



MARICOPA COUNTY ATTORNEY'S OFFICE

ANNUAL REPORT

2005

Let justice be done

Fiat Justitia



IT IS MY PLEASURE TO REPORT THAT THIS YEAR, my first as Maricopa County Attorney, has been full of progressive change. I have worked to strengthen this office's commitment to the highest priority of government: public safety. To better reflect this commitment, the motto of our office has been changed to "Let Justice Be Done." This motto summarizes our office's main professional mission and aspiration.

In 2005, our office has instituted or pursued important reforms that I believe will help our office better serve the community and ensure personal security for the citizens of Maricopa County. We have ended plea bargaining as we know it for serious violent crimes. This "plead to the lead" policy sends a clear and simple message to would-be violent offenders that violent crime means hard time.

We've launched a public information campaign to inform the public about identity theft and the dangers posed by methamphetamines. We've successfully advocated at the state legislature stronger laws targeting identity theft. Our office helped bring together Valley police agencies in forging a comprehensive new protocol for investigating cases of identity theft. We hosted the Southwest Conference on Illegal Immigration, Border Security and Crime, and helped lead the fight to make human trafficking a crime under state law. We've worked to prevent the spread of the deadly West Nile Virus by prosecuting owners of stagnant green pools. We've created a special task force to prosecute animal cruelty cases.

We've also devoted much effort to improving day-to-day operations at MCAO. The Prosecutor Pay Initiative and resulting pay raises for MCAO attorneys will enhance our ability to retain our experienced prosecutors. Pay-for-performance raises for other MCAO staff have helped ensure that employees who do their work competently and well will be rewarded with increased compensation. We have brought meaningful improvements into our communications and workday processes with voicemail and flextime. We have adjusted our internal organization to improve efficiencies and enhance our service to the community.

It is an honor to serve as Maricopa County Attorney and to work to make sure that justice is done in our courts.

Sincerely,



Andrew P. Thomas
Maricopa County Attorney



Let justice be done

THE TASK AT HAND

Maricopa County's rapidly increasing population now stands at more than 3.5 million people. The County Attorney currently prosecutes approximately 40,000 felonies a year, plus 5,000 misdemeanors. With more than one felony per 100 people, each and every year, crime is now a significant part of our culture.

SELECTED ADULT FELONY FILINGS BY OFFENSE TYPE

	Filings		
	CY 04	CY 05	% Change
Homicide	257	286	11.3%
Sexual Assault	85	120	41.2%
Child Molestation	341	362	6.2%
Robbery	733	878	19.8%
Aggravated Assault	2,666	3,072	15.2%
Burglary	2,122	2,069	-2.5%
Arson	26	42	61.5%
Vehicular Theft	2,373	2,758	16.2%
DUI	2,830	2,897	2.4%
Theft	995	1,238	24.4%
Drug Related	15,439	15,911	3.1%
Total	27,867	29,633	6.3%

The number of felony filings represents data as of 3/7/2006 and is subject to change.

Source: County Attorney Information System

SELECTED JUVENILE FILINGS BY OFFENSE TYPE

	Filings		
	CY 04	CY 05	% Change
Homicide	1	2	100.0%
Sexual Assault	6	13	116.7%
Child Molestation	98	108	10.2%
Robbery	48	65	35.4%
Aggravated Assault	376	477	26.9%
Burglary	516	498	-3.5%
Arson	16	20	25.0%
Vehicular Theft	631	557	-11.7%
DUI	56	46	-17.9%
Theft	1,807	1,619	-10.4%
Drug Related	1,355	1,205	-11.1%
Other	3,128	3,022	-3.4
Total	8,038	7,632	-5.05%

The number of felony filings represents data as of 1/13/2006 and is subject to change.

Source: County Attorney Information System

PLEAD TO THE LEAD

This year a new policy of “plead to the lead” has been put in place in which defendants in most cases are not given the opportunity to negotiate and “plea down” charges for serious offenses. They must plead to the most serious (lead) charge or face trial on that charge. The list of crimes which are not eligible for plea bargain are as follows:

- second degree murder
- manslaughter
- aggravated assault with injury or a weapon
- sexual assault
- arson of an occupied structure
- armed robbery
- first degree burglary
- kidnapping
- drive-by shooting
- discharging a weapon at an occupied structure
- prisoners who assault with intent to incite riot

County Attorney Andrew Thomas speaks to the media after unveiling the new “Plead to the Lead” policy at a press conference in 2005.

**Thomas
cuts off
plea deals**
Violent criminals must face trial

**The deal
is off**
End to plea bargains for major
crimes could well benefit society

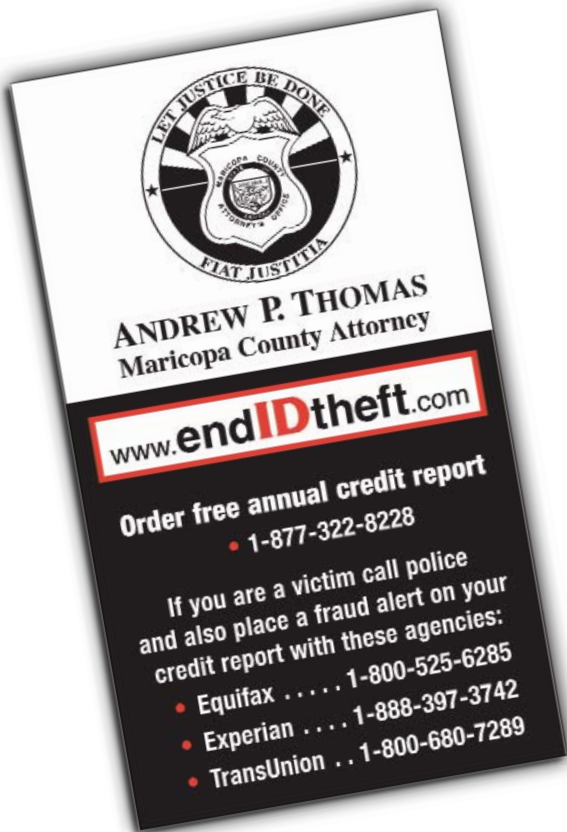
Annually, prosecutors' offices in large districts closed over 1 million felony cases, with a median conviction rate of 85%. (Bureau of Justice Statistics) Year after year, the Maricopa County Attorney's Office exceeds this with conviction rates ranging from 85% to 88%.



ID THEFT: PUBLIC INFORMATION CAMPAIGN

Arizona is number one in the nation for identity theft. The demand for stolen identities is high in Maricopa County, where various factors create a “perfect storm” of widespread ID theft.

Our response to date has been to educate the public on how they can protect themselves, strengthen the laws against ID theft, and crack down on meth and illegal immigration, both of which fuel the identity theft problem.



An employee from the County Attorney's Office watches the shredder at Weyerhaeuser Recycling and Destruction Center in May 2005. The County Attorney's Office partnered with local businesses and Channel 12 news to publicize the 'Shred-a-Thon' events which allowed the public to bring documents to shred free of charge. More than 450 people brought boxes of personal information for destruction resulting in nearly 26 tons of material collected throughout the day.



County Attorney Andrew Thomas speaks to concerned citizens about the dangers of ID theft and the importance of protecting personal information.

ID THEFT: LAW ENFORCEMENT RESPONDS

State, local and federal agencies worked together this year to establish a protocol for investigating cases of identity theft, the first of its kind. The protocol establishes practices and procedures to improve the way law enforcement agencies work together to protect the public from identity theft.

Valley police sign protocol on ID theft

Accompanied by representatives of every police force in the county, the county sheriff, and a number of federal officials, Andrew Thomas announces the unanimously-agreed-upon ID theft protocol. Under this agreement, every victim's report of ID theft will be taken. Every report will be filed, and every report will be acted on and shared with other jurisdictions within the county.

ID THEFT: THE LEGISLATURE RESPONDS

A new law now recognizes the crime of aggravated identity theft (when a person steals the identities of five or more people) and makes it a class three felony. The new law also defines the crime of trafficking in stolen identities (when a criminal sells or transfers stolen identifying information), making it a class two felony. The Maricopa County Attorney's Office helped draft this legislation and lobbied for it.



www.endIDtheft.com



Smuggled can be ‘conspirators’

‘Coyote’ opinion adds teeth to law

Prosecutor: Using ‘coyotes’ can lead to jail

ILLEGAL IMMIGRATION: LAW ENFORCEMENT

A new state law, A.R.S. § 13-2319, makes it a crime to intentionally engage in the smuggling of human beings for profit or commercial purpose. The newly enacted statute defines “smuggling of human beings” as “the transportation or procurement of transportation by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not United States citizens, permanent resident aliens or persons otherwise lawfully in this state.” The person who engages in the smuggling, commonly referred to as a “coyote,” is guilty of a class 4 felony. The County Attorney’s Office lobbied the legislature to pass this law.

In response to a request by Maricopa County Sheriff Joe Arpaio, a formal legal opinion was issued interpreting the provisions of ARS § 13-2319, Arizona’s new human smuggling law. The opinion makes clear that both coyotes and illegal immigrants who willingly agree to be transported by a paid coyote may be arrested and detained in the county jail.

Specifically, the opinion provides that:

- If deputies of the Maricopa County Sheriff’s Office have probable cause to believe that illegal immigrants have intentionally allowed themselves to be smuggled by a paid human smuggler, or “coyote,” deputies may arrest the illegal immigrants as well as the coyote pursuant to Arizona’s new anti-coyote law, ARS § 13-2319.
- Arizona peace officers have the authority to ask presumed illegal immigrants about their immigration status.
- When there is probable cause to believe illegal immigrants have violated Arizona’s anti-coyote law by committing a preparatory offense to that

law under the state’s criminal code, the illegal immigrants may be arrested and charged with these crimes, held in custody pending posting of bail or resolution of the charges and made available to testify in the interim (although the illegal immigrants may invoke the Fifth Amendment right to remain silent and other constitutional rights). The illegal immigrants may be housed in the Maricopa County Jail.

After the law went into effect, the Maricopa County Attorney urged both the Governor and Attorney General to instruct the Department of Public Safety and all state sworn peace officers and attorneys to fully enforce the new anti-coyote law.

Thomas backs bill to end illegals’ bail

ILLEGAL IMMIGRATION: NO BAIL FOR ILLEGAL IMMIGRANTS

The County Attorney announced his support of, and helped draft, an amendment to the Arizona Constitution that would prohibit bail for illegal immigrants accused of serious felonies. Many criminal cases cannot be prosecuted because the offender was an illegal immigrant who posted bail and either was deported by the federal government or became a fugitive. Illegal immigrants accused of serious felonies too often post bail and then fail to return to court, choosing to lose their bail money rather than going to trial. Some do come back to the United States, but to commit more crime. The new measure would add to the current list of no-bail crimes other serious felony offenses such as kidnapping, armed robbery, or aggravated assault when committed by someone in the U.S. illegally. The legislature voted to place the measure on the ballot in November 2006.

SOUTHWEST CONFERENCE ON ILLEGAL IMMIGRATION, BORDER SECURITY AND CRIME

The County Attorney hosted what remains perhaps the nation's most comprehensive public policy forum to date devoted to America's illegal immigration crisis.

The two-day conference, attended by over 300 participants, offered topics on the following subjects:

The Effects of Illegal Immigration on States and Communities

The Effects of Illegal Immigration on Public Safety
Federal Immigration Reform, Real Solutions or "Amnesty"?

Should Local Law Enforcement Help to Curb Illegal Immigration?

A large number of prominent experts representing a wide range of perspectives on this important topic participated in the conference. The event proved to be a comprehensive forum of leaders who take the crisis seriously and were prepared to discuss and exchange their views.



Varied views at immigration event

County attorney's forum targets crime, economy, border

The speakers included public officials, scholars, journalists, and representatives of interest groups: William Boyes, Professor of Economics, Arizona State University

Glynn Custred, Professor of Anthropology, California State East Bay

Larry Dever, Cochise County Sheriff

Eleanor Eisenberg, former Executive Director, Arizona ACLU

John Fund, Wall Street Journal

Frank Gaffney, Center for Security Policy

Steve Gallardo, District 13, Arizona House of Representatives

Congressman J.D. Hayworth, Fifth District, Arizona

Tamar Jacoby, Manhattan Institute

Bill King, former director, Border Patrol Academy; former acting director, Immigration Academy; former chief patrol agent, Border Patrol, Mexicali sector

Kris Kobach, former counsel to U.S. Attorney General John Ashcroft

Mark Krikorian, Center for Immigration Studies

John Leo, U.S. News and World Report

Ben Miranda, Arizona House of Representatives

Pete Nuñez, Former U.S. Attorney, Southern District of California

Rick Oltman, Federation for American Immigration Reform

Danny Ortega, Board Member, Los Abogados Hispanic Bar Association

Russell Pearce, District 18, Arizona House of Representatives

Joe Sigg, Arizona Farm Bureau

Congressman Tom Tancredo, Sixth Congressional District of Colorado

Debbie Schlussel, Political Commentator

Andrew P. Thomas, Maricopa County Attorney

Transcripts and video clips of the conference are available at www.immigrationconference.com.

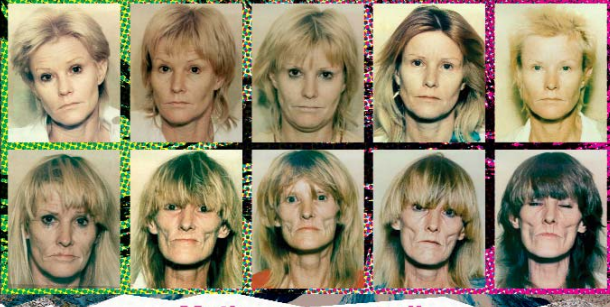
1 County Attorney Andrew Thomas speaks to the media during the November 2005 Southwest Conference on Illegal Immigration Border Security and Crime.

2 Keynote speaker Representative Tom Tancredo of the Sixth Congressional District of Colorado speaks to conference attendees on immigration issues.



The poster below demonstrates the devastating physical effects of meth use to one woman over a 10-year period. As part of the County Attorney's comprehensive drug prevention campaign, this poster was displayed at local sporting events throughout the valley.

This Makeover
Courtesy of Meth



Meth use can really change your look and your life.

These arrest photos document **one woman's 10-year addiction** to the drug methamphetamine (a.k.a. meth, ice, glass, G, tina, crank, speed). Meth can be addictive on first use. Its effects on the body are devastating and include severe anorexia, depression, paranoia and permanent physical and psychological damage.

Drug Free AZ encourages you to talk to your kids, family members and friends about the risks of meth. For more information on starting the conversation log on to www.drugfreeAZ.com.

Drug Destroy Dreams
drugfreeAZ.com

ANDREW P. THOMAS
Maricopa County Attorney

Photos courtesy of the San Diego Police Department

METHAMPHETAMINE

The Maricopa County Attorney's Office created a public awareness campaign to highlight the meth user's physical transformation. The "Extreme Meth Over" television commercial received widespread public attention and praise.

The County Attorney supported new laws to tighten restrictions on possession of meth ingredients. Legislation enacted in 2005 makes it a class two felony to knowingly manufacture methamphetamine under any circumstance that causes physical injury to a minor under 15 years of age.

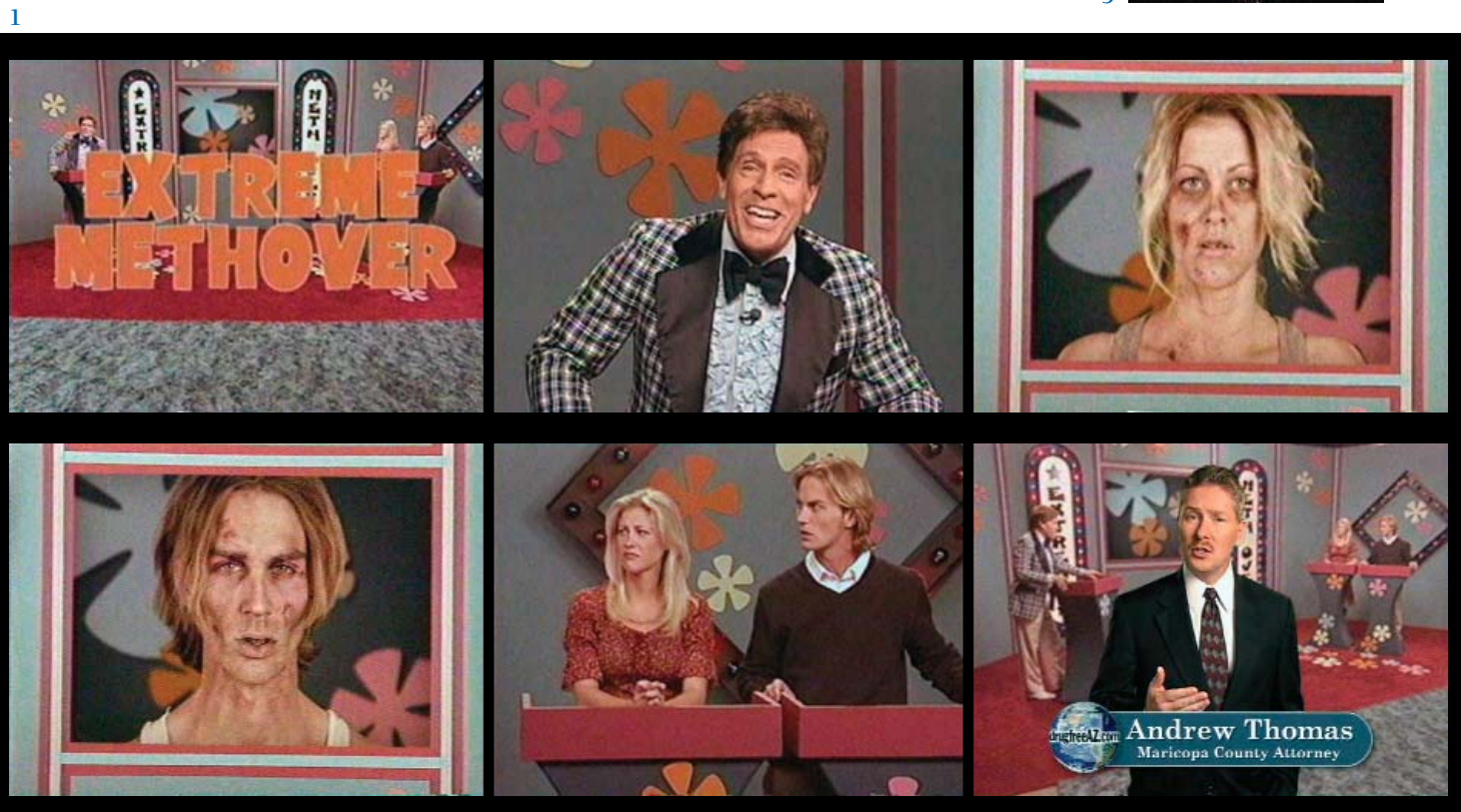
- 1 Using an edgy approach targeting teen viewers and a satirical 70's game show format, an MCAO-sponsored commercial shows the negative consequences of methamphetamine use.
- 2 Methamphetamine is commonly smoked using a pipe similar to the one pictured.
- 3 The powder form of methamphetamine. Meth is also produced in liquid, pill and "rock" form, known as ice.



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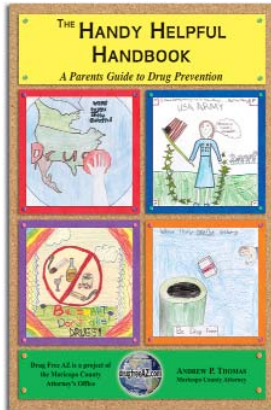
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DRUGFREE AZ

The Drug Free AZ web site underwent some dramatic changes this year. The current, user-friendly drugfreeaz.com features an ask the expert section, a calendar of events and an updated drug identification section. In addition, Drug Free AZ created two original television commercials that send a clear message — drugs destroy lives and endanger the community.

While Drug Free AZ changes for the better, we will never have a change of heart. Our mission is to encourage parents to talk to their children about drugs on a regular basis. We continue to distribute our Handy Helpful Handbook: A Parents Guide to Drug Prevention by the thousands, handing out more than 20,000 in 2005. Our commitment to educating parents about the drugs in their children's world remains unwavering. Last year, the Drug Free AZ team conducted dozens of parent presentations and spoke to thousands of students across Maricopa County.



1 Cameo Cross and Jeff Reynolds, winners of the 2005 DrugfreeAZ Super Star Search Contest perform for the audience. Contestants were asked to perform an original presentation that reflects their anti-drug message.



2 Judges for the 2005 DrugfreeAZ Super Star Search Contest watch and listen as the top 25 contestants perform their anti-drug at the annual event.



Dirty pools cited

West Nile threat worries county

Mosquito fight targets pools

County Program aims to head off West Nile Virus

PROTECTING THE PUBLIC: WEST NILE VIRUS

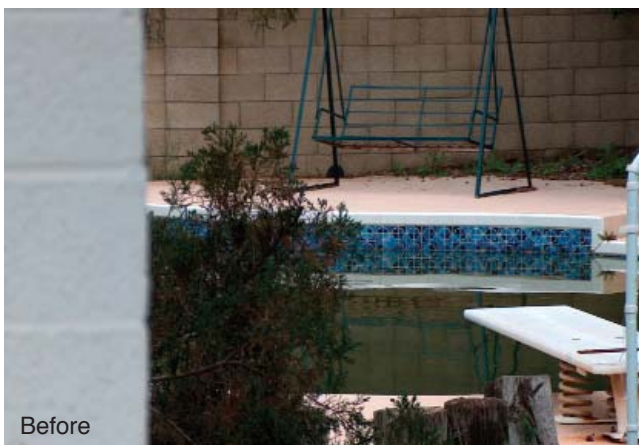
Fourteen people died in Maricopa County as a result of West Nile Virus in 2004 while 355 were infected. The West Nile Virus is a deadly disease carried by mosquitoes that breed in standing water, such as neglected swimming pools. In February 2005, the County Attorney announced his decision to prosecute aggravated offenders who fail, after being warned, to remove or properly treat stagnant pool water. As part of a comprehensive effort by Maricopa County, prosecutors will seek civil and criminal remedies against individuals who fail to comply with repeated requests to rectify the problems on their property.

As soon as the enforcement began, the public became more aware of the problem as news media reported that two men pled guilty to failing to maintain

their swimming pools. They were ordered to pay \$1,800 and were placed on probation. All the criminal prosecutions were initiated against pool owners who had ignored warnings and citations from public health officials.

At any given time, there are 8,000 – 10,000 abandoned swimming pools in Maricopa County. These are on abandoned properties; homes up for sale; on properties of residents who are only here for part of the year; and are simply not cared for by residents. All residents of Maricopa County are being urged to take appropriate precautions to make their homes and neighborhoods safe from disease-carrying mosquitoes.

Before and after photos of properties that were cleaned up after being cited for failure to respond to warnings from public health officials about the stagnant pool water on their property.



CSI EFFECT

Faced with a number of reports from prosecutors who witnessed first-hand the influence of fictional television programs on jury's expectations about evidence in criminal trials, the County Attorney commissioned the largest study in the nation that confirmed the "significant impact" television forensic crime dramas are having on juries in criminal trials in Maricopa County. The phenomenon is commonly called the "CSI Effect." The study found that 38 percent of prosecutors believed they had at least one trial which resulted in either an acquittal or hung jury when forensic evidence was not available to corroborate testimony that should have been sufficient by itself to sustain a conviction. Although verdicts have not yet noticeably changed from guilty to not guilty, prosecutors have had to take more and more pre-emptive steps to divert juries from reliance on television-induced expectations.

One prosecutor was quoted in the report as saying, "Juries always prefer scientific evidence, but if you are lucky enough to have DNA/fingerprints, then it is unlikely that the case will go to trial — the defendant is going to plead guilty."

The PROSECUTOR Feature

The CSI Effect and its Real-Life Impact on Justice

A Study by the Maricopa County Attorney's Office

BY ANDREW P. THOMAS

INTRODUCTION

Crime Scene Investigation (CSI) is a television series depicting scientific evidence being gathered, processed and used to solve crimes. The actors in the series use a number of costly and sophisticated techniques to produce compelling scientific evidence connecting the defendant to the crime or to determine how events took place. Recent reports indicate that this top-rated show may have a significant impact on the real criminal justice system in the future by creating unrealistic expectations in jurors' minds about the type of physical evidence that must be produced at trial in order to achieve proof beyond a reasonable doubt. The influence of *CSI* and other forensic crime television shows may soon cause jurors to judge facts through the misleading prism of fiction and reach conclusions contrary to the interests of justice. This new kind of influence has been dubbed the *CSI Effect*.

Some prosecutors believe that juries in the past were intimidated or bored by scientific evidence, but now the opposite may be true. Such beliefs and experiences have provoked some key questions. When television viewers who have been exposed to fictional crime scene investigations are selected for jury duty, will they bring with them expectations of irrefutable scientific evidence? Does the science used in these fictional investigations have the potential to sway juries against the prosecution because the burden of proof now includes the requirement of a specific type of scientific examination or an exotic laboratory analysis?

In the criminal justice system, defense attorneys have the duty to advocate for the defendant. Will the influence of *CSI* shows allow defense attorneys to call the criminal justice process itself into question and hold police and prosecutors to a different, and higher, television-driven standard? Will juries now favor the defendant when defense attorneys question longstanding evidence-gathering procedures or expect irrefutable physical and scientific evidence of guilt, even in trials that may already have multiple eyewitnesses or even confessions?

According to former Virginia prosecutor Karin Cather, who researched the *CSI Effect* for the National District Attorneys Association, some prosecutors have already acknowledged the existence of the *CSI Effect* on juries. Those who have seen the impact are changing their strategy to address the possible bias created in jurors who watch these programs.¹

Another source documenting the phenomenon is Michael Watkins's 2004 study "Forensics in the Media: Have Attorneys Reacted to the Growing Popularity of Forensic Crime Dramas?" Watkins, of Florida State University, surveyed a group of Florida criminal trial lawyers and concluded, "A miseducated citizenry, weaned on media images, may serve to undermine the court process when called upon to serve as jurors."²



Andrew P. Thomas is the Maricopa County Attorney, Phoenix, Arizona.

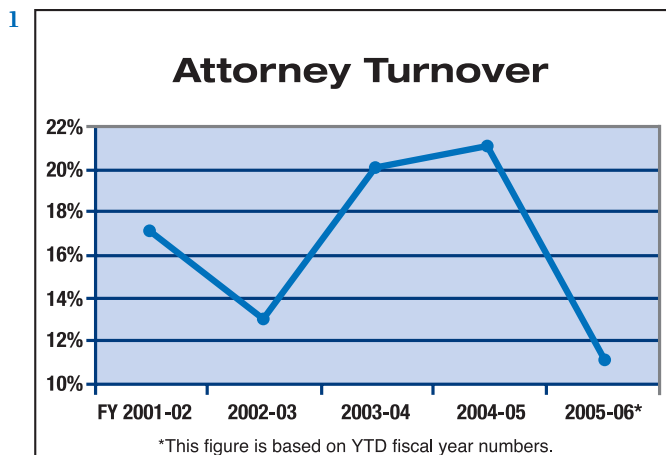
18 SEPTEMBER/OCTOBER 2005

PROSECUTOR TURNOVER

Experienced prosecutors are a critical component of any prosecutor's office. When inexperienced prosecutors square off against experienced criminal defense attorneys in court, inevitably justice must suffer. Unfortunately, in 2005, experienced prosecutors were fast becoming an endangered species in the Maricopa County Attorney's Office. Since fiscal year 1999, attorneys, mainly criminal prosecutors, were leaving the office at an average rate of 17 percent. After the County Attorney conducted a study of the causes of this problem and offered a detailed presentation to the Maricopa County Board of Supervisors, the board approved additional funding to make prosecutor salaries more competitive with those of other prosecutor's offices.

1 The graph below illustrates the percentage of attorneys who terminated employment with the Maricopa County Attorney's Office each fiscal year since FY 2001-02.

2 Cartoonist Mike Ritter vividly illustrates the plight of an attorney in the Maricopa County Attorney's Office in the *East Valley Tribune*.



County focuses on animal abuse

Task force to aid police, prosecutors



The LEAP taskforce poses for a picture with "Biscuit" the dog at a press conference announcing its formation.

ANIMAL CRUELTY

At the request of the Arizona Humane Society, the County Attorney formed the Law Enforcement for Animal Protection (LEAP) task force to improve communications between police and prosecutors and train law enforcement and justice system personnel to better handle animal cruelty cases.

The County Attorney's Office also has taken other steps to combat animal cruelty. A prosecutor has been designated to handle animal cruelty cases. The office has increased efforts focusing on prevention, education and outreach on animal cruelty issues. The office, working with LEAP, also works to track animal cruelty cases in Arizona and keep up with the latest prosecution methods across the nation.

A dedicated Animal Cruelty Enforcement Liaison was created for the County Attorney's Office to work with other law enforcement agencies as well as private sector groups to enforce Arizona's laws against cruelty to animals.



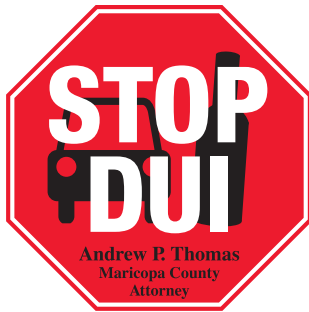
1 "Sandy's" paws were brutally injured when she was tied to the back of her owner's truck and dragged for nearly a mile. "Sandy's" owner was charged with one felony count of animal cruelty. After signing a plea agreement, he lost custody of "Sandy" and she was adopted after making a complete recovery.

2 "Sandy" is pictured with one of the members of her new family.

1

2





DUI WEBSITE: "SOBERING SENTENCES"

www.stopDUIaz.com

Educating the public about the consequences of DUI is the goal of www.stopDUIaz.com. The site contains helpful reminders as well as explanations of the consequences of DUI, Aggravated DUI, and Extreme DUI.

A major feature of the site is the profiles of actual DUI offenders. Names, photographs and the "sobering sentences" given to those convicted of DUI are displayed prominently on the site, which promises to help discourage those who may otherwise commit a DUI offense.



Thomas asks judge to end special courts

Lawsuit is threatened over
segregated proceedings

RACE-BASED COURTS

Joined by the leader of the Maricopa County NAACP, the County Attorney called for an end to racial segregation which occurs in some of the courts in Maricopa County. The "Spanish DUI" court specifically profiles Hispanics in the judicial process, as does the special court for Native Americans. Current research is being performed that may result in legal action to challenge the constitutionality of these courts.



1 The passenger in this vehicle sustained life threatening injuries when the intoxicated driver lost control. The defendant's blood alcohol level was .118 and he admitted to drinking 10 beers before getting behind the wheel.

2 One of the first sites of its kind in the United States, this innovative website illustrates the consequences of driving while intoxicated in Maricopa County.

3 Rev. Oscar Tillman of the Arizona NAACP joined the County Attorney in calling for an end to race-based courts.

LEGISLATION SUPPORTED BY THE COUNTY ATTORNEY'S OFFICE (HIGHLIGHTS)

2005 LEGISLATIVE ISSUES

Senate Bill 1429; **PASSED** Capital Cases

Adds three aggravating circumstances that a jury shall consider in determining whether to impose a sentence of death, expands the definition of "serious" offense" to include burglary in the second degree and terrorism, redefines "victim" in both juvenile and adult victims' rights sections, adds statutory language clarifying the respective burdens of proof in aggravation and mitigation, and authorizes a trained psychiatrist to conduct a capital defendant prescreening evaluation for competency and sanity.

Senate Bill 1040; **PASSED** Sexual Assault on a Spouse

Abolishes the sexual assault of a spouse statute and the spousal defense to prosecution of sexual assault; establishes the crime of false reporting of sexual assault involving a spouse; and requires the Arizona Criminal Justice Commission (ACJC) to provide a report on these crimes.

SB 1433; **PASSED** Victims' Rights

Provides that if a criminal offense has been charged but the count/counts have been dismissed as the result of a plea agreement where the defendant is pleading or has pled to other charges, the victim of the offenses that resulted in the dismissed counts may exercise all rights of a crime victim throughout the criminal justice process. (Applies in both juvenile and adult proceedings.) Requires the prosecutor to notify the probation department if the victim requested rights. The prosecutor must forward to the probation department information that the prosecutor possesses enabling the probation department to carry out its duties.

SB 1473; **PASSED** Precursor Chemicals; Dangerous Drugs; Bail

Creates the crime of manufacturing methamphetamine under any circumstance that causes physical injury to a child and prescribes penalties.

SB 1382; **PASSED** Sex Offenders Registration

States that any person who is required to register as a sex offender by their convicting jurisdiction must also register in Arizona within ten days of moving to the state.

SB 1052; **PASSED** Protecting Children: Fetal Homicide



The Maricopa County Attorney's Office helped draft and lobbied for the passage of Arizona's new fetal homicide law (A.R.S. § 13-1104). Often referred to as Arizona's Laci and Conner Peterson law, after the California woman and her unborn child who were murdered by Scott Peterson in 2002, the law makes it a crime to cause the death of an unborn child when the attacker intentionally causes the death of the mother. The attacker need not be aware of the pregnancy to be

charged in the death of the child.

Under this law, Jorge Mario Gurrola (d.o.b. 4-5-82) was indicted for the murder of his girlfriend, Monica Sanchez, and her unborn child on September 4, 2005. The murder charge for the death of the unborn child is the first case to be prosecuted under the new fetal homicide law.

HCR 2028; **PASSED** No Bail

A referendum measure that excludes a person who has been charged with a serious felony offense from being eligible for bail if the person has entered or remained in the United States illegally and the proof is evident or the presumption great as to the charge.

SB 1058; **PASSED** Identity Theft

Establishes the crimes of aggravated identity theft and trafficking in the identity of a person or entity and prescribes penalties.

HIGH-PROFILE CASES

Parvin the Pirate

In the first ever state prosecution of an internet intellectual property piracy case, Parvin Dhaliwal of Mesa was charged with uploading digital copies of recently released movies and music. He has entered a guilty plea to possession of counterfeit marks, or having unauthorized copies of intellectual property, a felony. The illegally copied property included movies that at the time of their theft were available only in theaters. Dahliwal was sentenced to three months of imprisonment, three years probation, two hundred hours of community service and a \$5,400.00 fine. He was also ordered to take a copyright class at the University of Arizona, where he is a student, and to avoid file sharing computer programs.

10 charged with voter fraud in Maricopa County

Voter fraud: non-citizens and felons

Ten non-citizens were charged with falsely filing voter registration forms, four of whom proceeded to cast ballots in an election. Twelve convicted felons, who automatically lost the right to vote upon conviction, were also charged with the crime of false filing. The possibility of fraud was discovered by the Maricopa County Recorder's Office and the Jury Commissioner when the registered voters were called for jury duty but replied they were ineligible because they were not citizens. Illegal voting is a class five felony punishable by incarceration for up to 2.5 years.

State v. Charlton Ward

Charlton Ward is the sex offender whose crimes led to a change in the Internet access policies of the City of Phoenix public libraries. In 1997, Ward was convicted of attempted molestation of a child, a felony. After his release, Phoenix police officers found him in possession of a large amount of child pornography, including those involving children and infants. He admitted downloading this child pornography from the Internet, using a com-

puter in the public library. He admitted printing it on the color printer in the public library. He admitted cataloging it and adding it to his child pornography collection. Ward pled guilty to two counts, including sexual exploitation of a minor, and is currently in prison completing a sentence of 28 years.

Inmate in standoff gets life – 16 times

State v. Ricky Wassenaar

Ricky Wassenaar is one of two defendants charged in the Lewis Prison standoff where he and another inmate, Stephen Coy, held two corrections officers captive for fifteen days. Wassenaar was serving his second sentence on armed robbery charges when he and his cellmate, Coy, fought their way out of the prison unit's kitchen on Jan. 18, 2004, and took two correctional officers hostage. During the siege, the longest in U.S. history, Wassenaar told negotiators by phone that he and Coy were trying to escape. They surrendered fifteen days later, after reaching an agreement with negotiators that they would be transferred to prisons out of state, closer to their families. Coy pleaded guilty to several counts, was sentenced to seven consecutive life sentences and transferred to a prison in Maine. During his trial, Wassenaar maintained that he was not trying to escape, but rather, trying to draw attention to his repeatedly denied requests to be transferred to a prison in the Midwest. After a scant five hours of deliberation, a Maricopa County Superior Court jury brought back 19 guilty verdicts out of 20 criminal counts stemming from his January 2004, siege at the state prison near Buckeye.

State v. Ian Branham

This defendant is the last of six defendants to be convicted in the high profile "Tempe 6" gang rape case from 2003. Five defendants pled guilty, three testified against the remaining defendants. Branham was convicted on all five counts as charged (four sex assaults; one kidnapping).

Death penalty in eatery slayings

State v. Steven Boggs

Steven Boggs received three death sentences for his role in the robbery and murder of three individuals at a Mesa fast-food restaurant in 2002. Boggs was found guilty in the robbery of a Jack in the Box restaurant and the killing of three employees inside the restaurant. Boggs later told police in a letter that his motive “was to rid the world of a few needless illegals.” Prosecutors said that Boggs and a co-defendant claimed to be members of a militia that professed racism.

State v. Stanley Rimer

This case involved a Utah couple accused of forcing an 11-year-old girl into a polygamous marriage with her stepfather. Stanley Rimer and his wife, Janice, were charged with molestation of a child and sexual conduct with a minor. The girl was Janice Rimer's daughter, who prosecutors said was forced to marry Stanley Rimer in an

unofficial ceremony in 1994 when she was 11. The girl lived with her mother and stepfather in Phoenix, Peoria and Sunrise when the abuse is said to have occurred. Stanley Rimer was found guilty at trial of multiple sexual offenses and was sentenced to spend 139 years in prison for his crimes.

Killer of 5 women sentenced to death

State v. Corey Morris

This was a high profile, serial murder death penalty case involving the murders of five transient prostitutes in the Garfield District. The discovery of a decomposing body in a camper led police to the defendant's arrest in the deaths of at least five prostitutes found dead near Phoenix's red light district in a nine month period. The defendant was convicted on all counts and sentenced to death.

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Community Action	
Bureau	(602) 506-3411
Victim Services	
Division	(602) 506-8522
Victim Compensation	
Bureau	(602) 506-4955

HOTLINES

Graffiti	(602) 262-7327
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Illegal Dumping	(602) 506-6616
Slumlord	(602) 372-7586



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