for a vehicular crime in Maricopa County. Dixon was sentenced to 51.25 years in prison following a conviction on six criminal counts, including four counts of aggravated assault and one count of leaving the scene of a serious injury/accident. The longest sentence previously imposed for a vehicular crime in Maricopa County was 38 years. At the defendant's trial, evidence proved that at a bar in June, 2005, the defendant drank three shots of tequila and a 32 oz beer within the course of an hour before becoming "enraged" at his girlfriend because he thought she was flirting with another man. The defendant left in his 2003 Chevy Silverado and headed south on 43rd Avenue, reaching speeds of 98 mph in a 40 mph zone. He went through a red light and crashed into four elderly people at 96 mph. All of the victims were seriously injured and the defendant fled the scene. Police arrested him 14 hours later.

"The carnage caused by this man demands a very long prison sentence. The fact that he fled the scene after gravely injuring these four victims argues all the more for maximum punishment."

— ANDREW THOMAS, COUNTY ATTORNEY



# Law Enforcement Officers Lost in the Line of Duty

Tragically, three Valley law enforcement officers were shot and killed in the line of duty in 2007. Their ultimate sacrifice in defense of public safety and the law will not be forgotten.

**Glendale Police Officer Anthony Holly**—On February 19, 2007, Officer Holly was shot and killed while conducting a routine traffic stop. He was a two-year veteran of the Glendale Police Department. Defendant Bryan Hulsey is currently awaiting trial on charges of First Degree Murder, Attempted First Degree Murder and Misconduct Involving Weapons in connection with the death of Officer Holly.



**Phoenix Police Officer George Cortez, Jr.**—Officer Cortez was shot and killed on July 27, 2007 after responding to a call of suspected forgery at a check cashing business. Officer Cortez had served two years with the Phoenix Police Department. Defendant Edward Rose awaits trial on numerous felony charges including First Degree Murder, Burglary, and Forgery in connection with the death of Officer Cortez.



**Phoenix Police Officer Nick Erfle**—On September 18, 2007, Officer Nick Erfle was shot after he and his partner approached three people for jaywalking and obstructing traffic. Officer Erfle was shot by an illegal alien with a felony record who was then shot and killed by officers after he carjacked a vehicle, taking the driver hostage. Officer Erfle served the Phoenix Police Department for eight years.





# Leading the Way

## Andrew P. Thomas

### County Attorney



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

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

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

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

Joining the Maricopa County Attorney's Office as a Deputy County Attorney in 2003, he prosecuted numerous cases both in the Pretrial and Juvenile Divisions. In 2004, Andrew ran successfully for Maricopa County Attorney. He took office in January, 2005.

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

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

## Philip J. MacDonnell

### Chief Deputy County Attorney



Following his graduation from Harvard Law School in 1974, where he was senior editor of the Harvard Law Review, Phil clerked for Judge Ozell Trask of the U.S. Court of Appeals for the Ninth Circuit. He subsequently joined the Arizona Attorney General's Office, serving in the administrations of former Attorneys General Bruce Babbitt, Jack LaSota and Bob Corbin. As chief of the Attorney General's Special Prosecutions Division, Phil prosecuted high-profile cases and supervised numerous complex grand jury investigations. In 1981, Phil left to become an Assistant United States Attorney for Arizona.

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

## Sally W. Wells

### Chief Assistant County Attorney



Appointed by Maricopa County Attorney Andrew Thomas in 2005, Sally is the Chief Assistant County Attorney for the Maricopa County Attorney's Office and is the highest ranking female attorney in the history of the office. As Chief Assistant, Ms. Wells is responsible for the day-to-day operations in all divisions of the Maricopa County Attorney's Office except the Executive Division – over nine hundred attorneys, paralegals, detectives, victim advocates, and support staff including administrative and information technology personnel.

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

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

# Mission Statement

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

*Defending the Law*



*Delivering Justice*

**ANDREW THOMAS**  
County Attorney