

EXHIBIT A

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SUPREME COURT OF ARIZONA

KRISTIN K. MAYES, ARIZONA
ATTORNEY GENERAL,

Petitioner,

v.

RACHEL H. MITCHELL, MARICOPA
COUNTY ATTORNEY,

Respondent,

AARON BRIAN GUNCHES,

Real Party in Interest.

Arizona Supreme Court No.
CV-24-0127-SA

**DECLARATION OF AMY
BOCKS**

I, Amy Bocks, declare as follows:

Professional Experience

1. I currently serve as the Assistant Director & Advocate Program Manager for the Office of Victim Services (AGOVs) at the Arizona Attorney General's Office. In this dual role, I oversee the victim advocate program, which provides direct services to crime victims in cases investigated and prosecuted by the Attorney General's Office, along with those cases which the Attorney General handles on appeal, including all death penalty appeals. Also, in the Director's absence, I oversee the Agency Support Team, which monitors victims' rights compliance statewide through funding, training, auditing, and compliance resolution.
2. I have been working in the victims' rights field since 2001, when I was hired as the Victims' Rights Program Coordinator for Cochise County Juvenile Court Services. In that role, I provided victims' rights notifications and assistance to crime victims in juvenile delinquency cases.
3. I was subsequently hired by the Arizona Attorney General's Office as a Lead Advocate and was promoted to Advocate Program Manager (APM) in July 2011. I was named the Office of Victim Services Assistant Director in

August 2021 and now serve as Assistant Director & Advocate Program Manager.

4. During my career, I have worked directly with victims during trial, on appeal, and in post-conviction death penalty cases, in both the state and federal courts. The cases I have handled relate to a variety of victimization types, including fraud and financial crimes, elder abuse and exploitation, sexual and domestic violence, homicide, juvenile offenses, and others. I also provide training and education to Attorney General staff, to new advocates through the Arizona Victim Assistance Academy, and to various local, state, and national organizations and conferences.

AGOVS Services During Appellate Litigation

5. Victim advocacy in the appellate and post-conviction context can be quite different from victim advocacy in the trial context. AGOVS is the only victim advocacy office amongst Arizona prosecution offices with experience navigating every level of both the state and federal court systems, all of which typically see litigation between the issuance of an execution warrant and the subsequent execution.

6. AGOVS advocates have extensive and ongoing training in the appeals process, direct access to appellate attorneys, and a robust set of procedures curated over decades of work.

7. By contrast, county attorneys' offices typically do not handle direct appeals, federal court litigation, or capital post-conviction litigation. Thus, in my experience, county advocates do not have the same level of knowledge and experience in providing services in appellate and post-conviction litigation. In my time with the Attorney General's Office, I have answered questions from county attorney office victim units and provided one-to-one training for county advocates seeking appellate/post-conviction knowledge. Other AGOVS advocates similarly answer questions from county advocates about the appellate/post-conviction process. The appeals process is nuanced and it takes considerable time to learn the process, the courts, and how best to advocate for victims in that process. AGOVS advocates are Arizona's experts in that process.

AGOVS Provides Services in Capital Cases

8. Because the Attorney General's Office handles all post-conviction capital litigation in Arizona, the Office also is responsible for providing victim services in those cases.

9. To my knowledge, the Maricopa County Attorney's Office is responsible for providing victim services in one capital post-conviction case. That case, *State v. Newell*, is being handled by the county attorney due to a 2012 federal district court ruling conflicting the entire Attorney General's Office. The case is currently in state post-conviction proceedings and execution proceedings have never been initiated in it.

10. With the exception of *State v. Newell*, the AGOVS provides services to all victims, opted-in for notice, in capital post-conviction proceedings. To my knowledge, no county victim service units have challenged this practice.

11. The AGOVS is uniquely situated in contrast to larger county attorneys' offices' victim services units because AGOVS advocates have smaller caseloads and therefore have the ability to dedicate additional time to tracking cases, updating victims, and providing supportive services. High county caseloads—or in smaller offices the limited number of available advocates—present a challenge to successfully handling a complex or heavily-involved victim case during the execution process.

12. In capital cases especially, it is AGOVS' priority, due to the public interest in capital cases, to make sure that victims never learn of significant activity by surprise, through unofficial channels that may or may not be

accurate, or through the media. Notifying victims as early as possible allows them to act to protect themselves, for instance, by avoiding news, anticipating calls from reporters, and by preparing for questions from friends and family. Most victims have waited decades to get to the point of execution; the process can be re-traumatizing and quickly-provided information is, in my direct experience working with victims, critical for their emotional well-being. A victim's trust in a victim advocate can also be undermined if the victim hears about a development in the case from sources other than the assigned advocate before hearing from their assigned advocate.

13. Because the capital post-conviction process is so lengthy, AGOVS advocates often provide continuous services to victims in a single case for multiple decades. In the *Gunches* case, for example, AGOVS advocates have provided services since 2008.

The Importance of Continuity for Victims

14. Generally, given the trauma they have experienced, victims benefit significantly from continuity and have limited capacity to form relationships with new individuals in the criminal process, including new victim

advocates. This is especially true at the late and fast-moving stage of execution-warrant proceedings.

15. Victims often exhibit signs and symptoms of trauma long after their victimization, especially in cases of violent crime and homicide. Having a known point of contact who has built a history, and has access to the full appellate history of a case, is crucial for victims. Even though advocates may change on an individual case—particularly in a capital case that can last for decades—the consistency of a single office helps alleviate the already repetitive nature of notice and contact. It takes time to build trust between a new victim advocate and a victim, and the execution warrant process is a very difficult time during which to try to build that trust if a new advocate enters the case at that late stage. Additionally, victims often want to be sure that a new advocate knows the history of the case, including everything that has come to pass throughout the appellate process. Appellate advocates see this routinely when taking such cases over on appeal; victims want to know how Attorney General advocates will be different from the advocate they may have had at the county during trial. In my experience, a victim who has had services from an advocate with the Attorney General's Office for more than ten years, and is now going back to receive services from a county

advocate at the last minute, may be confused, worried, and above all, frustrated.

16. In my opinion, a county attorney's involvement at the execution stage could needlessly confuse a capital case victim and put them at danger of further traumatization.

AGOVS Services When an Execution Warrant Is Sought and Issued

17. AGOVS advocates conduct monthly status checks on all capital cases through the office case management system and stay in contact with the assigned AGO capital attorney. This communication increases drastically when the attorney advises the advocate that the office intends to seek a warrant and the advocate advises the victim(s) to prepare them. The attorney and Advocate remain in contact as litigation continues and advocates may provide victims with copies of the motions and other briefs, discuss the victim's emotional well-being, and provide resources.

18. When a warrant of execution is issued, the Arizona Supreme Court Clerk of Court calls the AGOVS to advise AGOVS of the issuance of the warrant. The APM receives a copy of the warrant of execution via email from the Clerk's Office. The APM immediately advises the case advocate and the AGOVS Director. The advocate begins attempting contact to the

victim so that the victim is advised of the warrant before the news makes it in to local, state and national media reports. The absolute worst scenario for a victim is to learn about the execution on the nightly news, from social media, or a random person. Attorney General advocates offer a copy of the warrant, discuss the scheduled date, set expectations and prepare victims for the next steps.

19. Depending on the number of victims and their level of involvement, the APM may reduce the case advocate's case load once an execution warrant issues, reassigning cases to free up time for working with the attorney and the victim. The advocate provides notice of all appellate proceedings and the decisions of those proceedings as required by A.R.S. § 13-4411.

20. More specifically, AGOVS advocates track and provide notice on at least: actions before the Arizona Supreme Court, successive petitions for Post-Conviction Relief in the superior court, successive habeas petitions in federal court, clemency actions before the Arizona Board of Executive Clemency ("ABOEC"), and other proceedings in all three levels of federal court. I have experience, during the execution-related activity for Frank Atwood, of tracking pending action at the Superior Court, the State Supreme

Court, multiple petitions in the federal district court, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court. Direct consultation with the assigned attorney is an important component of ensuring the advocate (and thus the victim) is kept up to speed in a timely manner.

21. As litigation proceeds, the advocate will provide notice to the victim based on the victim's preference. For some victims that is a daily email to summarize the events of the day, and for others it is a phone call or call and email. The process remains entirely victim-centered, and in some cases with multiple victims the advocate tracks different notice, and methods, for each victim while also checking in on the victims' well-being, offering emotional support and further resources.

22. AGOVS advocates will attend any execution-related event, up to and including execution, if asked by the victim. I have attended clemency hearings in two cases, Joseph Wood and Frank Atwood. I have no knowledge, in my time at the Attorney General's Office of a county advocate attending a clemency hearing with victims. Other than AGOVS advocates, the other advocates usually there to assist victims are those with the ADCRR Office of Victim Services. Both advocates fulfill the same purpose: meet

offsite to escort the family to the prison, physically and emotionally support the victims through the clemency hearing, ensure that the victims are not bothered by defense supports or protestors, make sure the victims feel safe, answer the victims' questions, act as a liaison with the attorneys, escort the victims to and from respite areas on breaks, and generally provide trauma-informed care throughout the proceeding.

23. A.R.S. § 13-4401(15) defines a post-conviction relief proceeding as "a contested argument or evidentiary hearing that is held in open court and that involves a request from relief from a conviction or sentence." The AGOVS interprets this broadly to include notice beginning with the initial petition, through briefing, notice of hearings, escort to hearings, decision notice, and any further appellate actions from those decisions. It is my experience that many counties provide less robust notice, which is often focused only on those proceedings held in open court. This means, for example, that victims may receive notice of an evidentiary hearing without the same level of context or prior notice of what has preceded the hearing in the trial court. This can lead to confusion and fear that the victims have missed notice. County attorney offices that follow this practice and apply the same procedures of notifying only of open court proceedings run the risk

of missing out on providing information crucial to victims at this stage of the process, particularly in the type of litigation that occurs after an execution warrant is issued.

AGOVS Coordination with ADCRR

24. Significant coordination with ADCRR is also required at the execution stage of a capital case. The AGOVS and the ADCRR OVS (ADCRRROVS) have developed a system of communication through years of collaboration. Prior to the existence of the ADCRRROVS, AGOVS advocates provided all execution-related advocacy. Now these advocates work in tandem to provide notice and service to victims.

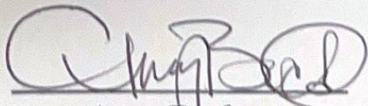
25. After an execution warrant is issued, the AGOVS APM calls the ADCRRROVS Administrator. At this point the two offices will share notification responsibilities with the victim. To try to avoid making this confusing for victims, the offices work collaboratively to ensure clear lines of communication, and thus efficient and thorough notifications to victims. AGOVS provides continuing notification of all appellate proceedings and ADCRRROVS provides notice of ABOEC proceedings, escorts victims to the clemency hearing, facilitates the paperwork necessary to witness the execution, and attends the execution and post-execution press conference.

(AGOVS advocates may be asked by the victim to attend press conferences after the execution, at which time the advocate will provide continuing support but not be a part of the press conference.) The two offices communicate weekly, then daily, to share information as the execution date nears.

26. If a county attorney's office had a role in the execution process, ADCRR could be required to identify numerous additional points-of-contact with the varied victim services units, explain ADCRR processes and formal protocols, and essentially provide ad hoc training to each county as new warrants are issued.

I declare under penalty of perjury under the laws of the State of Arizona and the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 22nd day of July, 2024, at Flagstaff, Arizona.


Amy Bocks