

for The Defense

The Training Newsletter for the
Maricopa County Public Defender's Office

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Dean W. Trebesch,
Maricopa County Public Defender

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New DHS Regulations

By Gary Kula

After months of uncertainty and speculation, blood alcohol rules and breath testing device procedures have been adopted by the Arizona Department of Health Services. The new regulations took effect on August 27, 1992. The purpose of this article is to provide you with an overview of the regulations and to point out a few of the additions and modifications which have been adopted.

A. Duplicate Testing

The foundational requirements for the admission of breath test results into evidence are set forth in A.R.S. Sec. 28-695(A). The foundational requirement for the actual

administration of the breath test is specifically set forth in A.R.S. Sec. 28-695(A)(3), which requires that:

"Duplicate tests were administered and the tests results were within 0.02 alcohol concentration of each other or an operator observed the person charged with the violation for 20 minutes immediately preceding the administration of the tests."

Prior to the adoption of the current regulations, an issue existed in that while duplicate testing was acceptable under the statute, the Department of Health Services had failed to adopt any rules or procedures for such testing as is required under A.R.S. Secs. 28-696 and 28-695(D). This issue was recently addressed in the case of State of Arizona v. Rodriguez (Hestad, Real Party in Interest), 115 Ariz. Adv. Rpt. 36, 1992 WL 130636 (filed 6/11/92, Division 2). In Hestad, the Court of Appeals ruled that as long as the statutory foundational requirements are met, the duplicate breath test results are admissible despite the absence of specific DHS regulations. Additionally, the Court of Appeals ruled that the breath test results would also be admissible if a foundation was laid pursuant to the court's holding in Deason (State ex rel. Collins v. Seidel, 142 Ariz. 587, 691 P.2d 678 (1984)). While it may appear on the surface that many of the issues in Hestad are now resolved with the new regulations, the court's decision may still have long-range implications on the admissibility of duplicate breath test results where the breath test operator fails to follow the regulations now in effect.

The new regulations for duplicate testing include not only a definition of the term, but also procedural guidelines for the administration of the tests. The term "duplicate test," which was not used in the old regulations, is now defined as "two consecutive breath tests conducted after a deprivation period." (R9-14-401(10)). The new regulations also provide specific guidelines for the administration of duplicate tests. The regulations state:

"Duplicate quantitative breath tests shall be administered at intervals of not less than five minutes nor more than ten minutes. The results of both tests shall be within .020 alcohol concentration of each other. If the second test is not within .020 alcohol concentration of the first test, additional tests shall be administered until the results of two consecutive tests are within .020 alcohol concentration." (R9-14-404(C)).

(cont. on pg. 2)



Operational procedure checklists for duplicate testing on various breath testing machines are contained in the regulations. (See Exhibits EE, II, KK, NN, OO, RR, UU, and WW.)

While duplicate testing will certainly become the testing method of choice among the police agencies, it is important to remember that a single test result may still be sufficient under the foundational requirements outlined in A.R.S. Sec. 28-695(A)(3). There are, however, several important differences in the procedures and second sample requirements for each of these two testing methods. These differences will be discussed in the following sections.

B. Deprivation Period

Prior to the administration of a breath test, there must be a waiting period to ensure complete dissipation of any residual alcohol in the mouth. If a single breath test is administered, a 20-minute observation period is a prerequisite to the admissibility of the test result (A.R.S. Sec. 28-695(A)(3)). If duplicate tests are administered, the regulations require a deprivation period prior to the administration of the first test. (R9-14-401.10). Deprivation period is defined under the new regulations as:

"A 15-minute period immediately prior to a quantitative duplicate breath test during which period the subject has not ingested any alcoholic beverages or other fluids, vomited, eaten, smoked or placed any foreign object in the mouth." (R9-14-401.7).

Given this definition, it appears that there are several key differences between a deprivation period and an observation period. First of all, the statute (A.R.S. Sec. 28-695(A)(3)) requires that a certified breath test operator be present during the observation period. There is no requirement that a certified operator be present during the deprivation period. A second key difference, in addition to the obvious time difference of 20 minutes versus 15 minutes, is that an observation period may require a greater degree of attention by the officer present. During an observation period, an officer must pay close, continuous attention to the offender. This same degree of attention is not required of an officer during a deprivation period as it is only necessary that the officer pay sufficient attention so as to ensure that the offender does not ingest any alcoholic beverages or other fluids, not does not vomit, eat, smoke, or place any foreign object in his mouth. It may be important to remember these distinctions between an observation period and deprivation period in considering the actions of the arresting officer prior to the administration of the breath test.

C. Second Samples

If a single breath test is administered, the accused must be provided with a second sample of his breath. Baca v. Smith, 124 Ariz. 353, 604 P.2d 617 (1980). This mandate does not apply if duplicate tests are administered. The new DUI legislation, which went into effect September 30th of this year, provides:

"If a law enforcement officer administers a duplicate breath test and the person tested is given a reasonable opportunity to arrange for an additional test pursuant to Subsection H of this section, a sample of the person's breath does not have to be collected or preserved." A.R.S. Sec. 28-692(G).

With the enactment of this legislation, the circumstances surrounding the arrest must be carefully scrutinized to determine whether an accused was given a reasonable opportunity to arrange for an independent test to contest the state's breath test results.

D. Preliminary Breath Testing Devices

In 1990, legislation was enacted allowing a law enforcement officer to request that a person suspected of driving while under the influence submit to a preliminary breath test. (A.R.S. Sec. 28-691.01(A)). The legislation required the Director of the Department of Health Services to adopt rules prescribing the approval of quantitative preliminary breath testing devices. (A.R.S. Sec. 28-601.01(C)). Now, for the first time, the recently enacted regulations address the issue of preliminary breath testing devices. The regulations define a preliminary breath test as "a pre-arrest breath test." (R9-14-401.13). A preliminary breath tester or "PBT" is defined as "any approved breath testing instrument used prior to an arrest for the purpose of obtaining a determination of alcohol concentration from a specimen of breath." (R9-14-401.15). The regulations provide a list of the approved preliminary testing devices, as well as a list of all approved breath testing machines which may also be used for preliminary breath testing. (R9-14-403(H), (I) and (J)).

(cont. on pg. 3)

FOR THE DEFENSE

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If a breath testing device is used for purposes of obtaining a preliminary breath test result, it is not necessary that the operator possess a valid permit for the administration of breath tests nor is it required that any approved operational procedure be utilized. (R9-14-403(I)).

E. Quality Assurance, Calibration Checks, and Collection Devices

Several modifications, some very minor in nature, have been made as to the quality assurance programs provided in the regulations. The new regulations require the following testing program:

1. Quality assurance procedures for testing the operating functions of devices shall be performed within 90 days of each other. (R9-14-404(A)(1)). This represents a minimal modification from the previous regulations which required quarterly testing. (old R9-14-405(A)(1)).

2. Calibration checks of breath testing devices shall be performed within 31 days of each other. (R9-14-404(A)(3)). This differs from the previous regulations which required that the calibration checks be performed under normal operating conditions at an interval of at least every 100 subject tests or monthly, whichever is the greater period of time. (old R9-14-405(A)(3)).

3. Collection devices used to provide preserved breath alcohol samples shall be collected within 90 days of each other and analyzed within 60 days of collection. (R9-14-404(A)(4)). This provision modified and supplemented the previous requirement that the collection devices be evaluated at least quarterly. (old R9-14-405(A)(3)).

While some of these modifications are minor, it is important that the records of the quality assurance specialists be reviewed to determine whether there has been complete compliance with the time limitations and accuracy requirements established in the new regulations.

F. Operator Permits

Under the old regulations, the Department of Health Services issued an operator's permit indicating that the holder was qualified and competent to use approved breath testing and/or collection devices. (old R9-14-402(9)). A separate permit was issued to quality assurance specialists authorizing them to perform testing to assure the proper and accurate operation of a specific breath testing or collection device. (old R9-14-402.11). Under the new regulations, class I and class II operator permits are issued by the Department of Health Services. (R9-14-405). These permits have been defined as follows:

1. "Class I operator permit" means a certificate issued by the Department indicating the permit holder has been determined to be qualified to utilize an approved breath testing device, or collection device, or both. (R9-14-401.5).

2. "Class II operator permit" means a certificate issued by the Department indicating the permit holder has been determined to be qualified as a quality assurance specialist. (R9-14-401.6).

In order to qualify for a Class II operator permit, a person must first possess a Class I operator permit. The reclassification of quality assurance specialists as Class II

operators is only a change in title. There is no change as to the scope of their expertise or authority. The qualifications for Class I operator permits, Class II operator permits, and analyst permits are cited in R9-14-406 and R9-14-408.

G. Instructors

An instructor applicant must first possess a Class I and a Class II operator permit prior to being considered for a position as a breath testing instructor. They must also complete an instructor training course and receive a score of 75 percent or better on a comprehensive examination, or take the comprehensive examination and receive a score of 75 percent or better. Current instructors must take the course and/or examination within 90 days (i.e. by November 24, 1992) of the effective date of the rules to maintain their instructor approval. (R9-14-406).

H. Miscellaneous Changes

1. The following definition has been added to the new regulations: "Alcohol concentration (AC) means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (R9-14-402.1).

2. Several collection devices and breath testing devices have been added or dropped from the approved device list. (See Arizona Department of Health Services letter dated September 11, 1992), (R9-14-403(G)) and (NHTSA Conforming Products List, 56FR11817-11819, March 20, 1991).

3. The following checklists and applications are contained within the new regulations:

- 1) Exhibit A - Application for Analyst Permits;
- 2) Exhibit B - Application for Class I Operator Permits;
- 3) Exhibit C - Application for Approval as Instructor;
- 4) Exhibit D - Application for Class II Operator Permit, Quality Assurance Specialist;
- 5) Exhibit E - Operational Procedure Checklist, Breathalyzer 900/900A;
- 6) Exhibit EE - Operational Procedure Checklist, Breathalyzer 900/900A, Duplicate Test;
- 7) Exhibit F - Quality Assurance Procedure Checklist, Breathalyzer 900/900A;
- 8) Exhibit G - Operational Procedure Checklist, GCI Field Collection Unit;
- 9) Exhibit H - Quality Assurance Procedure Checklist, GCI Field Collection Unit;
- 10) Exhibit I - Operational Procedure Checklist, Mark IV GCI;
- 11) Exhibit II - Operational Procedure Checklist, Mark IV GCI, Duplicate Test;
- 12) Exhibit J - Quality Assurance Procedure Checklist, Mark IV GCI;
- 13) Exhibit K - Operational Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified;
- 14) Exhibit KK - Operational Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified, Duplicate Test;
- 15) Exhibit L - Quality Assurance Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified, Calibration Check Procedure;

(cont. on pg. 4)

16) Exhibit M - Quality Assurance Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified;

17) Exhibit N - Operational Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified, Sample Preservation Modification;

18) Exhibit NN - Operational Procedure Checklist, Intoxilyzer Models 4011A Modified and 4011AS Modified, Sample Preservation Modification, Duplicate Test;

19) Exhibit O - Operational Procedure Checklist, Intoxilyzer Model 5000;

20) Exhibit OO - Operational Procedure Checklist, Intoxilyzer Model 5000, Duplicate Test;

21) Exhibit P - Quality Assurance Procedure Checklist, Intoxilyzer Model 5000, Calibration Check Procedure;

22) Exhibit Q - Quality Assurance Procedure Checklist, Intoxilyzer Model 5000;

23) Exhibit R - Operational Procedure Checklist, Intoximeter 3000;

24) Exhibit RR - Operational Procedure Checklist, Intoximeter 3000, Duplicate Test;

25) Exhibit S - Quality Assurance Procedure Checklist, Intoximeter 3000, Calibration Check Procedure;

26) Exhibit T - Quality Assurance Procedure Checklist, Intoximeter 3000;

27) Exhibit U - Operational Procedure Checklist, Alco-Sensor III;

28) Exhibit UU - Operational Procedure Checklist, Alco-Sensor III, Duplicate Test;

29) Exhibit V - Quality Assurance Procedure Checklist, Alco-Sensor III;

30) Exhibit W - Operational Procedure Checklist, Intoxilyzer Model 5000 with Vapor Recirculation with Keyboard; and

31) Exhibit WW - Operational Procedure Checklist, Intoxilyzer Model 5000 with Vapor Recirculation with Keyboard, Duplicate Test.

Hopefully, this article was helpful in providing you with information about the new regulations. For a copy of the regulations or the list of approved breath testing devices, contact either the Training Division of this office or the Arizona Department of Health Services (602-255-3454). ^

November Jury Trials

October 27

Daphne Budge: Client charged with aggravated assault, unlawful flight and aggravated assault on a police officer. Investigators J. Allard and P. Kasieta. Trial before Judge Gottsfield ended November 05. Client found not guilty. Prosecutor D. Baldwin.

October 28

Vonda L. Wilkins: Client charged with four counts of aggravated assault. Trial before Judge Roberts ended November 05. Client found not guilty. Prosecutor J. Beatty.

November 02

Albert H. Duncan: Client charged with burglary. Investigator J. Allard. Trial before Judge Hotham ended November 06. Client found not guilty. Prosecutor M. Daiza.

November 04

Constantino Flores: Client charged with theft. Trial before Judge Voss ended November 12. Client found not guilty. Prosecutor V. Harris.

Raymond Vaca: Client charged with two counts of sexual misconduct with a minor. Investigator G. Beatty. Trial before Judge Grounds ended November 04 with a judgment of acquittal. Prosecutor A. Williams.

November 12

Gary J. Hochsprung: Client charged with sexual abuse. Trial before Judge Anderson ended with a hung jury November 18. Prosecutor S. Novitsky.

November 16

Randy F. Saria, Sr.: Client charged with six counts of sexual assault. Investigator R. Gissel. Trial before Commissioner Colosi ended November 26. Client found guilty on one count; mistrial declared on five counts. Prosecutor B. Jorgenson.

November 17

David L. Anderson: Client charged with sexual abuse. Trial before Judge Sheldon ended November 24. Client found guilty. Prosecutor R. Campos.

Tamara D. Brooks: Client charged with armed robbery. Investigator D. Tadiello. Trial before Judge Hilliard ended November 24. Client found not guilty. Prosecutor J. Blomo.

Robert C. Corbitt: Client charged with aggravated DUI. Trial before Judge Grounds ended November 17. Client found guilty. Prosecutor C. Smyer.

Robert F. Ellig: Client charged with murder. Investigator D. Tadiello. Trial before Judge Voss ended December 10. Client found guilty. Prosecutor L. Stalzer.

Jerry Hernandez: Client charged with two counts of child molestation and furnishing obscene materials to a minor. Investigator V. Dew. Trial before Judge Hendrix ended November 19. Client found guilty. Prosecutor D. Macias.

Louise Stark: Client charged with theft. Bench trial before Judge Dann ended November 17. Client found guilty. Prosecutor R. Puchek.

(cont. on pg. 5)

Linda K. Williamson: Client charged with sale of narcotic drugs. Investigator H. Brown. Trial before Judge Dougherty ended November 30. Client found not guilty on sale of narcotic drugs; guilty on possession of narcotic drugs. Prosecutor L. Martin.

November 18

Reginald L. Cooke: Client charged with DUI. Investigator M. Fusselman. Trial before Judge Dann ended with a hung jury November 27. Prosecutor M. Wales.

November 19

Lawrence H. Blieden: Client charged with kidnapping and burglary. Trial before Judge D'Angelo ended in a mistrial November 25. Prosecutor R. Puchek.

Rickey D. Watson: Client charged with possession of marijuana. Trial before Judge Bolton ended December 03. Client found not guilty. Prosecutor E. Cathcart.

November 23

Stephen A. Avilla: Client charged with aggravated assault. Trial before Judge Seidel ended November 25. Client found not guilty. Prosecutor M. Kemp.

Karen Kemper: Client charged with burglary and attempted burglary (two priors). Investigator R. Gissel. Trial before Judge Noyes ended November 25. Client found guilty of trespass and attempted burglary; client admitted one prior and the state dropped the other prior. Prosecutor L. Tinsley.

November 30

James M. Likos: Client charged with aggravated assault. Trial before Judge Rea ended December 02. Client found not guilty. Prosecutor S. Yanes. ^

Study Shows Public Defender Offices Successful

Indigent Defenders Get the Job Done and Done Well
By National Center for State Courts

In May 1992, the National Center for State Courts published the results of their study of professional criminal defense attorneys for indigent defendants. The Center looked at nine communities across the country -- nine communities varying in size, geography, economy, and culture.

The results in this independent study confirm what we in the public defender's office have said for years. Their findings are quoted below:

(1) *Indigent defenders dispose of their cases in a relatively speedy manner. The time that they take to resolve their cases comes closer to the American Bar Association's Time Stand-*

ards than does the time taken in cases handled by privately retained defense counsel.

(2) *Indigent defenders achieve timeliness without sacrificing the interests of defendants. They are as successful as privately retained counsel in gaining favorable outcomes for their clients (e.g., acquittals, charge reductions, and short sentences to prison).*

(3) *The success of indigent defenders in resolving cases expeditiously and favorably for their clients is not limited to particular courts or to particular types of indigent defense systems (e.g., public defender versus assigned counsel or contract attorneys). They do well vis-à-vis privately retained attorneys whether the data are combined or considered separately according to the methods by which defense attorneys gain appointments.*

(4) *The success of indigent defenders is attributable, at least in part, to the presence of experienced counsel among public defenders, assigned counsel, and contract attorneys. The experience of indigent defenders is evident when it is compared to that of prosecutors.*

(5) *There is a close approximation of parity between public defenders and prosecutors in the areas of compensations, training, and staff support and to a lesser degree in the areas of expert witnesses and investigators.*

This study provides that ammunition needed to refute the image of a public defender as a lazy, uninformed, under-equipped, ineffective advocate. The 119-page report is available for check-out in our training library or may be purchased for \$7.50 (plus postage and handling) from the National Center for State Courts, Publications Coordinator, 300 Newport Avenue, Williamsburg, VA 23187-8798. (804) 253-2000. Fax: (804) 220-0440. ^

Office Resource List

By Nina Thorstenson Stenson

Editor's Note: The following list was compiled by Nina Stenson as a resource for practitioners in our office. The individuals listed have experience or materials in the subjects under the listed topic, and wish to share their knowledge with others. If you have questions or issues in these areas, you may want to contact the individuals listed.

Additionally, if you would like to be added to any listed category or have special experience in another area that needs to be included in the list, please contact Nina or Teresa Campbell. Thanks to all those who agreed to participate.

Accident Investigations

Andy M. Velasquez

Addiction/Substance Abuse as a Defense or Mitigation

Carole A. Larsen-Harper

Arizona Advance Reports

Brad Bransky - Binders classified by subject

(cont. on pg. 6)

Arizona Case Law

Robert W. Doyle - Former Court of Appeals staff attorney
Thomas E. Klobas - Maintains up-to-date files on issues by subject

Batson Issues

Mara J. Siegel

Battered Woman Syndrome

Daphne Budge
James P. Cleary
Rena Glitsos
Karen Marie A. Noble
Mara J. Siegel

Blood & Urine Analysis (Samples and Storage Issues)

Thomas E. Klobas
LaDonna C. Saria

Blue Book Vehicle Values

Curtis E. Yarbrough

Capital Cases

James P. Cleary
Brent E. Graham
Paul J. Prato
Mara J. Siegel
Roland J. Steinle

Child Molestation

Paul J. Prato
Daniel R. Raynak

Citizen Arrest

Thomas E. Klobas

Civil Litigation/Practice

Stephen A. Avilla - Banking, Civil Rights, Public Utility
Daphne Budge - Personal Injury
James J. Haas - Former solo general practitioner
Thomas R. Kibler - Personal Injury
Daniel R. Raynak - Personal Injury
Charles N. Vogel - Bankruptcy/Commercial Law

Closing Argument

James J. Haas
Daniel G. Sheperd

Commitment Statutes

Helene F. Abrams

Computers

Robert C. Corbitt (MacIntosh)

Confessions

James P. Cleary

Construction

David I. Goldberg

Court of Appeals

Robert W. Doyle - Former Staff Attorney for the Court of Appeals

Crime Scene Scale Drawings

Andy M. Velasquez

Cross-Examination

James J. Haas
Daniel R. Raynak
Daniel G. Sheperd

Dealing with Difficult Clients

Karen Kemper
Kevin M. Van Norman
Michael Walz

Document Control for Large Litigation

Carole A. Larsen-Harper

Dog Tracking/Sniffing/Training & Handling

Richard A. Gissel
Nora F. Greer
Paul J. Prato

Double Jeopardy

Joseph A. Stazzone

DNA

Stephen A. Avilla
Roland J. Steinle

DUI

James M. Allard - Breathtesting equipment & DUI investigation
C. Daniel Carrion
Richard A. Gissel - HGN
Gary Kula

Durango Skills Training Program

Gary Kula

Duress

Jeffrey L. Victor

Entrapment

Jeffrey L. Victor

Ethics

Robert W. Doyle - Current member of the State Bar Disciplinary Commission
Suzette I. Pintard - Expertise in conflict of interest issues; former Staff Bar Counsel for the State Bar

Federal Criminal Law

Daphne Budge

Fingerprints

David C. Moller, Sr.

(cont. on pg. 7)

Gangs

Curtis E. Yarbrough

Grand Jury Procedures/Motion to Remand

Robert P. Ventrella

Guns

William Foreman
Mike D. Fusselman

Homicide

Edward F. McGee

Immigration Consequences

Friendly House: 257-1870

Interstate Agreement on Detainers

James J. Haas
Thomas E. Klobas
Charles R. Krull

Interstate Compact Supervision

Diane J. Terrible

Jurisdictional Challenges

Garrett W. Simpson

Jury Selection

Mara J. Siegel

Juvenile Appeals

David Katz
Ellen Katz

Juvenile Law

Attorneys Practicing in Juvenile Division

Juvenile Mental Health/Rule 11

William Carter

Juvenile Procedure

David Katz
Ellen Katz

Juvenile Transfer Hearings

Anne-Rachel Aberbach

Juvenile Treatment Programs

David Katz
Ellen Katz

Making a Record

James H. Kemper

Marijuana/Chemical Analysis

Thomas E. Klobas

Medical Records

Daniel R. Raynak
Nina Thorstenson Stenson - Former Registered Nurse

Miranda Issues

Darius M. Nickerson

Mitigation Specialist

Carole A. Larsen-Harper

Motion Practice

Mara J. Siegel

Narcotics Investigations

David D. Erb

Open-End Offenses, Challenge to Prior Convictions

Brian C. Bond

Plea Negotiation Skills

Thomas R. Kibler
Daniel B. Patterson

Post-Conviction Relief

Charles R. Krull
Edward F. McGee

Police Officers (former)

Brian D. Abernethy (New York)
James M. Allard (N. Wisconsin Sheriff; Scuba Diving;
Undercover; Helicopter Pilot)
David D. Erb (City of Phoenix)
Richard A. Gissel (Waco, Texas)
Howard T. Jackson (New York)
Norman Jones (DEA - federal narcotics)
Paulette D. Kasieta (Scottsdale)
Andy M. Velasquez (Deputy Sheriff, Maricopa County)

Pre-Indictment Delay

Thomas E. Klobas

Preliminary Hearings

Timothy J. Agan
Stephen A. Avilla
William Foreman

Pretrial Services Agency

Joyce L. Bowman
Joklene Miller

Probation Officers (former)

Georgia Bohm
Marguerite Breidenbach
Pamela J. Davis
Karen L. Santoro (juvenile)
Peggy L. Simpson
Diane Terrible

Probation Revocations

Robert C. Billar
C. Daniel Carrion
LaDonna C. Saria
Shellie F. Smith

(cont. on pg. 8)

Prosecutorial Misconduct

William Foreman

Prosecutors (former)

Timothy J. Agan - Attorney General

Stephen A. Avilla - Attorney General & Bullhead City Attorney

Daphne Budge - U.S. Attorney & County Attorney

Lisa Gilels - City of Phoenix

Barry J. Handler - City of Phoenix

Catherine M. Hughes - County Attorney

Louise Stark - County Attorney

Robert P. Ventrella - County Attorney

Jeffrey L. Victor - Michigan

Psych Defenses

Donna L. Elm - Holds a Masters in Psychology and had private practice

Mara J. Siegel

Radio Dispatch Transmissions

Jerry M. Hernandez - Former dispatcher for police agency

Right to Counsel

Darius M. Nickerson

Rule 11

Nora F. Greer

Search and Seizure Law

Thomas E. Klobas

Securities Fraud

Joseph A. Stazzone

Self-Defense

Darius M. Nickerson

Sexual Assault

James P. Cleary

Darius M. Nickerson

Sexual Propensity Evidence

Russell G. Born

Shelley T. Davis

Sign Language

Christine M. Funckes

Spanish

Frances Arevalo

Stephen A. Avilla

Curtis Beckman

Yolanda Carrier

C. Daniel Carrion

Velia Ceballos

Margaret Corona

Sara Fierro

Alice Flores

Constantino Flores

Sylvia A. Gomez

Jerry M. Hernandez

Pauline Houle

Howard T. Jackson

Lawrence S. Matthew

Joklene Miller

Lucy Miranda

Leslie A. Newhall

Maria Poyner

Ernesto Quesada

Patricia J. Ramirez

Maria Elena Rodriguez

Henrietta Ruiz

John Taradash

Mary Ann Twarog (Juvenile)

Andy M. Velasquez

James A. Wilson - Cultural aspects

Special Actions

Christopher Johns

Karen Marie A. Noble

Mara J. Siegel

Tax

Daniel G. Sheperd

Telephone Company

Valarie P. Shears - Former phone company employee

Time Computations

Pamela J. Davis - Former time computations supervisor, State DOC Administrative Office

Charles R. Krull

Trial Strategy

Daphne Budge

Albert H. (Bud) Duncan

James L. Edgar

Daniel B. Patterson

Paul J. Prato

Daniel R. Raynak

Michael Walz

Victims' Rights

Christopher Johns

Voir Dire

Mara J. Siegel

Work Furlough/Work Release

Gary Kula

Training Calendar

January 14

"Cultural Diversity in the Criminal Justice System"

Professor Clay Dix from ASU and Scott Loos from the Court Interpreter's Office will discuss the different cultures that we encounter and dealing with those differences in the court system. This training, designed for attorneys and support staff, will be held in our Training Facility from 2:30 to 4:30 p.m.

January 16 & 17

"Just Say Not Guilty"

AACJ criminal law seminar in Tucson. Speakers include Sam Guiberson, Joseph Johnson, Jose De la Vara and Michael Black.

January 22

"Criminal Law Ethics" has been cancelled. The office will present an in-house seminar on this date. Details to be announced.

January 27

"Downtown Security"

Officers Walls and Evans have been with the Phoenix Police Department for 17½ years. For the last three years, they have served on the downtown Bike Detail. The officers will discuss downtown security concerns and will provide practical ways to handle difficult or questionable situations. This training, designed support staff, will be held in our Training Facility from 2:00 to 3:00 p.m.

February

"DUI 1993"

Annual DUI seminar. Date and speakers to be announced.

February 11

"Gangs (cont.): Ritual Abuse & Adolescent Satanism"

February 25

"PPD & Gangs, Part II"

March 11

"AIDS & the Criminal Justice System"

March 19 & 20

"Native American Issues in Criminal Law" (tentative title)

Seminar will focus on issues of representing Indians in state and federal court. Presentations on cultural matters, jury selection, language interpretation, and jurisdiction. The seminar is jointly sponsored with the Federal Public Defender's Office and will qualify for CLE. Featured speakers include Judge William Canby of the Ninth Circuit Court of Appeals.

April

"Juvenile Justice & Mental Health Issues"

Date and speakers to be announced. ^

Personnel Profiles

Deborah Guilford started work as a Records Aide on December 7. Prior to coming to our office, she was employed as a clerk at Maricopa County Hospital. Deborah also worked for one year as a Social Service Aide at the Open Door Shelter.

Connie Leon, an attorney with our office 1986 - 1987, returns on January 4 in a part-time capacity. Connie will be assigned to our Mental Health unit.

Gail Natale joined our Juvenile Division on December 7. Gail earned her undergraduate degree in Humanities at Cleveland College of Western Reserve University, and her law degree at Cleveland-Marshall College of Law, Cleveland State University. She was an Assistant Public Defender in Ohio for Cuyahoga County Public Defender from 1982 to 1984, and from 1990 to the present. From 1985 to 1990, Gail was in private practice in Arizona.

Freddie Perches became the office aide for Trial Group A on December 21. Freddie replaced Becky Miller who has earned her Medical Assistant Certificate and will be doing an internship in a cardiologist's office. Freddie attends night classes at Phoenix College, working toward a science degree. He also is employed part-time on weekends at Valley National Bank.

James Smith, an attorney with our office from July 1985 to October 1992, has returned on an "On-Call" basis. Since December 7, James has been helping with cases in our Juvenile Division.

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Starting January 20, three Arizona State University students will be working as interns at our office during the spring term.

Angela Jenkins will earn her B.S. in Justice Studies with an emphasis on Family Studies next year. She is learning to speak Spanish fluently. Angela will work in Trial Group A with Jeff Reeves.

Bradley Olson plans on graduating in December, 1993, with a B.S. in Justice Studies (emphasis on General Business). Bradley, who is considering going to law school, has been working as a volunteer for the ASU Department of Public Safety. He will serve his internship in our Administration.

Lorin Ramseyer, who will graduate with a B.S. in Justice Studies in May of 1993, has an emphasis on Psychology in her studies. From January to April of this year, she worked as a student intern at the Youth Evaluation and Treatment Center. She will work at our Mental Health Division. ^

Bulletin Board

Speakers Bureau

Bureau activity continues to grow.

Cecil Ash and Emmet Ronan joined the Speakers Bureau in November.

Rena Glitsos has been asked to speak on "Overview of the Public Defender's Office" to a downtown Superior Court staff training class in February.

Emmet Ronan will address the same topic before the training class of the SEF Superior Court staff in the Spring.

Requests for speakers should be directed to Georgia Bohm at 506-8200. ^