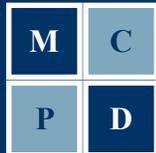


for The Defense

Training Newsletter of the Maricopa County Public Defender's Office
James J. Haas, Maricopa County Public Defender

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*Delivering America's
Promise of Justice for All*

for The Defense

Editor: Stephanie Conlon

Assistant Editors:
Jeremy Mussman
Susie Graham

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

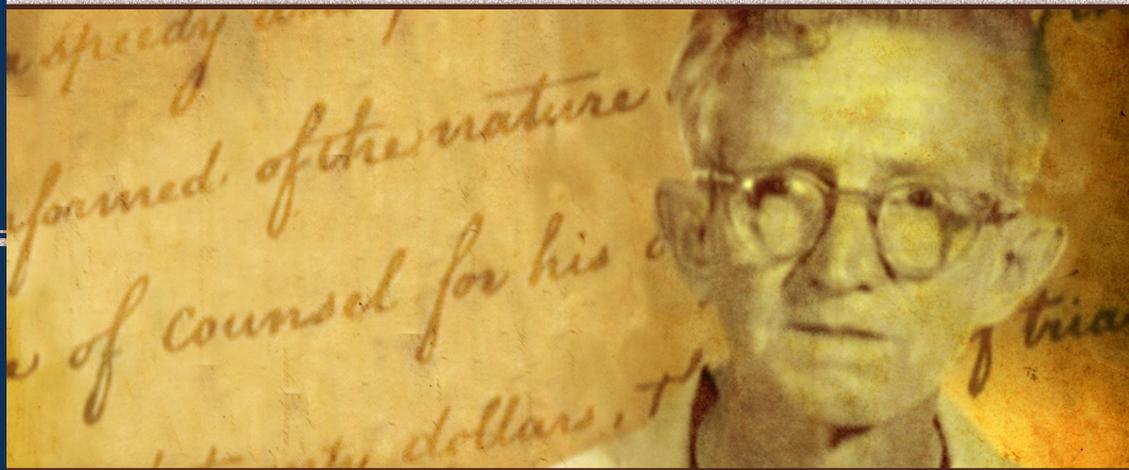
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The Legacy of *Gideon v. Wainwright*

By: Alan Tavassoli, Defender Attorney



Panama City, Florida is an unlikely birthplace for a revolutionary event that would change the way criminal law is practiced. In fact, nothing but an empty lot now stands at 109 S. Everitt Avenue, the spot where the Bay Harbor Pool Hall used to welcome workers from the International Paper plant that sustained the Florida panhandle town of about 36,000 people. But in 1961, when the fumes from the plant would envelop the town with the smell of sulfur, this place would serve as the catalyst for the landmark United States Supreme Court decision of *Gideon v. Wainwright*, 372 U.S. 335 (1963), which ruled that state courts are required under the Fourteenth Amendment to provide counsel in criminal cases for defendants who are unable to afford to pay for their own attorneys. This extended the requirement of the federal government to provide counsel for indigent defendants under the Sixth Amendment to the United States Constitution. Strangely, if you drive by this lot today, you would not even realize its significance. The lot stands, a forgotten, unwanted piece of property that is now casually used as a parking lot for a nearby factory. Yet, it is upon this unmarked spot in 1961 that Clarence Earl Gideon was accused of burglary by the owner of the Bay Harbor Pool Hall, and was subsequently tried and convicted of the crime because he could not afford to pay for his own attorney.

By the time Clarence Earl Gideon was arrested in Florida in 1961 for burglary, he was no stranger to the court system. Clarence was born

into impoverished and grim circumstances on August 30, 1910 in Hannibal, Missouri. Clarence's father, Charles, died when Clarence was only three years old, leaving his mother to raise Clarence alone. His mother remarried when he was about five years old, and gave birth to two half siblings. Clarence ran away from home when he was fourteen years of age, and ended up homeless; Clarence had felt that his stepfather was a good man, but neither could accept each other as rivals for his mother's attention. As a teenager, he spent a year in a reformatory for burglary and at 18 years of age was charged and convicted of burglary, larceny, and robbery in Missouri. He received a sentence of ten years, but was released in three years, in 1932. The country was in the beginning stages of the great depression and Clarence struggled to make a living. Over the next 30 years, Clarence married four different times, and served prison sentences in Leavenworth, Kansas, Missouri, and Texas, before marrying his fourth wife Ruth in 1955. Clarence worked as a tugboat laborer and as a bartender intermittently prior to 1955, but developed tuberculosis which left him bedridden for nearly three years. In addition to the three children that Ruth had from a previous marriage, Clarence and Ruth had two children in 1956 and 1957 before relocating to Panama City, Florida where they had a third child in 1958. Between 1955 and 1961, Clarence kept a clean record and worked as an electrician when he first got to Panama City. But because Clarence had to support his large family, his wages were never enough. Clarence began gambling to supplement his income.

On the morning of June 3, 1961, someone had broken into the Bay Harbor Poolroom at about 5:30 am. The police arrested Clarence, who at that time lived only a few doors down from the poolroom. There was one witness who claimed to have seen Clarence inside the poolroom between 5 and 5:30 am. His name was Henry Cook, and he was a 21-year-old man who was awake at that time and said that he had seen Clarence coming out of the poolroom. The cigarette machine at the Bay Harbor Poolroom had also been broken into, and a six pack of beer and a bottle of wine were missing from the establishment. The witness stated that Clarence (whom he knew) came out of the back door of the poolroom, went down to the corner and made a call from a telephone booth. A taxicab arrived a short time later and picked him up. The witness stated that Clarence had the bottle of wine in his hand when he left in the taxicab. When arrested, Clarence had \$25.28 worth of change in his pocket, but had no wine or beer, and the taxicab driver did not recall Clarence having any alcohol in his possession. Clarence claimed that the money in his pockets were proceeds from his winnings through gambling.

Trial began (and ended) on August 4, 1961. Although completely unaware of the importance of making a proper record for his appeal, Clarence, Assistant State Attorney William Harris, and Judge Robert McCrary engaged in the following transcribed dialogue¹:

The Court: What says the State, are you ready to go to trial in this case?

Mr. Harris: The State is ready, your Honor.

The Court: What says the Defendant? Are you ready to go to trial?

Clarence: I am not ready, your Honor.

The Court: Why aren't you ready?

Clarence: I have no counsel.

The Court: Why do you not have Counsel? Did you not know your case was set for trial today?

Clarence: Yes, sir. I knew that it was set for trial today.

The Court: Why, then, did you not secure Counsel and be prepared to go to trial?

Clarence: Your Honor, I request this Court to appoint Counsel to represent me at trial.

The Court: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense.

Clarence: The United States Supreme Court says I am entitled to Counsel.

The Court: Let the record show that the Defendant has asked the Court to appoint Counsel to represent him.

Unfortunately for Clarence Gideon, the trial resulted in a conviction. Clarence was sent to Florida State Prison in Railford, Florida to begin his sentence, after receiving the maximum of 5 years from Judge McCrary. Clarence decided to appeal the conviction. He appealed it through the Florida State court system before filing a Writ of Habeas Corpus in the United States Supreme Court, along with “A Motion for Leave to Proceed In Forma Pauperis.”

At conference on June 1, 1962, the United States Supreme Court had before it two jurisdictional statements asking the Court to hear appeals, twenty-six petitions for certiorari, ten applications on the Miscellaneous docket by appellants proceeding in forma pauperis, and three petitions for rehearing. The proceedings were in secret, but the public learned of the decision of the Court on June 4, 1962:

890 Misc. *Gideon v. Cochran*

The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The case is transferred to the appellate docket. In addition to the other questions presented by this case, counsel are requested to discuss the following in their briefs and oral argument: “Should this Court’s holding in *Betts v. Brady*, 316 U.S. 455 (1942) be reconsidered?”

On Friday, June 22, 1963, the United States Supreme Court discussed the appointment of an attorney to represent Clarence for his appeal to the Court. The following Monday, the Court entered an order appointing Abe Fortas of the law firm Arnold, Fortas and Porter as counsel for Clarence Gideon.

Although they had been born within months of each other, Abe Fortas grew up in a very different environment than Clarence Gideon. Fortas was from Memphis, Tennessee, the son of Orthodox Jews who were natives of Great Britain. Fortas graduated from Southwestern College in Memphis, and went on to study law at Yale University. He graduated second in his class at Yale, and was editor in chief of the *Yale Law Journal*. One of his professors, future Justice of the United States Supreme Court William O. Douglas, recommended Fortas for a position as an assistant professor at Yale, which he did for a short time. He then went to work for the Securities and Exchange Commission and the Interior Department under President Franklin Roosevelt. President Harry Truman appointed him to a delegation that helped set up the United Nations. Fortas would eventually become Chief Justice of the United States Supreme Court, but when he first met with Clarence Gideon, Fortas was a well known appellate attorney who had represented Lyndon Johnson in a challenge for his Senate seat in 1948, and had also defended a man named Owen Lattimore during the famous “Red Scare” McCarthy hearings in the United States in the early 1950s. It was

clear that the United States Supreme Court had appointed him not to merely stand in and put forth a *pro forma* argument. Abe Fortas was an exceptional attorney and the appointment could be seen by some court observers as “stacking the deck” in favor of the defendant’s position.

The relationship between the attorney and his client began by correspondence. Fortas had poured over the transcript of the trial, and although Clarence had cross examined the State’s witnesses and had called eight witnesses of his own, it was painfully apparent that Clarence had sorely needed an attorney. Through correspondence, Fortas asked Clarence for a detailed description of his life. On November 15, 1962, a long letter from Clarence appeared at Abe Fortas’ law office describing his life and circumstances. Two weeks later, a legal brief was sent to Clarence at Railford Prison. It was a copy of the brief that was filed in the United States Supreme Court.

The attorney arguing the case for the State of Florida before the United States Supreme Court was named Bruce Jacob. He was a recent graduate of Stetson University College of Law and an Assistant Attorney General for the State of Florida. He had not been involved in the original trial, but the case was assigned to him, as he was one of four attorneys in the Criminal Appeals section of his Tallahassee, Florida office, and the only one who had not been to the United States Supreme Court. He had only been in this job for one year when the decision was made.

Oral argument was scheduled for Monday, January 14, 1963. The Justices had taken most of that Monday to read their opinions in public, and the calendar commenced shortly thereafter; the *Gideon* case would not be argued until the following day. Abe Fortas argued his case before and after the short break for lunch. Bruce Jacob began his prepared statement, but did not get very far. A total of 92 questions, interruptions and comments took place during his argument.² It became very apparent during their questioning that the Supreme Court was intent on overturning *Betts v. Brady*. For the young attorney, the questioning was brutal.

Although overruling *Betts v. Brady* was an expected outcome, the Court surprised the world by announcing, on March 18, 1963, that the decision by the Court was unanimous. The *Gideon* majority opinion was written by Justice Hugo Black. Justice Black wrote, “We accept *Betts v. Brady*’s assumption, based as it was on our prior cases, that a provision of the Bill of Rights which is ‘fundamental and essential to a fair trial’ is made obligatory upon the States by the Fourteenth Amendment. We think the Court in *Betts* was wrong, however, in concluding that the Sixth Amendment’s guarantee of counsel is not one of those fundamental rights.”

As with any Supreme Court decision, drafts of the opinion circulated among the Justices, and compromises were made in an effort to win a vote here and there in order to obtain, or strengthen, the majority’s position. Justice Black had authored *Adamson v. California*, 332 U.S. 46 (1947), a case in which he had, in a dissent, advocated full application of the Bill of Rights through the Fourteenth Amendment to the states. He had skillfully found a way to maintain his belief in this position, while still respecting the Court’s majority opinion in *Adamson* on this issue, and was able to garner the votes of every Justice on the Court. The *Gideon* opinion was personally satisfying to Justice Black, and as he leaned over the microphone to read his opinion to the Court (and to the public) on March 18, 1963, his voice was filled with happiness.³

Years after the *Gideon* decision, Justice Black, gave an interview to CBS News, and was given the chance to reflect upon his work. While he was not asked directly about the *Gideon* case, he was asked about whether his decisions regarding the Bill of Rights made it more difficult for police officers to combat crime, and he answered:

Certainly. Why shouldn’t they? What were they written for? Why did they write the Bill of Rights? They practically all relate to the way cases shall be tried. And practically all of them make it more difficult to convict people of crime. What about guaranteeing a man the right to

a lawyer? Of course that makes it more difficult to convict him. What about the “no search— unreasonable search or seizure shall be made?” That makes it more difficult. They were written to make it more difficult. And what the Court does is to try to follow what they wrote, and say you’ve got to try people in this way. Why did they want a jury? They wanted it so they wouldn’t be subjected to one judge who might hang them or convict them for a political crime, or something of that kind. And so they had juries. And they said the same thing about an indictment. That’s what they put it in for. They were, every one, intended to make it more difficult, before the doors of a prison closed on a man because of his trial.

Interviewer: You’re all for that?

Yes, I’m for it. I’m for it. I’m for the Bill of Rights. I’m not saying, now, what I would write everyone in the exact language they have written them. But I’ll try to enforce them in the exact language they were written...⁴

So, what happened to Clarence Earl Gideon? In the aftermath of the Gideon decision, Clarence received a new trial. The court appointed W. Fred Turner, a Florida attorney, to represent Clarence. Turner cross-examined the main witness in the case, Henry Cook, and established that Cook had been out drinking all night in a neighboring town, and did not tell the police officer on the scene that he had seen Clarence, nor did he ever contact the police regarding what he had seen. Further, the manager had reported that some beer was also missing from the pool room, but Cook had not seen Clarence carrying any beer, and neither had the cab driver. Turner had also established that Clarence had done odd jobs for the owner on occasion, and he in fact had the keys to the building and would not have needed to break into it.

The jury came back in less than an hour with a verdict of not guilty. Clarence was cleared of all charges. He lived to marry yet again, but developed cancer and died in Ft. Lauderdale, Florida on January 18, 1972. Despite his fame, Clarence’s family brought his remains back to Hannibal, Missouri, where he was buried in an unmarked grave. A headstone was later added, which read: “Each Era Finds an Improvement in the Law for the Benefit of Mankind.”

We now celebrate 50 years since *Gideon v. Wainwright* was read to the public on March 18, 1963. From this decision, the states and counties across the Country were required to find attorneys for defendants who could not pay for representation. Public defenders were not a new concept; in fact, they were first proposed at the 1893 Chicago World’s Fair by Clara Shortridge Foltz, California’s first female attorney, and California began a public defense system in 1921 to all state courts. However, the states were not constitutionally required to provide indigent legal services, other than for capital cases and special circumstances, until the decision in *Gideon*. In an effort to reduce costs to the states and the various counties, who now had the burden of paying for these services for those accused of felony offenses, public defender offices began to appear in larger cities across the country. These agencies have an ethical duty to remain independent from the government, as well as to remain independent in the hiring of attorneys and staff, and in the handling and disposition of the cases of their clients.

But while the legacy of *Gideon* certainly includes public defender agencies, the legacy is so much larger than that. Each time an attorney stands beside his client in a criminal court of law, we proclaim that the right to an attorney is vital to protect our constitutional right to a fair trial, no matter if that client can pay for it or not. Even more, it extends to every paralegal, mitigation specialist, secretary and administrative assistant who works on behalf of that client. It also extends

to the family members who do not have to sell, or take out a mortgage on property to pay for an attorney because a public defender is working the case.

As a public defender, I am often asked about why we do the work that we do, and how can we defend someone we know is guilty. A public defender protects the individual from governmental abuse of power. Our tools are the Constitution of the United States and the Arizona Constitution, which set the boundaries for how far the government should be allowed to reach into individual lives. We public defenders are there to ensure a fair trial for our client, regardless of what that client has done. We are there to make sure that he or she can get the best possible outcome for their case against the government. We are there to stand beside our client when we walk into a courtroom, when the judge, the prosecutor, the victims, the court staff, and often the jurors do not want to hear we have to say. We are there to speak the words that our client cannot speak, and to argue the case that they cannot argue. We are there for our clients as a source of knowledge and stability when our clients are grasping for answers in their own lives. And often, we are there to comfort our clients, their family members and their friends, when the resolution of their cases is not what they would have wanted or expected. We are there to remember our clients after they have been whisked off to prison, and to swallow our egos and fall on our swords for our clients if we have made a poor decision at trial and the client may be entitled to post-conviction relief. Finally, we are there to bear witness to the tragedy that befalls many clients and to make a difference in a life that is often spinning out of control.

It has been 50 years since the Gideon decision. The legacy of Gideon is how one man perceived that he needed someone to stand beside him, to speak for him, to argue on his behalf. He needed someone to comfort him after he had been convicted. He needed someone to help after he had been whisked off to prison. He knew that he did not get a fair trial, and wanted an attorney to level the playing field, in spite of the fact that he had no money to pay for an attorney. His request paved the way for millions of indigent defendants to get a fair trial, even though they could not afford one. And for all of us public defenders who are assigned to represent indigent defendants, who stand beside them, and speak for these individuals across the United States, the request of Clarence Gideon is honored, and mankind is indeed better served because of this "improvement in the law."

(Endnotes)

1. Anthony Lewis, *Gideon's Trumpet*, (Vintage Books Reprint from 1964 ed., 1989) p.68.
2. Bruce R. Jacob, *Memories of and Reflections about Gideon v. Wainwright*, 33 *Stetson L. Rev.* 181 (2003).
3. Roger K. Newman, *Hugo Black: A Biography*. (1st ed., 1994), p. 528.
4. CBS News Special, *Justice Black and the Bill of Rights*, 9 *SWU L. Rev.* 937 (1977).



Department of Corrections Information for Your Client's Family and Friends

By Tammy Velting, Mitigation Specialist

Here is some helpful information to give to your client's family members or friends if your client is sentenced to the Department of Corrections (DOC). Inform them that if their family member or friend is in MCSO custody, they will have ten days to go to the jail to retrieve the individual's property after they are picked up by DOC. MCSO will not release all of a person's property until the person is no longer in MCSO custody, even if they were already sentenced. If the client is an adult male, they will go to Alhambra for processing and classification before being assigned to a specific prison complex and unit. All females go directly to ASPC Perryville and juvenile males go directly to ASPC Tucson Rincon Minors Unit.

The most efficient way to get information about an inmate, DOC location, or policy is to check DOC's website: <http://www.azcorrections.gov/>. For those who do not have internet access, they may call Constituent Services at 602-364-3945 or 1-866-333-2039 to inquire about the inmate's location and assigned ADC number.

To find someone on the DOC website, go to "Inmate Datasearch" link. Input last name, first initial, sex, and active. A list of names will come up. Scroll through the names to locate the person you are trying to find then click on the number next to their name or photo to go to the page containing their information. That number is the ADC number required on all correspondence sent to the inmate and when filling out the visitation application.

Once on their individual page, look in the box at the top. Toward the bottom of the box on the righthand side, find the sections entitled "most recent location" and "unit". Do not send in the visitation application until it shows they are at a prison facility other than Alhambra. Once it shows ASPC Lewis or ASPC Yuma, for example, that is when it is appropriate to either mail in the completed application forms or fill out the forms online. It is a good idea to keep a copy of the completed visitation application because they sometimes get lost and have to be resubmitted. If the forms are mailed, do not send it to the family member or friend. Here is an example of how to address the envelope when sending in the visitation application:

ASPC Lewis
Stiner Unit
Attention Visitation Officer
PO Box 3100
Buckeye AZ 85326

Mail the visitation application to the PO Box of the unit where the inmate is housed. The addresses to all the prison facilities and separate units are under the Prison Complexes section of the website. There is a one-time \$25 background check fee that must be paid when submitting the application if one intends to visit in person. Even if one does not intend to visit in person but is willing to accept phone calls, they need to complete a visitation application and include their phone number and mark that they are willing to accept calls. If only requesting approval for phone calls, the \$25 fee is waived. The fee is also waived for minor children and court-appointed foster parents or legal guardians.

For those who mail in the application and want to be approved for in person visits, they need to include a \$25 money order when mailing the application. Make the money order payable to "Arizona Department of Corrections – Visitation". The applicant's name, inmate's name, and inmate's ADC number must be written in the memo section of the money order. Also write on the

envelope "Attention Visitation Officer – Background Check Fee". If applying online, please refer to the "Application to Visit an Inmate" section on the website to get the rules, procedures, and additional fees you will have to pay through Western Union.

Please keep in mind that an individual may only be on one person's visitation list unless they are an immediate family member to more than 1 person in prison. In that situation, they need to write letters requesting special permission to be on multiple visitation lists from the wardens in charge of the prison complexes housing their family members. Inmates may have twenty people on their visitation list.

It may take up to three months to get approved, so it is a good idea to send in the applications as soon as possible. Approximately one month after submitting the application, call the prison complex unit visitation office to check on the status of your application. Sometimes approvals occur prior to the three months, but DOC will not contact you to inform you that you have been approved to visit. DOC only notifies those who have been denied permission.

Although it may take up to three months for approval to visit or receive phone calls, one may start writing to family members or friends as soon as they are out of Alhambra and placed in a housing unit. The prison does not have the same postcard rule of the MCSO jails. DOC allows letters, greeting cards, and photos. When sending letters or greeting cards, here is an example of how to address the envelope:

ASPC Lewis
 Stiner Unit
 Inmate name and ADC number
 PO Box 3100
 Buckeye AZ 85326

For questions regarding education or work programs, time computation, visitation rules, telephone privileges, mail, or property, please contact Constituent Services at the phone numbers listed above. For those who have internet access, an Informational Handbook was recently published by Constituent Services to answer many of the questions frequently asked by family members and friends. The "Constituent Services" link is found on the lefthand side of the DOC homepage under the "Most Visited" section.

Save the Date...



ANNUAL APDA CONFERENCE

JUNE 26—28, 2013

For updated information, please visit the APDA website: <http://www.apda.us/>

Arizona Veterans StandDown Huge Success

By Jeremy Mussman, Deputy Director

Once again, criminal defense attorneys and non-attorney staff came together with prosecutors, judicial officers, court staff, probation officers, IT specialists and scores of other volunteers to address the legal needs of homeless veterans at this year's Arizona StandDown. The state's



largest outreach event to homeless veterans was held March 8-10, 2013 at the Veterans Memorial Coliseum and blew away all records from previous years by serving over 1,500 veterans. Many of these veterans had legal problems that needed to be addressed and our community came through for them: in addition to hundreds of cases being handled by volunteers working with several of the municipal courts, the Superior Court and Justice Courts helped upwards of 300 veterans turn the corner by resolving outstanding fines, fees, warrants, drivers license issues and a myriad of other matters. This was more than an 85% increase in the number of matters handled last year and those who were there can attest to the fact that we were all extremely busy. But it was well worth it. As stated by one of the vets in a thank you email sent out to "Public Defenders":

We missed you at closing ceremonies yesterday, if you were there we could have all thanked you veteran style which is a handshake and a look that we would gladly serve you anytime anywhere. We fight for freedom and stand for the justice and freedom that allows you all to do your tough jobs each and every day fighting for peoples civil rights and their basic freedoms as American citizens. I cannot tell you the number of tears and gratitude as you changed lives these last two days, we saw you standing with us, not eating, waiting in lines with us, we see all that. You make us feel proud of who we are and what we do, and because of that we would do it again, ask any marine and he would take a bullet for ya. You guys are tough people, full of integrity and mostly heart, like us. Thank you for being there for us as we work through civilian society the best way we know how, we are trained soldiers and always will be, this civilian stuff is a little taking to get used too, so we need you guys to pull our head out of our ass sometimes. see you next year, semper fi, we love you, thank you for letting us serve you!!!

Thank you again to the following defender attorney and non-attorney volunteers who helped handle hundreds of Superior Court and Justice Court matters – we could not have done it without each and every one of you.

Adam Cole, Attorney
 Adam Schwartz, Attorney
 Amy Kalman, Attorney
 Amy Melcher, Attorney
 Angela Walker, Attorney
 Ashley Meyer, Attorney

Ashley, Blum, Attorney
 Barbara Rees, Attorney
 Beth Alexander, Attorney
 Bill Pearlman, Attorney
 Bill Sandberg, Paralegal
 Bob Brunansky, Investigator

Brandon Finsterwalder, Attorney
Brett Turley, Attorney
Cathryn Whalen, Attorney
Chelli Wallace, Attorney
Chelsie Morris, Attorney
Christopher Hyler, Justice System Clerk
Dan Lowrance, Attorney
Dan Wilson, Law Clerk
Daniel Patterson, Attorney
David C. Jones, Client Services Manager
Dawnese Agnick, Attorney
Denise Dees, Attorney
Duol Wiw Both, Justice System Clerk
Eleanor Knowles, Attorney
Eleanor Terpstra, Attorney
Elmer Parker, Attorney
Emily Wolkowicz, Attorney
Erika Warner, Attorney
Fredrica Strumpf, Attorney
Gretchen Cooper, Attorney
Hilary Berko, Attorney
James Lachemann, Attorney
Jeremy Mussman, Attorney
John Houston, Attorney
Jose Flores, Justice System Clerk
Supervisor
Karen Emerson, Attorney
Karen Neville, Attorney
Kathryn Petroff, Attorney

Kevin Heade, Attorney
Kristi Adams, Attorney
Lance Antonson, Attorney
Lauren Woodson, Attorney
Leah Schachar, Attorney
Lenora Petroff, Attorney
Leticia Chavez, Trial Group Coordinator
Lina Garcia, Attorney
Mark Dwyer, Attorney
Max Covil, Attorney
Melissa Florkowski, Mitigation Specialist
Michael Nadimi, Attorney
Michelle Rathkamp, Attorney
Michelle Rosenberg, Attorney
Natalie Jones, Attorney
Norma Martens, Attorney
Rebecca Kirchler, Attorney
Richard Randall, Attorney
Rodney Mitchell, Attorney
Sam Vandergaw, Attorney
Samantha Knobbe, Law Clerk
Sarah Spears, Attorney
Scott Finefrock, Attorney
Stacy Mealey, Attorney
Teddy Saldivar, Law Clerk
Tennie Martin, Attorney
Tim Bein, Justice System Clerk
Valerie Walker, Attorney
Vanessa Smith, Attorney
Yolanda Carrier, Initial Services Assistant



We apologize if you volunteered but were mistakenly left off this list – due to the hecticness, not all volunteers signed in at the event. Please contact Jeremy Mussman if you were mistakenly left off this list.

Jury and Bench Trial Results

December 2012 - February 2013

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
Group 1					
12/18/2012	Adwell <i>Christiansen</i>	Ditsworth	2012-125811-001 Marijuana Violation, F6	1	Court Trial-Guilty Lesser/Fewer
1/31/2013	Walker <i>Sain</i>	Passamonte	2012-115612-001 Marijuana Violation, F6 Drug Paraphernalia Violation, F6	1 1	Court Trial-Guilty Lesser/Fewer
Group 2					
12/4/2012	Covil Cohn-Mazoff <i>Brazinskas</i>	Miles	2012-116923-001 Aggravated Assault, F6	1	Court Trial-Not Guilty- Directed Verdict
1/11/2013	Jones <i>Brazinskas</i> <i>James</i> <i>Beal</i>	Reinstein	2011-155131-001 Theft-Means of Transportation, F3 Trafficking in Stolen Property, F3	1 1	Jury Trial-Guilty As Charged
2/5/2013	Hallam <i>Munoz</i> <i>Beal</i>	Kaiser	2012-138819-001 Resisting Arrest, F6	1	Court Trial-Guilty Lesser/Fewer
Group 3					
12/4/2012	Schwartz <i>Thompson</i> <i>Farley</i>	Kaiser	2012-122238-001 Aggravated Assault, F6 Assault-Intent/Reckless/Injure, M2	1 1	Court Trial-Guilty Lesser/Fewer
1/28/2013	Setzer <i>Salvato</i>	Passamonte	2012-105437-001 Custodial Interference, F6	1	Court Trial-Guilty Lesser/Fewer
2/14/2013	Schwartz <i>Gilchrist</i> <i>Farley</i>	Mulleneaux	2012-120146-001 Harassment, M1 Aggravated Harassment, F6 Interfer W/Judicial Proceeding, M1	1 1 3	Court Trial-Guilty Lesser/Fewer

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

Jury and Bench Trial Results

December 2012 - February 2013

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
Group 4					
12/4/2012	Tivorsak	Brotherton	2012-030054-001 Aggravated Assault, F4	1	Jury Trial-Not Guilty
12/7/2012	Finsterwalder <i>Verdugo</i> <i>Curtis</i>	Brotherton	2011-008239-001 Armed Robbery, F2 Aggravated Assault, F3 Burglary 1st Degree, F2 Aggravated Assault, F6 Theft-Means of Transportation, F3 Kidnap, F2	1 1 1 1 1 1	Jury Trial-Guilty Lesser/Fewer
12/7/2012	Wallace <i>Verdugo</i> <i>Curtis</i>	Reinstein	2012-131464-001 Theft-Means of Transportation, F3	1	Jury Trial-Not Guilty
12/13/2012	Stanford <i>Curtis</i>	Lynch	2011-163561-002 Drug Paraphernalia Violation, F6 Misconduct Involving Weapons, F4 Drug Paraphernalia-Possess/Use, F6 Misconduct Involving Weapons, F6 Marijuana-Possess/Use, F6 Hindering Prosecution 1st Deg, F5	1 2 1 1 1 1	Jury Trial-Guilty Lesser/Fewer
12/13/2012	Tivorsak <i>Shaw</i>	Brotherton	2012-006058-001 Aggravated Assault, F5 Disorderly Conduct, M1	1 1	Jury Trial-Guilty As Charged
1/17/2013	Wallace	Bergin	2011-164165-001 Aggravated Assault, F6	1	Court Trial-Guilty Lesser/Fewer
1/25/2013	Becker <i>Flannagan</i> <i>Kunz</i> <i>Wright</i>	Svoboda	2012-120653-002 Burglary 2nd Degree, F3 Kidnap, F2 Aggravated Robbery, F3 Aggravated Assault, F3	1 1 1 1	Jury Trial-Guilty As Charged

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

Jury and Bench Trial Results

December 2012 - February 2013

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
1/31/2013	Warner <i>Verdugo</i> <i>Kunz</i>	Kaiser	2011-133355-001 Forgery, F4	1	Jury Trial-Not Guilty
2/1/2013	Tivorsak	Miles	2012-137859-001 Armed Robbery, F2	1	Jury Trial-Guilty As Charged
Group 5					
1/4/2013	Baker Abastillas <i>Brazinskas</i> <i>Falle</i> <i>Menendez</i>	Barton	2009-179524-001 Kidnap, F2 Murder 1st Degree, F1	1 1	Jury Trial-Guilty As Charged
2/20/2013	Alexander <i>Romani</i> <i>Falle</i>	Chavez	2011-152180-001 Narcotic Drug Violation, F4	1	Jury Trial-Guilty As Charged
Group 6					
1/8/2013	Hicks	Mulleneaux	2012-126590-001 Drug Paraphernalia Violation, F6 Marijuana Violation, F6	2 1	Court Trial-Guilty Lesser/Fewer
1/23/2013	McCarthy <i>Springer</i>	Garcia	2012-007885-001 Sexual Abuse, F5	2	Jury Trial-Not Guilty
1/23/2013	Chiang <i>Godinez</i>	Hegy	2012-118797-001 Aggravated Assault, F5 Resisting Arrest, F6	1 1	Jury Trial-Guilty Lesser/Fewer
RCC / ERU					
2/21/2013	Goodman <i>Jarrell</i>	Fine	2011-145000-001 Animal-Fail Prov Medical Trtmt, M1 Animal-Cruel Neglect/Abandon, M1	6 1	Jury Trial-Guilty As Charged

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Jury and Bench Trial Results

December 2012 - February 2013

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
2/25/2013	Brown	Anderson	2012-149094-001 DUI w/Bac of .08 or More, M1 Extreme DUI-Bac .15 -.20, M1 DUI-Liquor/Drugs/Vapors/Combo, M1	1 1 1	Jury Trial-Guilty As Charged
2/27/2013	Brown	Goodman	2012-131353-001 Disorderly Conduct-Noise, M1 Assault-Intent/Reckless/Injure, M1	1 1	Court Trial-Guilty Lesser/Fewer
2/27/2013	Brown	Goodman	2012-133696-001 Assault-Intent/Reckless/Injure, M1 Disorderly Conduct-Fighting, M1	1 1	Court Trial-Guilty As Charged
Vehicular					
1/17/2013	Quesada Colson Salvato Farley	Chavez	2005-033017-001 Sexual Conduct With Minor, F2	2	Jury Trial-Guilty As Charged
1/22/2013	Hann	Richter	2012-130701-001 Disorderly Conduct, F6	1	Jury Trial-Guilty As Charged
2/15/2013	Whitney	Bernstein	2011-155299-001 Agg DUI-Lic Susp/Rev for DUI, F4 Unlaw Flight from Law Enf Veh, F5	2 1	Jury Trial-Guilty Lesser/Fewer



Jury and Bench Trial Results

December 2012 - February 2013

Legal Advocate's Office – Trial Division

Closed Date*	Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i>	Judge	CR Number and Charge(S)	Counts	Result
12/5/2012	Miller	Welty	2012-130521-001 Arson of Structure/Property, F4 Attempt to Commit Fraudulent Schemes/Artifices, F2, Drug Paraphernalia Violation, F6	1 1 1	Court Trial-Guilty As Charged

Legal Advocate's Office – Dependency

Last Day of Trial	Attorney <i>CWS</i>	Judge	Case Number and Type	Result	Bench Or Jury Trial
1/9/2013	Klass <i>Sherry</i>	Wingard	JS22115 Severance Trial	Severance Not Granted	Bench
1/24/2013	Konkol <i>Nations</i>	Anderson	JD16570 Severance Trial	Severance Granted	Bench
2/7/2013	Timmes <i>Gill</i>	Kongable	JD510118 Dependency	Dependency Found	Bench
2/8/2013	Timmes <i>Gill</i>	Astrowsky	JD510649 Dependency	Dependency Found	Bench
2/20/2013	Timmes <i>Gill</i>	Astrowsky	JD509665 Severance	Severance Granted	Bench
2/22/2013	Timmes <i>Gill</i>	Ishikawa	JD509985 Severance	Severance Granted	Bench



Jury and Bench Trial Results

December 2012 - February 2013

Legal Defender's Office – Trial Division

Closed Date*	Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i>	Judge	CR Number and Charge(S)	Counts	Result
1/15/2013	Phillips	McCoy	2008-178969-001 Dangerous Drug Violation, F2 Marijuana Violation, F6 Drug Paraphernalia Violation, F6	1 1 1	Jury Trial-Guilty As Charged
12/19/2012	Schaffer Parzych <i>McReynolds</i> <i>Williams</i> <i>Woodrick</i> <i>Brewer</i>	O'Connor	2010-005965-001 Murder 1st Degree, F1	2	Jury Trial-Guilty As Charged
1/25/2013	Miller <i>De Santiago</i> <i>Bowen</i> <i>Mukavetz</i>	Miles	2011-142440-001 Burglary 1st Degree, F3 Armed Robbery, F2 Murder 1st Degree, F1 Kidnap, F2	1 1 1 1	Jury Trial-Guilty Lesser/Fewer
2/8/2013	Navazo Tallan <i>De Santiago</i> <i>Hill</i> <i>Carrillo</i> <i>Rubio Gaytan</i> <i>Bolinger</i>	Brodman	2010-100587-001 Child/Vulnerable Adult Abuse, F2 Murder 1st Degree, F1	1 1	Jury Trial-Guilty Lesser/Fewer
12/3/2012	Amiri	Passamonte	2012-103602-001 Dangerous Drug Violation, F4	1	Jury Trial-Guilty As Charged
12/5/2012	Garner	Martin	2011-132936-002 Misconduct Involving Weapons, F4	1	Jury Trial-Guilty As Charged
12/6/2012	Evans	Brotherton	2012-105483-001 Dangerous Drug Violation, F4 Drug Paraphernalia Violation, F6	1 1	Jury Trial-Guilty Lesser/Fewer
1/24/2013	Shipman	Chavez	2012-005977-001 Burglary 2nd Degree, F3	1	Jury Trial-Guilty As Charged

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Jury and Bench Trial Results

December 2012 - February 2013

Legal Defender's Office – Trial Division

Closed Date*	Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i>	Judge	CR Number and Charge(S)	Counts	Result
1/25/2013	Shipman	Chavez	2012-126450-002 Conducting a Chop Shop, F2 Theft-Means of Transportation, F3 Burglary Tools Possession, F6	1 1 1	Jury Trial-Guilty Lesser/Fewer
1/30/2013	Shipman	Bernstein	2012-109724-001 Agg DUI-Lic Susp/Rev For DUI, F4	2	Jury Trial-Guilty As Charged
2/25/2013	Tate	Starr	2012-122883-001 Dangerous Drug Violation, F4 Marijuana Violation, F6 Drug Paraphernalia Violation, F6	1 1 1	Jury Trial-Guilty As Charged

Legal Defender's Office – Dependency

Last Day of Trial	Attorney <i>Case Manager</i>	Judge	Case Number and Type	Result	Bench Or Jury Trial
4/20/2013	Ross	Sinclair	JD17708 Severance Trial	Severance Granted	Jury
12/6/2013	Sanders	Sinclair	JD 19554 Severance	Severance Granted	Bench
1/7/2013	Fritz	Contes	JD19835 Dependency trial	Dependency found	Bench
1/9/2013	Fritz	Adelman	JD22541 Dependency trial	Dependency found	Bench
1/15/2013	Fritz	Miles	JD17821 Severance trial	Severance Granted	Bench
1/17/2013	Ripa	Mendez	JD10099 Severance trial	Severance Granted	Bench
1/28/2013	Ripa	Steinle	JD22325 Dependency trial	Dependency found	Bench

Jury and Bench Trial Results

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Legal Defender's Office – Dependency

Last Day of Trial	Attorney Case Manager	Judge	Case Number and Type	Result	Bench Or Jury Trial
1/29/2013	Fritz	Miles	JD13315 Severance trial	Severance Granted	Bench
2/4/2013	Ripa	Steinle	JD21536 Severance trial	Severance Granted	Bench
2/8/2013	Fritz	Sinclair	JD21491 Dependency trial	Dependency found	Bench
2/13/2013	Fritz	Miles	JD17951 Severance trial	Severance Granted	Bench
2/13/2013	Ripa	Steinle	JD19257 Severance trial	Severance Granted	Bench
2/15/2013	Ripa	Steinle	JD22690 Dependency trial	Dependency found	Bench
2/19/2013	Fritz	Adelman	JD20637 Dependency trial	Dependency found	Bench
2/25/2013	Ripa	Mendez	JD20024 Severance trial	Severance Granted	Bench

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

for The Defense

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