

APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application, 5 double-sided copies and one (1) single-sided copy must be filed with the Human Resources Department, Administrative Office of the Courts, 1501 W. Washington, Suite 221, Phoenix, AZ, 85007, not later than 3:00 p.m. on Monday, November 21, 2016. Read the application instructions thoroughly before completing this application form. The fact that you have applied is not confidential, responses to Section I of this application are made available to the public, and the information provided may be verified by Commission members. The names of applicants, interviewees and nominees are made public, and Commission files pertaining to nominees are provided to the Governor for review. This entire application, including the confidential portion (Section II), is forwarded to the Governor upon nomination by the Commission.

SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 71)

PERSONAL INFORMATION

1. Full Name: Annielaurie Van Wie
2. Have you ever used or been known by any other legal name? Yes
If so, state name:
Margaret Ann Alice Lapenas was my birth name. I have not used it and only found out this was my given name in my 20s. My mother started using Annielaurie Van Wie for me while I was an infant, but there was never any legal change. When I found out about the different name, I did a legal name change in Dane County, Wisconsin.
3. Office Address:
Superior Court of Arizona
Central Court Building
201 W. Jefferson Street, Suite 8D
Phoenix, AZ 85003
4. When have you been a resident of Arizona? Since 1997.

Law school extracurricular activities: President Immigration Law Project; International Law Journal Member; American Trial Lawyers National Trial Competition Team; Texas Young Lawyer's National Trial Competition Team; Community Law Office Volunteer; Criminal Law Association; Student Bar Association; worked part time at the University Book Store and waiting tables.

Undergraduate Majors: Political Science and African-American Studies.

Undergraduate extracurricular activities: YMCA Homeless Resource Center volunteer; volunteer adult basic education and GED tutor at the Dane County Jail; worked part-time at the University Library Microforms Center, University Book Store, and waited tables.

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

Law School: Ruth B. Doyle Award for Legal Service; Wisconsin Public Interest Law Foundation Scholarship; University of Wisconsin School of Law Academic Scholarship for three years; Texas Young Lawyer's National Trial Competition Third Place.

Undergraduate: Distinction in both Majors, Dean's List; University of Wisconsin Foundation Academic Scholarship for 5 years; Liberal Arts Scholarship for three years; Jefferson Davis Scholarship for Constitutional Studies; YMCA Homeless Resource Center Volunteer of the Year 1993.

I worked part-time all through undergraduate and law school, during the school year, vacations and breaks. Jobs included the University Microforms Library, University Book Store, and waiting tables.

PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

BAR OR OTHER ADMISSION

DATES

State Bar of Arizona

February 2002-present

Dane County Circuit Court, Madison, WI;
Student clinical admission

January 1996-
May 1997

Marathon County Circuit Court, Wausau, WI; May-August
Student clinical admission 1996

Federal Immigration Court, Harlingen TX; May 1995-
Student admission for emergency representation of January 1996
political asylum claims

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? No. If so, explain.
- b. Have you ever had to take a bar examination more than once in order to be admitted to the bar of any state?
Yes, the first time I took the Arizona Bar exam I missed it by just a few points. I had recently relocated from Wisconsin, did not have the money to take prep courses and did only self-study, while working and flying back home to help take care of my sick mother. I studied more (self-study) and the second time passed it without a problem.
14. Indicate your employment history since completing your formal education. List your current position first. If you have not been employed continuously since completing your formal education, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

<u>EMPLOYER</u>	<u>DATES</u>	<u>LOCATION</u>
Superior Court, Maricopa County	June 2013 – present	Superior Court 201 W. Jefferson St., 8D Phoenix, AZ 85003
Maricopa County Attorney's Office	July 2002 – June 2013	301 W. Jefferson St. 8th floor Phoenix, AZ 85003
Morton's of Chicago Restaurant	November 2000 – November 2002	2501 E. Camelback Rd. Phoenix, AZ 85106
Sam's Café, a Southwestern Grill	January 1998 – October 2000	2566 E. Camelback Rd. Phoenix, AZ 85106
Pro Dine (formerly Restaura)	April 1998 - October 1998	Bank One Ballpark 401 E. Jefferson St., Phoenix, AZ 85003

From 2013 to 2015, I presided over a Juvenile Court calendar which involved primarily unrepresented litigants including severances, guardianships, adoptions, adoption certification, orders of protection, emancipation, relinquishments, delinquencies, dependency matters and emergencies.

My Juvenile Court assignment included bench trials and contested hearings using the rules and law from Juvenile, Civil, Probate, Family, and Criminal court, as well as Federal UCCJEA and ICWA law, and international adoption laws.

I was a criminal prosecutor at the Maricopa County Attorney's Office for eleven years, from 2002 to 2013. I prosecuted every variety of criminal matter but focused on complex, high-level felonies. I worked in multiple major crimes bureaus. I served as the Assistant Bureau Chief in both the FITE Bureau (Fraud and Identity theft Enforcement) and the Special Crimes Bureau. I also worked in the Gang Bureau. As Assistant Bureau Chief I had managerial duties including: staffing investigations and cases, mentoring attorneys, supervising interns, covering meetings, and assisting with personnel issues.

I prosecuted some violent crimes, including several homicides, but my specialty was white collar investigation and prosecution, including prosecuting public corruption, criminal enterprises, and complex crimes. I conducted the Fiesta Bowl investigation for MCAO, the Desert Divas criminal prostitution enterprise, and multiple wiretaps. I also conducted investigations and prosecuted a variety of cases, including allegations of criminal conduct by police officers, child prostitution, child pornography, human trafficking, luring, computer tampering and computer related crimes, fraud, embezzlement, Medicare fraud, asbestos dumping, mercury contamination, surreptitious recording, theft, unlawful practices in medicine, nursing and contracting, unauthorized practice of law, allegations of bid rigging, vote tampering, threats against public officials. I was the go-to person in the Office for miscellaneous high-profile investigations and conflict cases in every area of criminal law from within the Office and from other counties and cities.

As a prosecutor, I assisted law enforcement with investigations, subpoenas, warrants and wiretaps. I reviewed, charged, and presented cases to the Grand Jury. I met with victims and ensured Victim's Rights were upheld. I conducted discovery, motions, evidentiary hearings, depositions, oral arguments, plea negotiations, settlement conferences, trials, sentencing, and restitution hearings.

Because my specialty was primarily white collar and complex cases that involved large sums of money and numerous bank and property holdings, I worked on multiple civil forfeiture cases, evaluating, drafting and litigating the cases in civil court.

In law school at the University of Wisconsin, I planned to become a defense attorney, so I completed multiple clinical programs representing indigent defendants in lower level criminal cases, involving both misdemeanors and felonies.

Also in law school, I completed several civil clinical programs. I represented patients at the Wisconsin State Mental Hospital and a super maximum prison facility for civil matters consisting including divorce, child custody/visitation, property disputes, and

confinement review.

As President of the Immigration Law Project during law school, I represented foreign asylum seekers in Federal Immigration Court in Harlingen, Texas, for contested hearings and several trials.

18. Identify all areas of specialization for which you have applied or been granted certification by the State Bar of Arizona. Not Applicable.
19. Describe your typical clients.

I work for the people of the State of Arizona as a Commissioner. I have no clients per se, but ensure fair treatment to all people involved in the court process, victims, defendants, litigants, family members, witnesses, jury panelists, attorneys, staff, interpreters, detention officers, and anyone else who has business with the court. I consider it an honor to serve as a Commissioner and present the court in a positive manner for Maricopa County. I strive every day to provide quality access to the court, allow people to have their voices heard, and explain my rulings clearly. I work upholding the law and know that when people leave my court they have confidence in the court system, feel respected, and believe justice is upheld. I provide excellent service to every person every day.

20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? No. If so, give details. Not applicable.
21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

As a Commissioner I make rulings primarily from the bench. These rulings are incorporated into minute entries that become the Court's official signed order. I complete substantive portions of minute entries for complicated and technical rulings.

In Juvenile Court I edited the court forms clarifying and streamlining the paperwork for Adoptions.

As former Chair of the Criminal Justice Section of the State Bar, we reviewed the merits of proposed new criminal statutes and rules and submit public comments. We drafted proposed changes to Criminal Rule 41, with accompanying forms and explanation supporting the changes, and submitted it for consideration to the Board of Governors.

When I worked for the Maricopa County Attorney's Office (MCAO), I reviewed and made recommendations for the Aggravated Identity Theft statute which was proposed to the legislature by MCAO and eventually adopted.

I also proposed and MCAO then sponsored and the legislature eventually passed the Organized Retail Theft statute.

After the Fiesta Bowl investigation, I made recommendations to the County Attorney regarding changes to clarify the Financial Reporting Forms filed by elected officials with the Secretary of State. These changes were then presented to the Secretary of State who made some modifications to the forms, adopting the suggestions.

22. Have you practiced in adversary proceedings before administrative boards or commissions? No. If so, state:
- a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency. Not Applicable.

b. The approximate number of these matters in which you appeared as:

Sole Counsel: Not Applicable.

Chief Counsel: Not Applicable.

Associate Counsel: Not Applicable.

23. Have you handled any matters that have been arbitrated or mediated? No. If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: Not Applicable.

Chief Counsel: Not Applicable.

Associate Counsel: Not Applicable.

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

1) State v. Jesse Joe Roethemeyer, et. al, CR2009-006315-001 to -043
Maricopa County Superior Court Judge Roland Steinle (Retired)
May 2009 to May 2011
See attachment with list of defendants and their respective attorneys.

This case was a 43 co-defendant criminal prosecution of a large prostitution enterprise called "Desert Divas". It brought in over \$250,000 per month through approximately 40 different bank accounts. This was the second round of prosecutions; both cases totaled over 100 defendants. It was a massive investigation involving over 75,000 documents, hundreds of hours of surveillance, and gigabytes of electronic evidence. It was a high-profile complex case, which took over two years to complete and involved extensive motion practice, over 30 free talks (statements made by a defendant about their personal involvement and

involvement of other co-defendants, given for possible future testimony), and settlement conferences for most defendants. I was able to negotiate pleas with all defendants in both rounds of prosecution. Sentences ranged from prison for the business owners and operators to probation with the possibility to earn misdemeanors for workers. This is one of the largest criminal enterprises that have been prosecuted in Arizona.

2) State v. Robert Owens, CR2005-011585-001
Maricopa County Superior Court Judge Brian Ishikawa (retired)
March 2004 to April 2007

Stephen Dichter
Christian Dichter & Sluga, PC
2700 N. Central Ave., Ste. 1200
Phoenix, AZ 85004
602-253-5808
sdichter@cdslawfirm.com

Robert Owens was working as an investigator for two well-known criminal defense attorneys when he told their clients he was an attorney. He took hundreds of thousands of dollars and promised to represent people with guarantees that he could win their cases. Owens even appeared in court on occasion using a forged attorney ID. He was charged with numerous counts of theft. Owens had a long history of fraud. The case was challenging to negotiate because many witnesses had serious pending violent felony cases being prosecuted by the Maricopa County Attorney's Office (MCAO). Due to the serious nature of those cases there was no benefit given for testimony against Owens. The victims were mostly parents and other family members who paid Owens and were suspicious of the MCAO. Also, both attorneys he worked with, Thomas Tinnes and Michael Vaughn, died during the first few months of the case, so they were unavailable as witnesses. The attorney business records were disorganized and many of the thefts involved cash payments. The case was heavily litigated before a plea was accepted. Owens eventually plead guilty to ten years prison with a probation tail. An order for over \$500,000 in restitution was made after additional litigation. The case was high-profile. The case involved coordination between multiple attorneys, including victims who were being simultaneously prosecuted by MCAO, several law enforcement agencies and the FBI, massive documentation, difficult and missing witnesses and victims, and extensive litigation, but with diligence it was successful and Owens is still on probation paying back restitution.

3) State v. Danny Carbajal, CR2005-012726-002
Maricopa County Superior Court Judge Andrew Klein
May 2004 to February 2008
Mark Berardon
45 W. Jefferson St., Ste. 810
Phoenix, AZ 85003

602-257-1295
berardonilaw@yahoo.com

Danny Carbajal is the brother of and was the long time trainer and manager of local boxing great Michael Carbajal. Shortly after Danny Carbajal's estranged wife was murdered, he got his daughters to assist in fraudulently taking over his wife's bank account, and forging deed transfers on several properties. We also conducted a large investigation including years of financial records to consider allegations of theft from Michael Carbajal while he was his manager. There was insufficient evidence to charge for the murder of his wife or the alleged theft from his brother Michael Carbajal. However, Danny Carbajal and both of his daughters were charged with the forgeries and thefts for the bank account takeover and multiple fraudulent deed transfers. Ultimately a plea was negotiated for prison for Danny Carbajal and probation for his daughters. The negotiation was extensive and included the use of various fraud and handwriting experts and some litigation. Due to the family involvement this was a very emotionally charged case and it was widely followed by the media. While there was not sufficient proof for the homicide or theft charges, the media made it appear much more simple, so it was an experience with really seeing the specifics of the investigation and how it differed greatly from the media reporting on the matters.

25. Have you represented clients in litigation in Federal or Arizona trial courts? Yes. Note, the "client" was the State of Arizona, not an individual, as all litigation was as a prosecutor for the Maricopa County Attorney's Office.

If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: 0
State Courts of Record: 1500+
Municipal/Justice Courts: 500+

The approximate percentage of those cases which have been:

Civil: 1%
Criminal: 99%

The approximate number of those cases in which you were:

Sole Counsel: 0%
Chief Counsel: 0%

Associate Counsel: 100% as a Deputy County Attorney, however in 99% of cases assigned to me I worked the case as sole assigned counsel.

The approximate percentage of those cases in which:

You conducted extensive discovery¹: 20%

You wrote and filed a motion for summary judgment: 0%

You wrote and filed a motion to dismiss: 1%

You argued a wholly or partially dispositive pre-trial, trial or post-trial motion (e.g., motion for summary judgment, motion for a directed verdict, motion for judgment notwithstanding the verdict): 5%

You made a contested court appearance (other than as set forth in above response) 100%

You negotiated a settlement: 95%

The court rendered judgment after trial: 1%

A jury rendered verdict: 2%

Disposition occurred prior to any verdict: 97%

The approximate number of cases you have taken to trial: Court 40

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible. Jury 42

Court trials are estimated at approximately three per month completed over the thirteen months I was assigned in a JP court, and one I recall in Superior Court. Jury trials include the twenty-one I completed by myself or as primary counsel, another approximately five that I second chaired in Superior Court and approximately sixteen (one weekly for four months), which I served as second chair (supervising and helping newer attorneys) in JP court. Unfortunately, I never kept track of every trial.

26. Have you practiced in the Federal or Arizona appellate courts? No. If so, state:
The approximate number of your appeals which have been:

¹Extensive discovery is defined as discovery beyond standard interrogatories and depositions of the opposing party.

Civil: 0

Criminal: 0

The approximate number of matters in which you appeared:

As counsel of record on the brief: A.Z. 0 U.S. 0

Personally in oral argument: A.Z. 0 U.S. 0

27. Have you served as a judicial law clerk or staff attorney to a court? No. If so, state the name of the court and dates of service, and describe your experience. Not applicable.

28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

1) State v. Jeffrey Herald, CR2008-007792-001

Maricopa County Superior Court, Judges Janet Barton and Warren Granville
September 2008 to July 2012

Candice Shoemaker for Jeffrey Herald

1421 E. Thomas Rd.

Phoenix, AZ 85014

480-656-9847

shoemaker@azbar.org

Defendant Herald was charged with 76 counts of Fraudulent Schemes and Theft.
The case involved thirty-six victims with over \$500,000 in losses.

Defendant was a long time con artist who was previously convicted of Theft and
Fraud at least eight times using seven different names. Shortly after release from
prison in Tucson, defendant opened a business for commercial mortgages using a
new name. Defendant took deposits and never produced any mortgages or paid the
money back. After years of motion practice the defendant eventually took a plea
and was sentenced to 14 years in prison.

This case was high- profile, designated complex, involved large amounts of

complicated (partly fraudulent) business and personal victim records, and litigated extensively by motion for three years until a plea deal was reached. The defendant was difficult to deal with and replaced his attorney multiple times over the course of the case.

2) State v. Jerry Ochoa, CR2010-006260-001
Maricopa County Superior Court, Judge Maria Del Mar Verdin (retired)
July 2010 to July 2011

Robert Dossey for Jerry Ochoa
90 S. Kyrene Rd., Ste. 1
Chandler AZ, 85226
480-398-7177
bob@dosseylaw.com

Defendant Ochoa was charged with multiple counts of Child Prostitution, Sexual Conduct with a Minor and Child Exploitation (commonly referred to as child pornography), for victimizing a girl while she was 14 to 17 years old.

After a six week jury trial, the defendant was convicted and sentenced to 71 years in prison. This case was complex, included extensive pre-trial litigation and testimony from experts in DNA, computer, photo, and cell phone technology.

The topic area was very sensitive and the victim was angry and street smart, making her appear less sympathetic, so I worked with experts to ensure the jury understood the victimology involved with the exploitation the victim suffered.

3) State v. Joseph Viola, CR1990-010323-001
Maricopa County Superior Court, Judge Daniel Martin
May 2010 to July 2011

Viola represented himself with advisory attorney:
Xavier Sedillo, deceased

Defendant Viola represented himself for six counts of Fraud Schemes committed between 1987 to 1989. Defendant was on bench warrant for over 18 years.

Back in the late 1980s, the defendant was on probation after release from prison for fraud related to an investment scheme when he convinced ten victims to give him money to invest. The money was never invested or returned even though the defendant gave the victims paperwork purporting to be account records of their investments.

The Defendant claimed mistaken identity and at trial brought in a world renowned fingerprint expert, who during cross examination testified that the prints from 1990 when he was arrested and the prison pack fingerprints for his prior convictions

matched the defendant. After eight weeks of jury trial, the defendant was convicted on all six counts and sentenced to 36 years in prison. He is currently facing similar charges for different victims in California in Federal Court.

This case was designated complex and was high-profile. In order to complete a case that was nearly 25 years old, I completed extensive investigation with the FBI and MCAO investigators to find victims and witnesses, and we were able to piece together enough testimony and evidence for trial. We were able to go forward on counts for all victims.

4) State v. Gary Karpin, CR2006-031057-001
Maricopa County Superior Court, Judge Warren Granville
November 2004 to October 2008

Karpin represented himself with advisory attorney:
Leo Valverde, Disbarred 1/25/2013

Defendant Karpin was charged with 23 counts of Theft and Fraudulent Schemes after the Maricopa County Attorney's Office conducted a nearly yearlong investigation. The investigation was prompted by the State Bar after over a dozen complaints to the Attorney General's Office were not addressed.

After an eight week trial, defendant Karpin was convicted on all charges. The trial involved approximately 20,000 pages of discovery, over 1,500 exhibits, more than 400 pieces of admitted evidence, and 52 witnesses. Defendant represented himself and testified.

Over a nine year period the defendant held himself out as an attorney to people who came to his mediation business. Victims paid thousands to complete divorces. At the time he was disbarred in Vermont, not licensed in Arizona, and the State Bar of Arizona had filed a civil lawsuit to stop him. The defendant used two local attorney's names with his clients to bolster his claim that he was part of a larger (nonexistent) law firm. He also used a local Commissioner's name to imply that he had a special "in" with the Court. The defendant advertised extensively implying he was an attorney in a law firm with numerous credentials. Over fifty victims, witnesses from the State Bar, Superior Court ADR Program, Supreme Court CLDP Program, Attorneys Green and Urbano, and [former] Commissioner Eve Parks of the Family Law Division testified at trial. The defendant was convicted of every charge and sentenced to 15.75 years in prison.

Over 300 victims came forward, and although not all victims were included in the criminal indictment, all were included in a civil forfeiture action. A large forfeiture action seized and distributed over \$260,000. I worked extensively on the civil forfeiture action.

This was a high-profile, complex case that included criminal and civil court actions.

5) State v. Kenneth McCracken, CR2004-023587
Maricopa County Superior Court, Judge Pro Tem Frank Johnson, Jr.
April 2005 to March 2007

Brad Reinhart for Kenneth McCracken
7540 S. Willow Dr.
Tempe, AZ 85283
(602)443-5604
bradreinhart@mac.com

Defendant was charged with Fraudulent Schemes, a class 2 felony. He convinced an 87 year old victim who believed him to be a financial advisor to give him her life savings of \$250,000, and then used it on extravagant trips and purchases while in Las Vegas trying to promote a movie he hoped to make.

The evidence involved large amounts of financial records from both the victim and defendant. After 3 days of trial and during cross examination of the defendant he stopped the trial and pled guilty to the court. He had no prior criminal history and was sentenced to ten years in prison.

This was a complex case with voluminous financial records from multiple sources. The victim was elderly and did not fully understand her own financial records, some of which was falsified by the defendant, so I used an accountant to show how all the money was moved and used illegally, despite the victim having given consent for some financial changes.

29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

I was appointed a Maricopa County Superior Court Commissioner in June 2013. I am currently assigned in adult criminal court in the Felony DUI Center, since June 2015. From June 2013 to June 2015, I was assigned in Juvenile Court.

In the Felony DUI Center I work as a team with Commissioner David Seyer. We handle the felony DUI matters for Maricopa County. I manage the calendar from the beginning to the end of every case, hearing motions, evidentiary hearings, settlement conferences, pleas, jury trials, sentencings, probation modifications and terminations.

In criminal court, I have completed over 40 jury trials and one bench trial. I have done over 500 pleas and sentencings, dozens of oral arguments, evidentiary hearings, and settlement conferences.

Approximately 75% of my assignment is felony DUIs. The remainder is a wide variety of other criminal cases which have been jury trials and settlement conferences, ranging from homicides to burglaries to child sex assault cases.

I am on the DUI Stakeholder's Committee for the Court and work to continually evaluate and improve the Felony DUI Center while coordinating with other agencies. I am on the Jury Management Committee for the Superior Court.

I supervise a monthly COJET for court employees to observe and learn about different court operations.

I edited the 2016 and 2017 DUI Reference Manual for the Arizona Judicial College. This manual is used by judicial officers state wide for DUI cases.

My Juvenile Court Assignment included private severance cases, Title 14 (consent based) guardianships, adoptions, adoption certifications, relinquishments and ICWA relinquishments, emancipations, orders of protection and injunctions against harassment, delinquencies, dependency hearings and emergency petitions. The assignment covered every possible type of Juvenile Court hearing.

In Juvenile Court I completed over 30 court bench trials; one as a delinquency matter and the others as parental severance cases; hundreds of other severance hearings; thousands of guardianship hearings, which are primarily pro per; thousands of dependency emergency shelter reviews; hundreds of adoption cases, adoption certification cases, emergency requests, and delinquency hearings; approximately fifty orders of protection and various dependency hearings; and about a dozen cases each of emancipations, relinquishments, and ICWA relinquishments.

During my Juvenile Court assignment I used rules, laws, regulations, and case law from Juvenile, Civil, Family, and Criminal Courts, Federal laws, other state laws, the Indian Child Welfare Act (ICWA), and international adoption and severance laws.

I was on the Adoptions Workgroup to improve court processes. I edited and modified the forms used and made a checklist for the adoption process to streamline the procedure and requirements.

I was also on the Safe Reduction Workgroup with Juvenile Court. I worked to coordinate with outside organizations to try to attack the growing dependency case load and develop strategies to prevent families from getting to that point. We also reviewed how other courts around the country deal with dependency cases and evaluated modifications to our case processing procedures and different strategies for DCS and service provider involvement.

30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, addresses (street and e-mail) and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case. You may reveal nonpublic, personal, identifying information relating to client or litigant names or similar information in the confidential portion of this application.

1) State V. Anthony Maguire, CR2015-112642-002
Trial completed December 2015
Maricopa County Superior Court

Jason Diekelman
Maricopa County Attorney's Office
301 W. Jefferson St., 8th Floor
Phoenix, AZ 85003
(602)506-0147
diekelmj@mcao.maricopa.gov

Robert Shipman
Office of the Legal Advocate
222 N. Central Ave, Ste. 8100
Phoenix, AZ 85004
(602)506-8800
Robert.shipman@azbar.org

Defendant was charged with eight counts of Burglary, Armed Robbery, Aggravated Robbery, and Aggravated Assault arising from a home invasion. The issue in the case was identity and a Dessurealt hearing was conducted. The victim was allowed to testify regarding identity at the scene and make an in court identification. A jury of twelve convicted on six counts and hung on two. They also found six aggravating factors and after trial four prior felony convictions were proven to the court. Aggravating factors outweighed mitigating factors and the defendant was sentenced to 25 years in prison. The case involved pre-trial evidentiary hearings, the jury trial, a post-conviction aggravating factors trial and felony prior conviction trial.

2) State V. Ed Eagleman, CR2013-461674-001
Trial Completed October 2015
Maricopa County Superior Court

Martha Blackman
Maricopa County Attorney's Office
301 W. Jefferson St., 8th Floor
Phoenix, AZ 85003

(602)506-8506
blackmam@mcao.maricopa.gov

Tyrone Mitchell
2633 E. Indian School Rd., #320
Phoenix, AZ 85016
(602)956-8200
tmitchell@tyronemitchellpc.com

The defendant was charged with two counts of Aggravated Driving Under the Influence of Alcohol while his license was suspended. The issue for the jury was whether he knew or should have known his license was suspended as he had a license card at the time of the offense. He was convicted on both counts. It was also proven to the eight person jury that he was on probation at the time of the offense. The defendant admitted to three prior felonies in lieu of a trial on the priors. Aggravating and mitigating factors equaled each other and the defendant was sentenced to a presumptive ten year prison term, including applicable fines and fees. The case involved a post-conviction trial on the allegation that the defendant was on probation at the time of the offense. Also post-conviction the defendant pled to the court regarding his three prior felony convictions.

***Note: the following cases are juvenile cases so initials have been used in the caption and party names are not disclosed to protect privacy.

3) In the Matter of: A.C., JA47249
November 2013 to August 2014
Juvenile Court Maricopa County Superior Court

Jean West, guardian ad litem
Law Office of Kennedy and West
7204 N. 16th St., Ste. 104
Phoenix, AZ 85020
(520)256-0975
jeanewest@gmail.com

Carrie P. Cravatta, petitioner's counsel
Donaldson Stewart, P.C.
3100 W. Ray Rd., Ste. 115
Chandler, AZ 85226
(480) 792-9770
cpc@monicadonaldson.com

Lynda Vescio, Jamie Heller, intervenor's counsel
Vescio Law Firm, P.C.
9017 N. 57th Dr.
Glendale, AZ 85302

(623)243-7556

LVescio@VescioLaw.com; JHeller@VescioLaw.com

This decision and the reasoning for the decision was affirmed by the Arizona Supreme Court, August 2, 2016, CV-15-0302-PR. This was a challenge to a previously granted adoption, where the biological father intervenor asserted that he filed for paternity with Family Court prior to the adoption. The petitioner adoptive parents relied on the lack of any putative father registration. The issue was; how the failure to register with the Putative Registry, coupled with a petition for paternity in family court which was filed and served, but not completed, affected the standing of the biological father to challenge the adoption. After determining, through the investigation by the guardian ad litem, that consideration of the challenge would not result in harm to the child, the intervenor was allowed to proceed. After litigation, a motion to set aside the adoption was granted because the family court paternity filing was made [by the intervenor] and served timely [on the biological mother] prior to the adoption but no notice of the adoption was given to the paternity petitioner [intervenor], as required by law. While the governing statutes are confusing and contradictory, lack of putative registry filing does not alleviate the requirement of notice if a paternity suit has been filed.

4) In the Matter of: I. M., X. M., E. M., A. M., JS17288

Trial completed August 2014

Juvenile Court Maricopa County Superior Court

S. Marie Gates, guardian ad litem

Gates Law Firm, LLC

P.O. Box 730

Buckeye, AZ 85326

602-395-0200

heavenlygateslawfirm@azbar.org

Petitioner unrepresented

Daniel Saint III, respondent's counsel

846 N. 6th Ave.

Phoenix, AZ 85003

602-254-7367

dsdrie@aol.com

This was a single day contested severance trial to the court. Allegations included abandonment, incapacity, and criminal conviction as grounds for termination with best interest of the children. The issues involved; whether sporadic contact with the children during periods of incarceration and release constituted a normal parent-child relationship; and whether parent was sufficiently stabilized and had addressed addiction issues. After weighing evidence regarding history and current situation, a severance was granted as to each child on the ground of abandonment. The

grounds of incapacity and criminal conviction were unproven. The case was upheld on appeal. The case involved different participation by parent with each child that spanned over a decade. Each child's specific situation had to be considered with regards to the parent, which often occurs when there are numerous children with a great age span.

5) In the matter of: A.M., JS17276
Trial completed October 2014
Juvenile Court Maricopa County Superior Court

Iris G. Garcia, guardian ad litem, deceased

Petitioner unrepresented

Lincoln Green Jr., respondent's counsel
Law Office of Lincoln Green Jr., PC
40 N. Central Ave., Ste 1400
Phoenix, AZ 85004
602-252-5504
Lincoln.green@azbar.org

This was a single day contested severance trial to the court. Allegations included abandonment, incapacity, and criminal conviction as grounds for termination with best interest of the children including possible step parent adoption. The issues included whether some financial support without other contact showed intent not to abandon the child, questions of rehabilitation and stability. Further there was evidence, that prospective adoptive step father at times used marijuana recreationally. The decision was largely determined by the credibility of testimony and a weighing of harms and benefits the child might gain from severance. A severance was granted on the ground of abandonment, and grounds of incapacity and criminal conviction were dismissed as unproven. The case was upheld on appeal. As in many cases, there was no black or white, every witness came with imperfections, and there was minimal tangible evidence to support testimony. It was not an easy decision. Ultimately it came down to whose testimony was credible, a decision had to be made with little physical evidence due to the petitioner being unrepresented and respondent producing nothing.

31. Describe any additional professional experience you would like to bring to the commission's attention.

I have dedicated my life to public service. I started my legal career as a prosecutor, focusing primarily on complex white collar litigation, including civil forfeiture. I was recognized for excellence with the Maricopa County Attorney's Office Attorney of the Year Award, nominated at the state level for Arizona Felony Attorney of the Year, and promoted to Assistant Bureau Chief in two major crime bureaus. I could easily have translated my complex litigation skills to the private arena, but chose to serve

the public for the greater good. I became a Commissioner to elevate my public service and have even greater community impact. My Judicial Performance scores indicate I am doing an excellent job, as reported by the public, attorneys who practice in my court, and staff. I am efficient, provide excellent service to everyone every day and dedicated to improving our community.

I work to ensure justice is done. I listen and am willing to consider unconventional solutions. One example is when I prosecuted State v. Britney Baze on multiple cases, CR2007-124787, CR2009-006315, CR2009-148941, CR2009-150158, all in front of Judge Roland Steinle. The defendant was in her early twenties, had multiple open cases, a serious drug addiction, came into the jail badly beaten, but had no previous criminal history. After hearing the story of how Britney had become involved with drugs and gang members, but had the opportunity for inpatient intensive treatment, I worked to get the initial prison mandatory plea offer opened to allow for treatment before she went to prison. After 18 months in treatment and a halfway house it became clear that Britney had turned over a new leaf, was sober and able to live a productive crime free life. So, I advocated for a plea change and modified the plea to probation with charges that allowed for eventual misdemeanor designation if she was successful on probation. Britney was successful and did earn all misdemeanors and never served any prison time. I still have contact with Britney and am pleased that she maintains sobriety, is employed, and has a good law abiding life. I understand the importance of not judging a book by its cover, listening, promoting and encouraging change and then allowing it to happen.

Since becoming a Commissioner I have worked to promote the courts in a positive manner both in and out of court. I collaborate with and assist colleagues to ensure efficient, effective, and fair court administration for all. I have and continue to work on numerous Court programs to increase efficiency and effectiveness to provide the best service for the community. Projects include: The Adoptions Workgroup, Safe Reduction of Dependency Cases Workgroup, Jury Management Committee, and as the pilot court for the new E-Sentencing program. I also use my position to help the community at large. I often speak to children and teens in my court and tell them my own challenging family history. I discuss how a person can overcome adversity and tough family situations. I encourage them to work hard and follow their dreams. I tell them that if I made it, they can do anything if they put in the work and stay out of trouble.

Outside of court I volunteer on the NotMYKid Professional Advisory Board to work to help kids deal with difficult issues like drugs, bullying, partner and family violence, etc. I believe it is important in and out of court to use my profession in the law to promote change and positive growth to avoid future negative behavior. I try to live my life professionally and personally promoting a positive community. I was the investigating attorney for the Maricopa County Attorney's Office (MCAO) on whether public officials properly disclosed Fiesta Bowl related trips and tickets on their financial disclosure statements. Although no charges were filed by MCAO, it was an extensive 10 month investigation that included carefully going over

voluminous documentation, statutory and case law, previously conducted investigation by the Attorney General's Office, and interviewing multiple legislators, other public officials and witnesses.

I prosecuted wiretap cases, have successfully completed motions and hearings for a Franks challenge to the lawfulness for the Court Ordered Wiretap, as well as a challenge to the warrantless use of GPS tracking.

I have dealt with the delicate issue of searching jail cells and businesses where legal mail/documents are kept and am familiar with the process to separate and get an in camera review on those materials.

I taught a seminar at CLE by the Sea on Discovery and Investigation in Computer Crimes. It was one of the State Bar's most popular online courses. I completed a follow-up seminar on Computer and Digital Evidence in Criminal cases in June of 2013. I have expertise in subpoenaing, organizing, analyzing and using computer, digital, phone, business and financial records.

I have participated numerous CLEs as a panelist for the State Bar and The Arizona Women Lawyer's Association, listed in question 57.

I am scheduled to present at the Wisconsin Private Investigator's Association Annual Conference in March 2017.

I graduated from the Arizona Forensic Science Academy for attorneys and the Advanced Forensic Science Academy.

I have had the opportunity to work with multiple expert witnesses on topics as varied as: forensic document examination, DNA, computer analysis, cell phone analysis, photo, video, DUI, child prostitution, fingerprints, facial recognition, handwriting analysis, medical labs and doctors, drug lab analysis, forensic accounting and fraud.

I truly enjoy learning and attend advanced CLEs and trainings as often as possible. I also enjoy teaching and sharing what I have learned. As a Commissioner, I have lectured at the Sandra Day O'Connor School of Law, ASU, Summit Law School, several public schools, and welcome students on Courthouse Experience visits into my court.

BUSINESS AND FINANCIAL INFORMATION

32. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question #14? Yes. If so, give details, including dates.

From 1989 to 1997, I waited tables, bartended and worked at the University Book Store throughout law and undergraduate school. I also had a work study job at the University Library Microforms Center all through undergraduate studies, 1989 to 1994. In high school, 1987 to 1989, I worked at the mall at a pretzel shop and a card shop. In high school I nannied my two younger cousins for three years, babysat, and did house cleaning and yard work for neighbors. I started babysitting

when I was twelve. When I was younger in the summer we used to pick rocks for neighboring farms for two dollars a day and lunch.

33. Are you now an officer, director or majority stockholder, or otherwise engaged in the management, of any business enterprise? No. If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service. Not applicable.
Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? Not applicable. If not, give reasons.
34. Have you filed your state or federal income tax returns for all years you were legally required to file them? Yes. If not, explain. Not applicable.
35. Have you paid all state, federal and local taxes when due? Yes. If not, explain. Not applicable.
36. Are there currently any judgments or tax liens outstanding against you? No. If so explain. Not applicable.
37. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? No. If so, explain. Not applicable.
38. Have you ever been a party to a lawsuit, including bankruptcy but excluding divorce? Yes. If so, identify the nature of the case, your role, the court, and ultimate disposition.

CV2010-000023, Victoria Aguayo v. State of Arizona; Maricopa County; City of Phoenix; Christy Hein (Phoenix Police Department Detective); Annielaurie Van Wie; Phil Gordon (former Phoenix Mayor). I was named defendant in a lawsuit by a former defendant (Victoria Aguayo) who I prosecuted but dismissed the case against in CR2008-007359-022. The case was in Maricopa County Superior Court and was dismissed against me with no activity.

CV-14-01844-DCG, Donald Hatfield v. Shelley Hatfield, Jerry Weiers (former Glendale Mayor), Norman Davis (Retired Judge), Wendy Morton, Thomas Kaipio, (Commissioners), Jan Brewer, Joseph Arpaio, Annielaurie Van Wie, etc. I was named as a defendant in a lawsuit filed to overturn a severance granted years before I was on the bench and reverse a past due child support order from 2004. This case is in the U.S. District Court, District of Arizona. All county employees, including me, have been dismissed in the case however the case is still pending for others therefore the appeal time has not run.

CV2015-002989, Matthew Ericson v. Rebekah Browder, Annalaurie Van Wie, Ed Leiter (current and former MCAO prosecutors), Bill Montgomery, Maricopa County Board of Supervisors, MCSO, Sheriff Joe Arpaio. I was named as a defendant in a

lawsuit challenging the seizure (by Phoenix Police Department, not named in lawsuit) and forfeiture of property by civil forfeiture proceedings completed in 2012. I was one of the prosecutors on the original criminal case against the plaintiff's live in girlfriend, which caused the civil forfeiture proceeding. The case was in Maricopa County Superior Court. The case was settled with \$19,000, paid to Ericson for the forfeited vehicle. I was not personally liable.

39. Do you have any financial interests, investments or retainers that might conflict with the performance of your judicial duties? No. If so, explain. Not applicable.

CONDUCT AND ETHICS

40. Have you ever been terminated, expelled, or suspended from employment, or any school or course of learning on account of dishonesty, plagiarism, cheating or any other "cause" that might reflect in any way on your integrity? No. If so, give details. Not applicable.
41. a. Have you ever been charged with, arrested for, or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? No. If so, identify the nature of the offense, the court, and the ultimate disposition. Not applicable.
- b. Have you, within the last 5 years, been charged with or cited for any traffic-related violations, criminal or civil, that are not identified in response to question 41(a)? If so, identify the nature of the violation, the court, and the ultimate disposition. In the spring of 2013, I was cited for speeding 12 miles over the limit. It would have been in Phoenix Municipal Court but I did a driver improvement class and it was dismissed.
42. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain. Not applicable.
43. List and describe any litigation (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) concerning your practice of law. Not applicable.
44. List and describe any litigation involving an allegation of fraud in which you were or are a defendant. Not applicable.
45. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure, or for any other professional impropriety. Not applicable.
46. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? No. If so, when? How was it resolved? Not applicable.

47. Have you received a notice of formal charges, cautionary letter, private admonition or other conditional sanction from the Commission on Judicial Conduct or any other official judicial disciplinary body in any jurisdiction? No. If so, in each case, state in detail the circumstances and the outcome. Not applicable.
48. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? No. If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.) Not applicable.
49. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as a result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? No. If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action. Not applicable.
50. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? No. If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the back ground and resolution of such action. Not applicable.
51. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? Yes. If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

Fall 2014, a Judicial Assistant assigned from the administration pool complained that I was speaking to her about her health issues and she felt uncomfortable. Specifically, she thought I was trying to talk to her through the small whiteboard I had posted outside my office on which I wrote motivational phrases. My presiding judge spoke to me about it, and there was concern that due to the employee's health issues, she felt sensitive to my everyday healthy living promotions. I have had motivational messages posted outside every office I have had since 2002, I teach a fitness class, and promote healthy living. I felt completely blindsided by the complaint, especially because the employee would ask me about making better food choices. The employee was moved to another division and eventually fired by that division. I have never had any issues with any other employees and many thank me for motivating positive life changes.

52. Have you ever refused to submit to a test to determine whether you had

consumed and/or were under the influence of alcohol or drugs? No. If so, state the date you were requested to submit to such a test, type of test requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test. Not applicable.

53. Within the last five years, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with the substantive requirements of any business or contractual arrangement? No. If so, explain in full. Not applicable.
54. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? No. If so, explain in full. Not applicable.

PROFESSIONAL AND PUBLIC SERVICE

55. Have you published any legal or non-legal books or articles? Yes. If so, list with the citations and dates. I edited the 2016 and 2017 DUI Reference Manual published by and for the Judicial College of Arizona. It is used throughout the state by judicial officers with DUI cases.
56. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? Yes. If not, explain. Not applicable.
57. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? Yes. If so, describe.

I am scheduled to present at the Wisconsin Private Investigator's Association Annual Conference in March 2017. The topic is: How to Help the Client in Court.

In 2016 I am supervised a law student intern from Summit Law School.

In 2016 I was a panelist for the Sandra Day O'Connor School of Law Seminar on Working in Public Sector Law Jobs.

In 2015, I was a panelist for the Arizona State Bar New Lawyer Bootcamp.

In 2015, I participated as a panelist for a Sandra Day O'Connor School of Law presentation on Working as a Criminal Law Practitioner.

In 2014, I participated as a panelist on Becoming a Judge/Commissioner, CLE presented by Arizona Women Lawyer's Association.

2013 to present, I have done COJET sessions for court and county employees to

attend and learn about court processes.

In 2013 to 2014, I lectured as a guest to an ASU class on Gender and the Law.

In June 2013 I presented a CLE for the State Bar on Computer and Digital Evidence for Criminal Cases. This is a follow-up to a 2008 CLE by the Sea presentation detailed below.

For the 2013 State Bar Annual Convention in June, I co-chaired two CLEs, one on the Second Amendment and one on Expert Testimony, featuring Robert McWhirter, for the Criminal Justice Section of the State Bar.

For the 2012 State Bar Annual Convention I co-chaired a CLE on Post Conviction Programming for the Criminal Practitioner, focusing on the Superior Court Specialty Court Programs, other Probation programs, Jail and Department of Correction programs and classification process.

From 2003 to 2013 I was assigned supervisor for over 30 law student interns placed at MCAO for clinical programs for Arizona State University Sandra Day O'Connor College of Law, University of Arizona James E. Rogers College of Law, and the Phoenix School of Law (now Summit Law School).

Multiple times a year, from 2003 to 2013, I lectured on Substantive Criminal Law, Dessurealt, Probation Violation, and Motion Practice for the Maricopa County Attorney's Office Training Bureau, to incoming and promoting attorneys.

From 2006 to 2013, I regularly lectured at the Phoenix Police Department Academy on: writing better police reports, investigating and prosecuting cases without victims, with victims with memory issues, or with recanting victims, investigating and prosecuting criminal enterprises, and collection/subpoenaing, organizing and using business records for prosecution.

In 2011, I presented at Phoenix School of Law (now Summit Law School) on The Role of the Prosecutor.

In 2008, at CLE by the Sea I presented on Discovery and Investigation in Computer Crimes.

From 2007 to 2010, I presented to multiple law enforcement agencies and retail security businesses in Maricopa County on Organized Retail Crime, how to prevent, detect, investigate and help prosecute it.

From 2007 to 2010, I presented annually to the Office of the Inspector General, Health and Human Services Investigators on Medicare Fraud, Investigation and Prosecution.

From 2004 to 2010, I participated on panels for the Carnegie Group, presenting the challenges and methodology of investigating, prosecuting, and civil options dealing

with economic fraud against the elderly. The audience was other MCAO attorneys, law enforcement from multiple agencies, the Public Fiduciary, the Attorney General's Office, other regulatory and investigatory state agencies and several banks and credit unions.

From 2004 to 2010, I presented annually at the National Construction Investigator's Association Seminar on Investigating and Prosecuting Construction and Mortgage Fraud and Transient Crime.

58. List memberships and activities in professional organizations, including offices held and dates.

State Bar of Arizona member since 2002. I have presented multiple CLE classes for the State Bar, detailed in question 57.

Criminal Justice Section of the Arizona State Bar Executive Board 2005 to 2015. I was chair from 2011 to 2013, and Vice Chair from 2009 to 2011. As a former past chair and member of the bench I cannot be elected to the Executive Board again. I do continue to work with them as a member. I have participated in numerous CLE programs for the section and will continue.

Arizona Women Lawyer's Association, since 2012, on the Steering Committee since 2013 and Chair of the Membership Committee since 2014. I have been a panelist for several CLEs. As Chair of Membership I organize the Annual Open House and multiple additional events throughout the year and run the Amiga Program.

Maricopa County Bar Association member since 2015. I have been a featured participant at multiple Bench-Bar events.

Arizona Judge's Association member since 2013.

Arizona Forensic Science Academy Alumni, since 2012.

Identity Theft Investigator's Association member, 2004 to 2010.

Carnegie Group Member, 2005 to 2010. I presented at multiple meetings, detailed in question 57.

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? Yes. List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

2013 to present National Adoption Day volunteer presiding over adoptions.

2016 to present Veteran's Stand Down volunteer.

Arizona Women's Lawyer Association Steering Committee member since 2013. AWLA Chair of Membership Committee since 2014. Member mentor for ASU students, since 2013. As chair of the Membership Committee for the past three years I coordinate multiple social/legal events for AWLA, which are open to members and non-members, evaluate data on membership, and run the "Amiga" Program. As a member of the Steering Committee I present at, participate in, and attend many activities presented as CLEs and other enrichment of the legal community.

Arizona State Bar Criminal Justice Section Executive Board Member, 2005 to 2015. I was Chair from 2011 to 2013 and Vice Chair from 2009 to 2011. We provided multiple CLE programs over the years and I personally chaired and participated in several.

Courthouse Experience Volunteer with Maricopa County Superior Court from 2006 to present. As a Commissioner I welcome student groups to my court, and have gone to several high schools to speak to students. Before I became a Commissioner I chaperoned student groups on courthouse tours for the Courthouse Experience Program.

ASU Mock Trial Competition, most years September 2007 to present.

Through MCAO I lectured to multiple community groups, schools, and businesses on different legal topics including: identity theft, scams, ATM and check fraud, organized retail theft, forgery, contractor fraud, transient criminal activity, theft from the elderly, how to talk to your children about the internet, child predators and child prostitution, and working as a prosecutor.

I presented on fraud and identity theft prevention bi-annually at the Area Agency on Aging Scam Jam presentation from 2004 to 2010.

From 2005 to 2012, I presented annually at Phoenix Block Watch Summits on identity theft and fraud prevention.

From 2006 to 2008 I was featured on three city of Phoenix public access television programs speaking on ways to avoid becoming an identity theft or scam victim for the COX cable company public information series.

59. Describe the nature and dates of any community or public service you have performed that you consider relevant.

2013 to present I have volunteered with the Phoenix Police Youth Experience Program speaking to students in middle and high school about making good life choices.

Since 2015 I am on the Professional Advisory Committee for notMYkid, a non-profit

inspiring positive life choices for kids. I assist with program development and speaking engagements.

In 2015 I participated in the State of Arizona, Governor's Office of Youth, Faith and Family event "Now You See Me", Addiction: The Elephant in the Room, a substance abuse awareness and education program.

2003 to present, I have volunteered for the Arizona Special Olympics, starting on the security crew, then as assistant manager for Security and for the last three years on the General Management Team. Most years from 2003 to 2013, I also completed the Law Enforcement Torch Run for the Arizona Special Olympics Summer Games.

2010 to present, I have taught a weekly strength and fitness class for the County Wellness Program as a volunteer.

2005 to 2012, I volunteered at the Weyerhaeuser and Channel 12 Bi-Annual Shred-a-thon assisting with moving boxes and bags of documents to the industrial shredders and talking to people about identity theft prevention.

60. List any professional or civic honors, prizes, awards or other forms of recognition you have received.

Recognition by the Phoenix Police Department Mountain View Precinct for speaking with juveniles, 2015 and 2016.

Volunteer Appreciation for County Wellness Program, 2013 to 2015.

Recognition for volunteer work by Maricopa County Attorney's Office, 2010 to 2012.

Commendation for community speaking, Maricopa County Attorney's Office 2006 to 2012.

Commendation for training, Maricopa County Attorney's Office 2005 to 2012.

Office of the Inspector General Integrity Award 2009, for work on Medicare Fraud cases.

Appreciation Award for Prosecuting Medicare Fraud, from the Office of the Inspector General, Health and Human Services, 2008.

Maricopa County Attorney's Office Prosecutor of the Year, 2007.

Maricopa County Attorney's Office Major Crimes II Division Attorney of the Year, 2007.

Arizona Prosecuting Attorney's Advisory Council Large Jurisdiction Felony Prosecutor of the Year Nominee, 2007.

Major Crimes Attorney of the Month, March 2007.

Fraud and Identity Theft Enforcement Bureau Attorney of the Year, 2005.

61. List any elected or appointed offices you have held and/or for which you have been a candidate, and the dates.

NotMYKid Professional Advisory Committee, 2015 to present.

Commissioner, Maricopa County Superior Court, June 2013 to present.

State Bar Criminal Justice Section Executive Board, 2005 to 2015, Vice Chair from 2009 to 2011, Chair from 2011 to 2013.

Arizona Women Lawyer's Association Steering Committee since 2013, and Chair of Membership since 2014.

Have you been registered to vote for the last 10 years? Yes.

Have you voted in all general elections held during those years? No. If not, explain.

In 2010, I realized I did not receive my mail in early ballot the day before I was leaving town for my wedding. I was not able to get a replacement ballot and was not in town to cast my vote at a polling place. Afterwards I looked into it and found that I was on the permanent early ballot list. I don't know what happened with the ballot that year but I have received ballots since then and have voted.

62. Describe any interests outside the practice of law that you would like to bring to the commission's attention.

I volunteer teach strength and fitness classes each week as part of Maricopa County Wellness Program. Since losing 60 pounds in college, I strive to promote a healthy lifestyle for myself and others. In January 2015 I earned a place on the National Running Streak Registry after running one full mile or more every day for a year. My husband and I make fitness part of our life and complete many run/walk events with family and friends. We have finished both a marathon and many half marathons, multiple Ragnar road and trail relay events, and have participated multiple times on the State Bar PF Chang's running team, and various Pat Tillman Run teams. I work to encourage others to be more active, eat healthfully and take care of themselves.

HEALTH

63. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying? Yes.

ADDITIONAL INFORMATION

64. The Arizona Constitution requires that the commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.

I have an interracial family. I married an African American man and we have been together for over 19 years. His family is closer to me than my own biological family. I think this experience really helps me to relate to others of various racial and ethnic backgrounds. I know on a personal level that skin color and cultural differences do not define a person, although they play a role in life experiences. I know from a guttural level that you cannot judge anyone by their appearance and no one is a stereotype. It makes me very aware of possible bias to be in an interracial family. I think this experience makes me better able to communicate with all people both in and out of court.

In August 2015, I was diagnosed with Type 1 Diabetes. I live a healthy lifestyle so it was a big surprise. However, it is not a lifestyle related condition, it is not preventable or curable, but it is completely manageable and I am managing it well. It has been a good reminder that life isn't always fair but your reaction and response is what really matters. This new life experience adds to my knowledge pool and is an opportunity for me to continue to promote healthy living and overcoming obstacles. It is a lesson that I will bring with me to the bench and use to help others get through life's obstacles.

I was born in Ontario, Canada to a teenage mother who dropped out of high school, ran away from home, and went to Canada to live on a commune. She had my brothers in the next two years. I don't know my biological father at all and only learned of him in my mid-twenties. My "dad" that I grew up with until middle school was bi-polar and a heroin addict. He got my mother and both brothers involved with drugs. We moved around a lot, had unstable and sometimes no housing, living with friends or in a tent. My parents worked sporadically. My dad attempted suicide repeatedly. We left my dad when I was in middle school because he was violent. My mother raised us by herself with no assistance after the separation. She worked hard but struggled. She was incarcerated for a while when I was in high school and I went to live with my aunt and uncle. My brothers lived with my dad at that time and became heavy drug users and dropped out of school. When I lived with my aunt and uncle my life normalized. I tested into the International Baccalaureate Program, was able to participate in school activities, and was supported and pushed to excel. Living with my aunt and uncle gave me an opportunity that I did not have before and I know is one of the reasons why I have gotten to where I am today.

Today, I am blessed. I've escaped the instability, abuse, drugs, and poverty I grew up with. However, it has impacted me and taught me to be decent and empathetic towards others, no matter their situation, to encourage growth and improvement, to

seek creative solutions, but also to recognize when to hold people accountable.

I have always felt uncomfortable talking about my difficult family history. However, I know that there are a lot of young people in Maricopa County going through tough family situations, dealing with their parent's addiction, abuse, financial crisis, and mental health issues. I frequently take time to talk to children and teens and tell them that they can do anything if they focus on their own dreams, work hard, and stay out of trouble. I explain some of my family past and that they don't need to follow their family. I tell them they don't get to pick their parents, they cannot change their parents, and it is not their fault. The best thing they can do is focus on their own future. I have been thanked by many for talking to them. I let them in on my own past to try to help them. I have special requests for student groups on Courthouse Experience tours to come to my court because I talk to them about dealing with and overcoming difficult family situations.

As much as I can, I use my position on the bench to help others. My diverse family background gives me an added ability to relate to and help the public from the prestigious position of judicial officer.

65. Provide any additional information relative to your application or qualifications you would like to bring to the commission's attention at this time.

I took time between law school and my employment with the Maricopa County Attorney's Office to relocate from Wisconsin, take the bar exam, assist with the care of my then terminally ill mother, and eventually grieve the loss of my mother before I embarked on a legal career.

My mother was diagnosed with cancer in her mouth when I was a freshman in college. As the first and only high school graduate in my immediate family, I remained in college, giving assistance to my mother whenever possible. Eventually it spread to her lymph nodes, brain and lungs. She was terminally ill when I moved to Phoenix from Wisconsin. My youngest brother and his wife were living with her and assisting with her care. At the time, all of them and another friend who lived at my mom's house were daily drug users. I did not agree with their lifestyle choices and could not live with them, opting instead to occasionally visit and assist with my mother's care, giving my brother and his wife a break. I also assisted financially on a monthly basis.

With their approval, I moved to Phoenix, got a flexible job waiting tables and bartending, took the bar exam, provided some financial support, and flew back every few months to visit and assist with my mother's care.

When my mother died, I took time to grieve before I started my legal career. I am a more level headed and better person for having taken the time to deal with this difficult and trying period in my life.

I had the humbling experience of going through a foreclosure in 2012. I purchased a home in 2006 under my name, but with assistance of my then boyfriend, now husband. We took out a loan for \$80,000, less than I was approved for with a

standard 30 year fixed mortgage and paid a down payment which we worked for years to save. We never took out any money against the house or engaged in any creative financing. After paying the mortgage faithfully for three years, my husband, then an ICU Nurse at Barrows Neurological, injured himself and was out of work for an extended period. Because he was injured off the job he was not eligible for workers compensation and our income was cut in half, while medical bills mounted. He returned to work part time initially and eventually full time. We worked for months to try to catch up and sought help with a financial advisor. We wanted to do the right thing but found that we would not be able to work our way out of the economic problems resulting from months of lost wages. We attempted to refinance but were not able. We attempted short sales but the bank rejected offers we got. We wanted to do the most honorable thing but repeated attempts to work with the bank were unsuccessful so the house went to foreclosure. This was crushing and embarrassing but we are using it as a valuable life experience, we have picked up and moved on. We are current on all housing obligations and continue to improve our finances so we will never be caught in this position again. My husband recently became a Nurse Practitioner. This career advance will provide even greater financial stability. This was a one-time issue due to extended loss of income which we tried to avoid and tried to deal with as honorably as possible.

66. If you were selected by this commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term? No. If so, explain. Not applicable.

67. If selected for this position, do you intend to serve fully, including acceptance of rotation to areas outside your areas of practice or interest? Yes. If not, explain. Not applicable.

68. Attach a brief statement explaining why you are seeking this position.

Please see attached statement.

69. Attach a professional writing sample, which you personally drafted (e.g., brief or motion). The sample should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Please see attached writing sample.

70. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. The writing sample(s) should be no more than a few pages in length. You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a

published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

Please see attached orders.

71. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last two performance reviews.

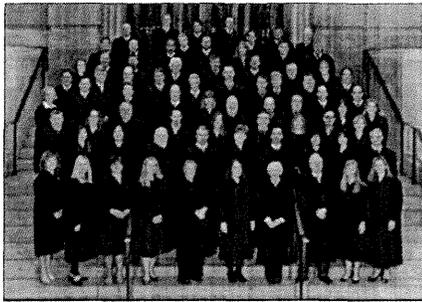
Please see attached Judicial Performance Review.

QUESTION 15

MARICOPA SUPERIOR COURT JUDGES AND COMMISSIONERS

[Skip To Main Content](#)

Superior Court Judges



Judges are appointed through a merit process. Judicial candidates are selected for their legal ability and professional and personal achievements rather than their mastery of political campaigns.

Applicants for judicial appointment are screened by the Commission on Trial Court Appointments, a non-partisan committee. The Commission reviews all applications, interviews candidates and selects finalists whose names are forwarded to the Governor. The Governor reviews the applications, interviews each finalist and appoints one of them to the bench.

Superior Court judges in Maricopa County remain in office by the approval of voters in retention elections. There are no opponents in these elections. Voters cast a "yes" vote to retain a judge in office. A "no" vote would remove the judge from office. Every two years each judge undergoes a public review process, including a survey of the judges ability by lawyers, litigants, jurors and staff. Judges face a retention election every four years.

[View All](#) | [A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [XYZ](#)

Judge	Phone	Location	Protocol
ADLEMAN, Jay Criminal	602.372.5497	Central Court Building-12E/1204	
ANDERSON, Aimee Civil	602.506.0055	Northeast Court-H/108	
ANDERSON, Arthur Juvenile	602.506.0341	Southeast Juvenile-1079-1081/4	View
ASTROWSKY, Bradley Criminal	602.372.2048	Central Court Building-13D/1303	View
BACHUS, Alison Juvenile	602.506.7569	Durango Facility-2290/2	
BAILEY, Cynthia Family	602.506.5121	Northeast Court-F	View
BARTON, Janet Presiding Judge	602.506.5340	Old Court House-5	View
BASSETT, Edward Probate Associate Presiding Judge	602.372.3003	Old Court House-102	View
BEENE, James Criminal	602.372.7382	Central Court Building-9A/901	View
BERGIN, Dawn Civil	602.372.2961	East Court Building-713	View
BLAIR, Michael Family	602.372.0305	Central Court Building-7A/701	
BLOMO, James T. Civil	602.372.4537	East Court Building-411	
BRAIN, Mark H. Criminal	602.372.1141	Central Court Building-12A/1201	View
BRNOVICH, Susan Civil	602.372.2020	Northeast Court-L/1112	
BRODMAN, Roger Civil	602.372.2943	East Court Building-413	View
BROTHERTON, William Family	602.372.2024	Central Court Building-6C	
BUSTAMANTE, Lori Civil	602.506.0423	East Court Building-811	View
CAMPAGNOLO, Theodore Family	602.372.0537	Southeast Facility-3A/301	View
COFFEY, Rodrick Juvenile	602.372.1783	Southeast Juvenile-1103	View

COHEN, Bruce Juvenile	602.372.0686	Durango Facility-2250/5	View
COHEN, Suzanne Family Presiding	602.372.1916	Central Court Building-7C	
COMO, Gregory Criminal	602.372.0754	Central Court Building-8A/801	
CONTES, Connie Juvenile	602.506.7768	Durango Facility-2280	View
COOPER, Katherine Family	602.506.8311	Central Court Building-5A/501	
COURY, Christopher Criminal	602.372.3876	Central Court Building-8C/803	View
CRAWFORD, Janice Juvenile	602.372.0844	Southeast Juvenile-1090-1092	View
CULBERTSON, Kristin Family	602.372.4762	Southeast Facility-4C/403	
CUNANAN, David O. Criminal	602.372.1710	South Court Tower-13115/8C	
DITSWORTH, John Juvenile	602.506.8288	Durango Facility-2285/3	
DUNCAN, Sally Schneider Juvenile	602.506.9042	Durango Facility-3285	View
FENZEL, Alfred Criminal	602.506.7080	Central Court Building-11C	View
FINK, Dean M. Criminal	602.506.3776	Central Court Building-12D	
FISH, Geoffrey Family	602.372.1771	Central Court Building-4B	View
FLORES, Lisa Juvenile	602.372.0825	Old Court House-202	
FOSTER, George H. Criminal	602.506.3892	Central Court Building-9D/904	
FOX, Dewain D. Family	602.372.2260	Central Court Building-6D/604	
GARCIA, Jeanne Juvenile	602.372.0610	Old Court House-302	
GASS, David Civil	602.372.3592	East Court Building-514	View
GATES, Pamela Criminal Associate Presiding Judge	602.506.6391	South Court Tower-13400/5B	
GENTRY, Jo Lynn Civil	602.372.3091	East Court Building-414	
GERLACH, Douglas Civil	602.372.5851	East Court Building-513	View
GORDON, Michael Criminal	602.372.0762	South Court Tower-13110/7B	View
GRANVILLE, Warren J. Criminal	602.506.0434	South Court Tower-13103	View
GREEN, Jennifer E. Family	602.506.0438	Southeast Facility-4A/401	
HANNAH, John Civil	602.372.0759	Northeast Court-G	View
HARRISON, Cari A. Juvenile	602.506.0967	Old Court House-301	
HEGYI, Hugh Civil	602.506.3963	East Court Building-714	
HERROD, Michael Family	602.372.0359	Central Court Building-6F	View
HOPKINS, Stephen Family	602.372.5561	Southeast Facility-4E	
KEMP, Michael Criminal	602.372.0608	Central Court Building-13E/1304	View

KILEY, Daniel Civil	602.372.3839	East Court Building-511	View
KLEIN, Andrew Probate Presiding Judge	602.506.4645	Old Court House-101	View
KORBIN STEINER, Ronee Family	602.506.1927	Central Court Building-6E/606	View
KREAMER, Joseph Northeast Presiding/Family	602.372.1764	Northeast Court-K/110	View
LANG, Todd Family	602.372.2322	Northwest Regional Center-B/122	
LEMAIRE, Kerstin Civil	602.506.8245	East Court Building-711	
MAHONEY, Margaret R. Criminal	602.506.0387	South Court Tower-13114	View
MARTIN, Daniel Civil	602.372.2925	East Court Building-412	
MCCOY, Scott Criminal	602.372.3603	South Court Tower-13104	
MCMURDIE, Paul Family Presiding Judge	602.372.0765	Central Court Building-7C	
MCNALLY, Colleen Juvenile Presiding Judge	602.506.5961	Durango Facility-C2C 132A	
MEAD, Kathleen Family	602.506.2500	Northwest Regional Center-A	
MIKITISH, Joseph Criminal	602.372.1547	Central Court Building-13A/1301	
MOSKOWITZ, Frank Family	602.506.7140	Northwest Regional Center-D/124	View
MROZ, Rosa Criminal	602.372.0384	South Court Tower-13109	View
MULLINS, Karen Civil	602.372.1160	East Court Building-814	View
MYERS, Sam Criminal Presiding Judge	602.372.2940	South Court Tower-13200/5A	View
O'CONNOR, Karen L. Juvenile	602.506.0428	Southeast Juvenile-1114	
OBEBILLIG, Robert Presiding Southeast Judge/Civil	602.506.2194	Southeast Facility-2F/206	View
OTIS, Erin Criminal/MCC	602.506.4185	South Court Tower-13302/6D	
PADILLA, Jose Criminal	602.372.0901	Central Court Building-11A	
PALMER, David Juvenile	602.372.3980	Southeast Juvenile-1093 8	View
PINEDA, Susanna Juvenile	602.372.2958	Durango Facility-2245	View
POLK, Jay Family	602.372.0879	Northeast Court-D	View
REA, John Criminal	602.372.0382	South Court Tower-13102/6B	
RECKART, Laura Family	602.506.5861	Southeast Facility-4B/402	
REINSTEIN, Peter Spec Assign Criminal	602.506.6368	Central Court Building-4C	
ROGERS, Joshua Civil	602.506.1603	East Court Building-712	
RUETER, Jeffrey Family	602.372.5465	Southeast Facility-2C/203	View
RYAN, Timothy J. Juvenile Associate Presiding Judge	602.372.3081	Southeast Juvenile-1076-8/3	View
	602.372.0920	Northeast Court-I/106	View

RYAN-TOUHILL, Jennifer Family				
SANDERS, Teresa A. Criminal	602.506.4791	South Court Tower-13111		View
SINCLAIR, Joan Criminal	602.372.4553	Central Court Building-9C/903		View
SMITH, James D. Family	602.372.5945	Southeast Facility-SEF4D/404		View
STARR, Patricia LCA	602.506.4164	Old Court House-309		
STEPHENS, Sherry K. Criminal	602.506.4818	South Court Tower-13105		
SUKENIC, Howard Family	602.506.8214	Central Court Building-6A/601		View
SVOBODA, Pamela Family	602.372.1983	Central Court Building-7B/702		
TALAMANTE, David M. Civil	602.506.6251	Southeast Facility-2G		View
THOMASON, Timothy Family	602.506.0573	Central Court Building-7D/704		
THOMPSON, Peter Family	602.372.3579	Southeast Facility-2D		
UDALL, David K. Civil	602.506.5514	Southeast Facility-2E		
VIOLA, Danielle Criminal	602.506.3442	South Court Tower-13108		View
WARNER, Randall Civil Presiding Judge	602.372.2966	East Court Building-512		View
WELTY, Joseph C. Associate Presiding Judge/Juvenile	602.372.2537	Durango Facility-3245/12		
WHITEHEAD, Chuck Family	602.372.8496	Northeast Court-104		
WHITTEN, Christopher Tax Presiding Judge/Civil	602.372.1164	Old Court House-201		View

[return to top](#)

[Skip To Main Content](#)

Superior Court Commissioners



Commissioners are appointed by the Court's Presiding Judge from attorneys who apply and are recommended by a selection committee made up of judges, lawyers and others. Commissioners handle specific assigned cases and uncontested matters.

[View All](#) | [A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [XYZ](#)

Commissioner	Phone	Location	Protocol
ABE, Alysson Juvenile	602.372.3135	Durango Juvenile-3290/8	
ALBRECHT, Richard Family	602.506.7822	Northeast Court-A	View
ALLEN, Glenn Juvenile	602.506.2040	Durango Facility-1219/A1215	
ASH, Lori Criminal	602.876.8200	4th Ave. Jail	
BARTH, Michael Civil	602.506.3857	East Court Building-812	View
BENNY, Margaret Civil	602.506.3915	Southeast Facility-3C	
BERESKY, Justin Special Assignment/Criminal for Judge Gama	602.506.0306	Central Court Building-11E/1104	
BERNSTEIN, Jerry Family	602.506.1190	Southeast Facility-3D/304	View
BODOW, Keelan Family	602.372.3021	Central Court Building-5D/503	View
BRAME, Veronica Juvenile	602.372.0268	Southeast Juvenile-1064/1	
BRICKNER, Nicole Criminal/Mental Health	602.372.0969	South Court Tower-2D/13314	
CLARKE, Terri Civil/Probate	602.372.0425	Southeast Facility-3B	
DONOFRIO III, Charles Criminal/DUI	602.506.1767	Central Court Building-LL201/2	
DOODY, John Criminal	602.506.5349	Central Court Building-LL 200/3	View
FRENCH, Colleen L. Special Assignment/Juvenile	602.372.1979	Durango Facility-7/3295	
GARBARINO, David Civil	602.372.2403	East Court Building-813	
GARFINKEL, Monica Juvenile	602.372.2053	Old Court House-001	
GIALKETSIS, Cynthia Criminal/RCC	602.506.1117	Southeast Facility-2A	
GIAQUINTO, Laura Criminal/RCC	602.372.0740	South Court Tower-13308/3A	
GUYTON, Lauren Criminal	602.506.4185	South Court Tower-13302/6D	
HARRIS, Myra Lower Court Appeals	602.506.4164	Old Court House-309	View
HARRIS, Susan General Stream Adjudication	602.372.4115	Central Court Building-3A	
HARTSELL, Roger Family	602.506.0862	Central Court Building-5F	
HINZ, Richard Family	602.506.4203	Southeast Facility-3E	
HOLDING, Steven Family	602.506.7860	Northeast Court-B	
HOSKINS, Nicolas Juvenile	602.506.5624	Durango Facility-11/3250	
IRELAND, Jacki (Pro Tem) Family	602.372.2322	Northwest Regional Center-122/B	

KAIPIO, Thomas Family	602.372.3707	Central Court Building-Suite 5G	View
KAISER, Brian Criminal	602.506.0616	Southeast Facility-2B/202	
LABIANCA, Margaret Probate	602.506.3381	Old Court House-205	
LAFAVE, Julie Criminal/RCC	602.372.1878	South Court Tower-13305	
LAING, Utiki Spurling Juvenile	602.506.6081	Durango Facility-3280	
LYNCH, Steven Juvenile	602.372.0778	Southeast Juvenile-1068	View
MANDELL, Michael Family	602.506.3366	Central Court Building-5E	
MATA, Julie Criminal	602.506.0059	South Court Tower-13309/3C	
MCGUIRE, J. Justin FC/PB	602.506.3809	Northwest Regional Center-C	
MCLAUGHLIN, Jane Criminal	602.876.8200	4th Ave. Jail	
MILLER, Phemonia Family	602.506.4067	Central Court Building-5B/504	
MORTON, Wendy Mental Health	602.506.0959	South Court Tower-13315/2B	View
MULLENEAUX, Christine Criminal	602.506.3151	South Court Tower-13303/6C	View
NEWCOMB, Casey Criminal	602.506.1746	South Court Tower-13310/2A	
NOTHWEHR, Richard L. (Rick) Criminal	602.372.0001	Central Court Building-10A	View
OWENS, Bernard C. Family	602.372.2490	Central Court Building-5C	View
PASSAMONTE, Carolyn K. (ProTem/Jd. Steinle) Family	602.506.0221	Central Court Building-6B/602	
POPKO, Sigmund Criminal	602.876.8200	4th Ave. Jail	
REES, Brian Civil	602.372.3131	Northeast Court-C	
RICHTER, Virginia Criminal/MCC	602.372.2017	Central Court Building-10E/1004	View
ROBERTS, Lisa M. Criminal	602.876.8200	4th Ave. Jail	View
RUMMAGE, James Criminal	602.372.4516	Central Court Building-1003/C	
RUSSELL, Andrew Probate	602.506.6086	Northeast Court-E/109	
SCHWARTZ, Aryeh Probate	602.372.0756	Old Court House-209	
SEYER, David Criminal/DUI	602.372.0555	Central Court Building-8B/802	
SMITH, Shellie Juvenile	602.372.1232	Southeast Juvenile-5/1105	
SPENCER, Barbara L. Presiding Commissioner/Criminal	602.372.0987	Central Court Building-10D/1002	
VAN WIE, Annielaurie Criminal DUI	602.372.0986	Central Court Building-8D/804	
VANDENBERG, Lisa Ann Probate	602.372.0270	Old Court House-108	View
VIGIL, Julia Mental Health	480.344.2006	Desert Vista	
WASHINGTON, Eartha K. Criminal	602.876.8200	4th Ave. Jail	View
WEIN, Kevin Criminal	602.506.4527	South Court Tower-3D/13304	
WHITE, Susan Criminal/PV/Drug	602.372.3192	Central Court Building-13C/1302	
WILLIAMS, Paula Criminal	602.876.8200	4th Ave. Jail	
WINGARD, William Juvenile	602.506.6452	Durango Juvenile-2295	

WOODBURN, R. Jeffrey
Criminal

602.506.4572 South Court Tower-13311

[View](#)

[return to top](#)



QUESTION 24

ATTORNEY LIST FOR 43 CO-DEFENDANTS

24. Attorney List

****Missing numbers indicate defendant not served.**

Defendant Name	#	
Jesse Joe Roethemeyer	001	Lance Antonson - PD 620 W. Jackson St., Ste. 4015 Phoenix, AZ 85003 602.506.7711 antonson@mail.maricopa.gov
Aaron Daniel Mottola	002	Jay Rock 7540 S Willow Dr Tempe, Az. 85283 602.443.5602 JROCK3234@GMAIL.COM
Jonathan Logan Castleberry	003	Juan Rivera 7229 S 73rd Dr Laveen, AZ 85339-2613 602.906.1808 JUANRIVERA@COX.NET
Melissa Ann Haden	004	Joey N. Hamby 1 E Washington St Ste 1800 Phoenix, AZ 85004-2575 602.307.0808 j.hamby@dmcantor.com
Mindy Allison Haden	005	Michael E. Ziton 45 W. Jefferson, Ste. 210 Phoenix, AZ 85003 602.234.9290 Michael.Ziton@azbar.org
Keri Lynn Ashcraft	006	Robert Webb P.O. Box 6251 Chandler, AZ 85246 480.361.2674 rwebbesq@yahoo.com
Jawni Ayla Kivisto	007	Christopher Corso 14500 N. Northsight Blvd., Ste 116 Scottsdale, AZ 85260 480.471.4616 corso@corsorhude.com

24. Attorney List

****Missing numbers indicate defendant not served.**

Michelle Anne Keithley	008	Robyn Varcoe 845 N. 6th Ave. Phoenix, AZ 85003 602.344.0040 rgv@varcoelaw.com
Tania Marie Koyanagi	010	Jonathan Goebel 1 E. Washington, Ste. 1800 Phoenix, AZ 85004 480-389-1845 j.goebel@dmcantor.com
Christina Marie Dillard	011	Brandi Beougher 10115 E. Bell Rd., Ste. 107-116 Scottsdale, AZ 85260 brandi@okrasinskilaw.com
Jillian Angel Lybarger	012	Brian D. Strong 63 East Main Street, Suite 501 Mesa, Arizona 85201-7436 480.833.1113 strong@AZLegal.com
Kimberly Irene Lushine	013	Dianne N. Sullivan 777 E Thomas Rd Ste 210 Phoenix, AZ 85014-5478 602.548.4600 dianne@arizonalawgroup.com
Julissa Varela Flores	014	John McBee 3104 E. Camelback Rd., PMB851 Phoenix, AZ 85016 602.903.7710 mcbree@cox.net
Tanya Maria Jenks	015	Garrett Smith 1138 N Alma School Rd Ste 101 Mesa, AZ 85201-3000 480.461.5309 gls@udallshumway.com

24. Attorney List

****Missing numbers indicate defendant not served.**

Danielle Lynn Young aka Danielle Lynn Hall	016	Jamie Jackson - PD 620 W. Jackson St., Ste. 4015 Phoenix, AZ 85003 602.506.5019 jacksonj003@mail.maricopa.gov
Andrea Coulter	017	Christopher Stavris 6501 E. Greenway Parkway, Ste. 103-486 Scottsdale, AZ 85254 480.398.8123 christopherstavris@gmail.com
Brittony Jones	018	Colby Ryan Kanouse 1920 E. University Dr., Ste. 102 Tempe, AZ 85281 480.551.0406 Colby@chuckfranklin.com
Savannah Diane Hasse	020	Dianne N. Sullivan 777 E Thomas Rd Ste 210 Phoenix, AZ 85014-5478 602.548.4600 dianne@arizonalawgroup.com
Kimberly St. Armour	021	Kerri Granville 5410 S Lakeshore Dr Ste 102 Tempe, AZ 85283-2171 480.967.9166 KARI@FONTESLAW.COM
Leslie Ann Wolf	022	Blake Gunn 1855 E Southern Ave Ste 103 Mesa, AZ 85204-5227 480.710.8677 BGUNN@GUNNFIRM.COM
Ashley Marie Kutka	023	Thomas Connelly 2425 E. Camelback Rd, Ste 880 Phoenix, AZ 85016 602.957.1993 tconnelly2425@aol.com

24. Attorney List

****Missing numbers indicate defendant not served.**

Cynthia Matthews	024	Kerri Granville 5410 S Lakeshore Dr Ste 102 Tempe, AZ 85283-2171 480.967.9166 KARI@FONTESLAW.COM
Camilla Ashley Gardner Azzara	025	Michael W. Atkins 2633 E. Indian School Rd., Ste 320 Phoenix, AZ 85016 480.284.8199 michael@atkinsandbrownlaw.com
Deyonna Chauntee Wallace	026	Colby Ryan Kanouse 1920 E. University Dr., Ste. 102 Tempe, AZ 85281 480.551.0406 Colby@chuckfranklin.com
Vanessa Caroline Slater	027	Yvette Gray 400 N Tampa St Ste 2700 Tampa, FL 33602-4726 813.415.4517
Leila Nichole Larkin	028	Michael Souccar 3800 N Central Ave Ste 770 Phoenix, AZ 85012-1913 602.253.0120 phoniexduihelp@gmail.com
Britney Lee Baze	029	Mark A. Nermyr 90 S. Kyrene Road, Suite 1 Chandler, AZ 85226 480.775.4800 mark@arizonastrialawyers.com
Emily Jean Boyd	030	Rick G. Tosto 337 N. 4th Avenue Phoenix, AZ 85003 602.923.2771 crimlawm@aol.com

24. Attorney List

****Missing numbers indicate defendant not served.**

Lyndsee Sellers	031	Carrie Spiller 11811 N. Tatum Blvd., Ste 3031 Phoenix, AZ 85028 602.953.7877 CSPILLERLAW@Q.COM
Andrea Lyn Barraza	034	Mark J. Andersen 505 W Ray Rd Ste 2 Chandler, AZ 85225-7283 480.800.9254 MARK@ANDERSENLAZ.COM
Chloena Michelle Haarstad	035	Eric W. Kessler 240 North Center Street Mesa, AZ 85201 480.644.0093 eric@kesslerlaw.phxcoxmail.com
Glen Edward Goldblatt	036	Barry D. Mitchell 2575 E. Camelback Rd., Ste 1100 Phoenix, AZ 85016 602.358.0290 BARRY@MITCHELLSTEINCAREY.COM
David William Elms	037	Matthew F. Leathers 649 N 4th Ave. Phoenix, AZ 85003 602.288.2301 mattleathersesq@gmail.com
Rodney Joseph Rosta	038	Scott Stewart 777 E. Thomas Rd, Ste. 100 Phoenix, AZ 85014 602.548.3400 sstewart@sdslawaz.com
Lloyd W. Harris	040	Marvin L. Davis 3800 N Central Ave Ste 770 Phoenix, AZ 85012-1913 602.258.1864 MLDAVISLAW@GMAIL.COM

24. Attorney List

****Missing numbers indicate defendant not served.**

Peter Francis Coppola	041	Jeffrey D. Ross 2575 E Camelback Rd Phoenix, AZ 85016-9225 602.530.8390 JDROSS@BUDOFF-ROSS.COM
Brie George	042	Dan Raynak 2601 N 16th St Phoenix, AZ 85006-1404 602.992.7776 RAYNAKPC@GMAIL.COM
Harvey Clayton Lisherness	043	Larry L. Debus 335 E. Palm Lane Phoenix, AZ 85004 602.257.8900 lld@dkwlawyers.com

QUESTION 68
PERSONAL STATEMENT

PERSONAL STATEMENT FOR ANNIELAURIE VAN WIE

Equal justice for all is the most important legal principle of the United States. Besides freedom of speech, religion, and the press it is one of the most powerful concepts governing our nation. I firmly believe that every person in the judicial process should be afforded equal justice, and it is only by doing so that we uphold the true meaning of America.

The United States is built on the American dream that if you work hard, do the right thing, and persevere, you will prosper, no matter who you are or where you come from. I have worked hard to make my American dream. When I was younger it was difficult for me to be open about my background, but now, I realize it taught me immeasurable lessons.

My mom dropped out of high school at 16, ran away and had me on a commune in Canada when she was 17. She had my first brother when she was 18 and brought us back to the United States before my baby brother two years later. She left my biological father in Canada. We lived with my "dad", my baby brother's biological father. My mom started using drugs on the commune and my dad was a bi-polar heroin addict. My parents couldn't keep jobs so we moved often and were sometimes homeless. My dad tried killing himself several times and was hospitalized repeatedly. My mom took care of us with welfare, free food boxes, and donated clothing. There were times when we took food from the dumpsters behind the grocery store. My parent's relationship was a rollercoaster of abuse and forgiveness. My dad's bi-polar disorder and paranoia would range from charming and fun to erratic and violent. My parents would use and sometimes sell what they called "natural" drugs, marijuana, hash, mushrooms, heroin. We left my dad when I was in seventh grade, after a violent rant. We fled with my mom in the night. With help, we got a two bedroom apartment, and my mom slept on the couch to give us kids space. My mom worked hard to take care of us but could never shake the heavy drinking and drugs. When I was in high school she went to jail and I chose to move in with my strict aunt and uncle. My brothers moved in with my dad temporarily, where they started using heavier drugs and eventually dropped out of high school.

Living with my aunt and uncle was a new beginning for me. They pushed me to work hard, exceed, and not to let my parents hold me back. They gave me stability and taught me responsibility. I tested into the International Baccalaureate program and had all advanced classes with a core group of twelve other students. Everyone in this group was expecting to go to college. I had always been good in school but never really thought college was an option until a school counselor helped me with all the paperwork and my aunt and uncle supported me and paid for the SAT and ACT tests. When I eventually moved to the dorms to go to college I felt like it was a miracle.

I vowed to always use my good fortune to work to better society and help others. My mom was diagnosed with cancer while I was in college, but always encouraged me to continue. I finished college and then law school while working part time and visiting home to help out when I could. After law school I moved from Wisconsin to Arizona with my mom's blessing. I took nearly five years working waiting tables and bartending, taking the bar exam, and traveling home to help with my mom's care between law school and my legal career. After my mom passed, I started working as a prosecutor.

After eleven great years as a prosecutor I was appointed as a Superior Court Commissioner, taking a step forward in my American dream.

I feel fantastically privileged to have a legal career and become a Commissioner. Sometimes it feels like I have a new life that is great distance from the life I grew up knowing. However, it is always with me. It has endeared me with empathy, patience, and a respect for others. This is the base of my conviction that the legal system's highest cause is to ensure equal justice for all, regardless of race, religion, national origin, economic status or other status in life. Equal justice is for everyone in America. An appointment to the position of Judge would be a great opportunity to continue to use my legal career and have even greater impact to promote the goal of equal justice and promote the American dream for all.

QUESTION 69

WRITING SAMPLE

1 WILLIAM G. MONTGOMERY
2 MARICOPA COUNTY ATTORNEY
3
4 Annielaurie Van Wie
5 BAR ID#: 019348
6 Deputy County Attorney
7 301 West Jefferson, 5th Floor
8 Phoenix, AZ 85003
9 Telephone: (602) 506-8484
10 MCAO Firm #: 00032000
11 Attorneys for Plaintiff
12

13 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

14 **IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA

Case No: **2011-126239-004**

Plaintiff,

**STATE'S RESPONSE TO DEFENDANTS'
MOTION TO SUPPRESS WIRETAP/GPS
EVIDENCE/ STRIKE PORTIONS FROM WIRE
APPLICATION(S), SUPPRESSION OF FRUITS
RESULTING FROM ELECTRONIC
SURVEILLANCE/SEARCH WARRANTS
AND MOTION TO EXCEED PAGE LIMITS**

v.

**ALFREDO A. NAVARRETTE,
et al. (001)**

Defendants.

(Assigned to the Honorable Janet Barton)

15
16 The State of Arizona, by and through undersigned counsel, hereby files its Response to
17 the defense motion to suppress the initial wiretap application, GPS evidence, and any fruit of the
18 wiretap. The State respectfully requests this Court deny the defense motion based on the
19 following legal authority. The State further requests the Court deny the motion as to the co-
20 defendants who joined in the motion.

21 Additionally, due to the complex issues and voluminous material incorporated in this
22 response the State requests permission to exceed the page limit, pursuant to Rule 35.

23 Respectfully Submitted this 16th day of July, 2012.

24 WILLIAM G. MONTGOMERY
25 MARICOPA COUNTY ATTORNEY
26
27

1
2
3
4
5
6
BY: /s/ _____
/s/ Annielaurie Van Wie
Deputy County Attorney

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **FACTS:**

9 The investigation of this case involved a court-authorized conventional wiretap in which
10 the above-listed defendant and other co-conspirators were intercepted. Defendant Alfredo
11 Navarette filed a Motion to Suppress the wiretap evidence, GPS evidence, strike portions from
12 the wire application, and suppression of fruits resulting from the electronic surveillance and
13 search warrants.

14 Prior to the application for the wiretap Detective Anthony Brady and the Maricopa
15 County Sherriff's Office Special Investigations Division, Threats Management Unit conducted
16 an investigation from June 14, 2010 until the application in January 2011. This investigation
17 included but is not limited to: interviews, review of available public databases, cell record
18 review, extensive surveillance, GPS tracking, trash runs, a stationary camera, a pen trap and trace
19 from July 9, 2010 to December 13, 2010, with data analysis and linking of cell data information
20 to other law enforcement investigation databases.

21 As detailed in the defense memorandum, probable cause was found and the initial wiretap
22 application was signed by Judge Rayes January 10, 2011. After this, several amendments and
23 extensions were granted and the wiretap on the original phone number of (602) 509-0977 for
24 Alfredo Navarette and eventually seven other target phone lines was completed between January
25 11, 2011 and early June 2011.

26 The defense motion focuses on the initial affidavit, and only addresses the subsequent
27 amendments and applications peripherally in association with having spun off the original
affidavit.

1 **LAW and ARGUMENT:**

2 **I. The Defendant Has Not Met His Burden for an Evidentiary Hearing to be**
3 **Conducted Pursuant to *Franks v. Delaware*.**
4

5 The defendant challenges the Orders issued by Judge Rayes asserting that the Initial and
6 all subsequent affidavits may be challenged in an evidentiary hearing pursuant to the dictates of
7 *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978), (hereinafter referred to
8 as *Franks*).

9 The United States Supreme Court declared in *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct.
10 2674, 57 L.Ed.2d 667 (1978), that the truthfulness of factual statements contained in an affidavit
11 supporting a warrant may be challenged by a defendant. *State v. Carter*, 145 Ariz. 101, 108, 700
12 P.2d 488, 495 (1985). *See also, State v. Spreitz*, 190 Ariz. 129, 145, 945 P.2d 1260, 1276 (1997)
13 and *State v. Buccini*, 167 Ariz. 550, 554, 810 P.2d 178, 182 (1991). When such a challenge is
14 made, the evidence seized pursuant to the warrant will be deemed inadmissible if the defendant
15 can make a preliminary showing by a preponderance of the evidence that:

16 (1) a false statement knowingly and intentionally, or with
17 reckless disregard for the truth, was included by affiant ; **and**

18
19 (2) after excising the false information or after including the
20 omitted material, the remaining information is insufficient to
21 support a finding of probable cause.
22

23 *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978) (emphasis added).

24 To prove that the affiant acted in reckless disregard for the truth, the defendant must
25 demonstrate that the affiant entertained serious doubts about the veracity of the affidavit. Mere
26 innocent or negligent mistakes do not satisfy the first prong of the *Franks* test and do not
27 constitute a *Franks* violation. *State v. Carter*, 700 P.2d at 496; *State v. Poland*, 132 Ariz. 269,
28 279, 645 P.2d 784, 794 (1982). Similarly, mere “[I]naccurate sworn statements are alone
29 insufficient. *See U.S. v. Smith*, 576 F.3d 762, 764-65 (C.A.7 2009); *U.S. v. Carpenter*, 422 F.3d

1 738, 745 (C.A.8 2005); *U.S. v. Santana*, 342 F.3d 60, 66 (C.A.1 2003). The only deliberate
2 falsity or reckless disregard which may be impeached is that of the affiant. *State v. Claxton*, 122
3 Ariz. 246, 248, 594 P.2d 112, 114 (Ariz.App. 1979).

4 In *Franks*, the Supreme Court explained:

5 To mandate an evidentiary hearing [regarding this issue],
6 **the challenger’s attack must be more than conclusory**
7 **and must be supported by more than a mere desire to**
8 **cross-examine**. There must be allegations of deliberate
9 falsehood or of reckless disregard for the truth, and those
10 **allegations must be accompanied by an offer of proof.**
11 They should point out specifically the portion of the
12 warrant affidavit that is claimed to be false; and they should
13 be accompanied by a statement of supporting reasons.
14 Affidavits or sworn or otherwise reliable statements of
15 witnesses should be furnished, or their absence
16 satisfactorily explained.
17

18 *Franks v. Delaware*, 438 U.S. at 171 (emphasis added). See also, *State v. Bolt*, 142 Ariz. 284,
19 689 P.2d 543 (App. 1983)(the defendant entitled to a *Franks* hearing only after making a
20 “substantial preliminary showing” that the police intentionally misled the issuing magistrate or
21 made reckless misstatements that were material to the finding of probable cause in the affidavit).
22 “[I]f, when material that is the subject of the alleged falsity or reckless disregard is set to one
23 side, there remains sufficient content in the warrant affidavit to support a finding of probable
24 cause, no hearing is required.” *Franks*, 438 U.S. at 171-72, 98 S.Ct. at 2684.

25 “Allegations of *material omission* are held to a higher standard because of the potential
26 for endless rounds of *Franks* hearings due to potentially endless conjecture about investigative
27 leads, fragments of information, or other matter that might, if included, have redounded to
28 defendant’s benefit.” *U.S. v. Fowler*, 535 F.3d 408, 415-16 (C.A.6 2008) Accord *U.S. v. Tate*,
29 524 F.3d 449, 454-55 (C.A.4 2008). “These elements are hard to prove, and thus *Franks* hearings
30 are rarely held.” *U.S. v. Swanson*, 210 F.3d 788, 790 (C.A.7 2000). Accord *U.S. v. Crissler*, 539
31 F.3d 831, 834 (C.A.8 2008).

1 The defendant in this case has failed to meet his burden required by *Franks* on both
2 prongs of the analysis and, therefore, he is not entitled to a *Franks* evidentiary hearing based on
3 the ensuing points and authorities.

4 In his motion, the defendant requests a *Franks* evidentiary hearing be conducted because
5 “the initial wiretap application was based upon material misrepresentations and omissions and
6 also failed to establish probable cause and necessity for all subsequent applications herein .”
7 (Defense Motion, Page 8, lines 3-4). The State will address defense claims in the order listed by
8 the defense.

9 **A. There are No Intentional or Knowing Misrepresentations or Factual**
10 **Assertions Made With Reckless Disregard for Truth related to the Pen/Trap**

11
12 The defense contends that the affidavit statement that there were 851 calls between
13 Navarette’s phone and (602)819-8325 subscribed to by Rachel C. Valles, whose previous
14 number was in contact with an Arizona marijuana supply source for Massachusetts who was
15 actually arrested for this by the DEA, was misinformation. The defense contends that there were
16 only 35 calls and 816 activations with “0:00:00” seconds of actual contact. The defense assumes
17 these mean no contact. However, pen trap records only the calls for which the cellular company
18 can bill, like all phone records provided by cellular phone companies. These 816 activations are
19 text messages. Bills and typical cell call records would show these as texts. Further, looking at
20 the proximity and frequency of these activations makes it clear that these are texts. See
21 Attachment 1, pages 6-7 of Defense Exhibit B. Many of these activations are mere seconds to
22 minutes apart, showing rapid texting back and forth. Several appear to be sent at the exact same
23 second, indicating a long text was sent that was split into two separate texts to accommodate the
24 length.

25 Texting is a very common method of communication and is very common in the drug

1 organization world. Navarette was a high volume texter. It is likely that as a law enforcement
2 officer for 10 plus years, having worked on human smuggling investigations, Navarette is aware
3 that it is difficult to get text content because most cell companies only keep it for a matter of
4 days.

5 In describing the 851 incidents of cell phone communication between the defendant and
6 Valles' phone, it may have been more accurate to use the term "contact" rather than "calls
7 between", however the use of the words "calls between" in the affidavit was not intentionally or
8 knowingly false, nor an intentional misrepresentation or reckless disregard for the truth. The
9 contact did in fact occur between the phones. The pen trap records the defense submitted as
10 Exhibit B in their motion is a record of this contact. Therefore, the representation that the
11 phones had 851 occasions of contact was truthful, the court was not misled, and this is not a basis
12 to hold a *Franks* hearing.

13 The defense further contends, both in their Motion and their expert Affidavit attached as
14 Exhibit C, that the State did not produce the raw data requested. This is incorrect. The disk
15 provided to defense with the raw data discovery has two files, an excel spread sheet and an ARC
16 file. The defense Motion and expert refer repeatedly to the data on the spreadsheet. It is the
17 ARC file that has the raw data. The spreadsheet defines and organizes some of raw data
18 information contained in the ARC file. The ARC file is the most basic raw form of the data and
19 is the standard file format for pen trap data. It can be opened by using the Pen Link Program
20 software and loaded for ASCII, delimited file conversion. However, when this is done it is a
21 converted file, although it contains all the same data. The State recently had the ARC file
22 opened and converted to check to see if there was additional data in the raw data that is not on
23 the spreadsheet. There is no extra data. There is a column for cell site data but it was not

1 provided by the cell company. It is not uncommon in pen traps to not receive this information
2 from the cellular company, even when it is requested.

3 The State did not provide the defense with incorrect or misleading pen/trap data. This is
4 not a basis for a *Franks* hearing and the request should be denied.

5 The defense expert Affidavit attached as Exhibit C to defense Motion makes extensive
6 comments on what “missing” raw data may have provided, namely cell tower locations. The
7 defense repeatedly states having the cell tower site data is “critical in determining the facts
8 presented to the court”. See p. 12, lines 16-18 of Defense Motion. However, they never explain
9 how this would prove or disprove whether the Affiant’s statements were truthful. There is an
10 extensive amount of GPS materials available to show where the defendant was during a large
11 portion of this investigation, despite the defendant changing vehicles three times in 6 months. If
12 location data would help prove whether the Detective Affiant was telling the truth in the
13 affidavit, certainly the GPS data from the defendant’s vehicles would assist in making that
14 determination.

15 Defense contends that the cell tower site location could “place the cell phone on a
16 particular floor of a specific building”. See p.22, lines 4-6, Defense Exhibit C. The defense
17 expert acknowledges she is not an expert in cell technology and her description of cell tower site
18 location technology is incorrect. According to Katie Simpson, Intelligence Analyst with
19 HIDTA, Phoenix, ISC, and Eric Moore in Intelligence with the DEA, cell tower cite information
20 will give the 1/3 pie sector area within the cell tower radius, which can have a diameter of
21 anywhere from ¼ of a mile to five miles, with an average radius of 1-2 miles. In lay person
22 terms, the cell tower provides cell range for an area that is circular around it for a distance of ¼
23 to five miles, and the data can tell you what 1/3 of that circle the phone was in. Even in the

1 smallest range of ¼ mile wide, this is a space of many city blocks or wide open country in which
2 the phone might be located. This is not a very good investigative tool to locate a specific
3 place/person the defendant might be located at or with. The GPS on Navarette's vehicle would
4 be a much more accurate tool, and that is what the investigation relied on for Navarette's
5 location. The defense expert appears to be confusing cell phone pinging data with cell tower
6 data. Cell phone pinging can show the actual cell phone location within a matter of several
7 meters. The pinging information is not included in the cell tower information; it is a separate
8 inquiry and requires a separate court order. Pinging is often used in emergency situations and
9 instances where there is no GPS tracker data available. Pinging would not have resulted in any
10 more focused or helpful information to further the investigation than the GPS data did. GPS
11 tracked data shows location within feet of the device.

12 **B. There are No Intentional Misrepresentations or False Factual Statements**
13 **Made With Reckless Disregard for the Truth related to the Current**
14 **Investigation.**
15

16 The defense contends that Silvia Macias, who the defendant had frequent phone contact
17 with and at whose house he was immediately prior to going to the Lofton house in Nogales, was
18 not in fact arrested as detailed in the Affidavit. The detectives in this investigation did not
19 randomly suggest that Macias was arrested for Alien Smuggling with no basis; the information
20 was obtained from an NCIC database search. During the investigation the defendant actually
21 snapped a photo of Macias with her husband and sent it via his cell to Macias' cell phone¹. This
22 photo matches the photos with MVD, which detail her birthdate and social security number.
23 This personal information of name, birthdate, and social security number was used to determine
24 through NCIC database that she was arrested by Border Patrol in Nogales on May 21, 2001 for

¹ This photo was sent 4/2/2011, after the wiretap was in place. The photo is presented to show it is the same person the defendant knew and was communicating with, and whose personal information is associated with the arrest in question.

QUESTION 70

PERSONALLY DRAFTED WRITTEN ORDERS

Michael K. Jeanes, Clerk of Court
*** Filed ***
2-4-2015 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17499

1/26/2015

COMM. ANNIELAURIE VAN WIE

CLERK OF THE COURT
R. Jordan
Deputy

IN THE MATTER OF:

[REDACTED]

ROLAND ARROYO

F1057998

DOB: [REDACTED]

[REDACTED]

CHRISTINA MARIE LOPEZ

[REDACTED]

NO ADDRESS ON RECORD

COC-JUV-FILE CLERK-DUR
FOSTER CARE REVIEW BOARD
OFFICE OF PUBLIC DEFENSE
SERVICES JUVENILE

CONTESTED SEVERANCE HEARING
SEVERANCE GRANTED

Prior to the hearing, Father's Exhibits 12-18 are marked for identification.

1:40 p.m. This matter is digitally recorded in Courtroom A.

This is the time set for Contested Severance Hearing (day 2) as to the father on a Petition for Termination of Parent-Child Relationship filed 4/24/2014.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17499

1/26/2015

Based on the matters presented and for the reasons set forth on the record, which are incorporated herein,

THE COURT FINDS that the petitioner has proven the following by clear and convincing evidence:

1. This Court has jurisdiction. The child was a minor living in Maricopa County, Arizona, at the time the Petition to Terminate was filed and as of today's date. This case is not governed by the Indian Child Welfare Act.
2. There was proper and adequate service of the father.
3. A valid basis for termination exists:

As to the father, criminal conviction, specifically "that the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody and control of the child," which constitutes grounds for termination pursuant to A.R.S. § 8-533(B)(4). There is a nexus between the father's crime and the child. The victim of the father's crime is the nexus. The father chose the mother's sister as the victim of his crime. That makes this crime forever and inextricably intertwined with the mother and the child. The father is prohibited from ever having contact with his victim. The impact that the father's crime had on the family, including the mother, the child, and the extended family is exceptional. It will forever put a strain on the father's ability to have a relationship with the mother and the mother's family. A second nexus is that the crime was in front of two children. There were two children present, a three-year-old and a six-week-old. While they may not have understood exactly what was going on, they were witnesses to the sexual assault and kidnapping of the mother's sister. By committing that intentional and premeditated crime in front of those children, that is child abuse, making the children victims of the crime also.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17499

1/26/2015

The nature of the crime itself, a premeditated sexual assault on an incapacitated person in front of children, makes the father unfit to parent this child going forward. The mother may have continued the relationship with the father for a while, even after she found out who the victim was. Even if the mother did not make a good decision, that does not change the nature of the crime in any way whatsoever.

THE COURT FINDS that the petitioner has not proven by clear and convincing evidence the ground of abandonment. According to case law, if a mother takes away a father's ability to have contact with the child, the mother creates abandonment and cannot then terminate the father's rights based on abandonment. The father did know that he could go to court—there was already a divorce proceeding—and although he was incarcerated, the father could have filed motions and petitions in Family Court to have court-ordered visitation. In addition, the father's family could have assisted the father in obtaining court-ordered visitation. On the other hand, the father did make ongoing, continuous attempts at a relationship with the child. That relationship was largely dependent on the mother's willingness to allow contact between the father and the child. The mother decided by at least September or October of 2013 that she did not want either herself or the child to have further contact with the father or the father's family, and allowed no further contact.

THE COURT FINDS that the petitioner has not proven by clear and convincing evidence the ground of length of incarceration. The Court has considered *Michael J*, 196 Ariz. 246, 995 P.2d, 682 (Az. S.Ct. 2000), and all its factors. The father is due to be released from incarceration in approximately one week.

THE COURT FINDS that the petitioner has proven by a preponderance of the evidence that termination is in the best interests of the child. The nature of the crime is exceptional and makes the father unfit to parent this child going forward. Because of his crime, the father is forever a registered sex offender and he will not be allowed back into the United States. He would be unable to visit the child in this country. Termination of the father's parental rights would allow the mother to make decision for the child in the future. The father would never be able to participate in the daily activities of the child. It would be difficult, even more so because the mother and the father do not get along, especially considering that the father chose the mother's sister as the victim of his crime. This relationship between the mother and the father, soured by the father's choice, would make coordination essentially impossible regarding certain decisions that the father might be needed for. Mother has had multiple health issues. If anything were to happen to the mother, then the child would be thrown into a dependency situation, and termination of the father's rights would avoid that. It would allow the child to avoid the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17499

1/26/2015

emotional trauma of knowing that his father is a registered sex offender for life. There is a stigma that goes with that, and a child whose father is a registered sex offender would have that stigma follow him/her as well.

Additionally, due to the nature of the crime and that the father will not be allowed into the United States, the only way that the father would have to be able to contact the child in person would be through the mother. Due to the nature of the father's crime and the fact that the victim was the mother's sister, the mother would not be willing to transport the child to Mexico. She could, at her discretion, allow the paternal grandparents to take the child to Mexico, but the mother would not have to allow that, which would mean that the child would not have a reasonable, normal relationship with the father. Skyping and phone calls with a child who is this young and who has not developed a strong relationship with the father is not sufficient to sustain a normal parent-child relationship. In addition, termination of the father's parental rights would allow the child to avoid the possible harm of being exposed to further domestic violence on the part of the father.

IT IS ORDERED terminating the parent-child relationship which heretofore existed between the child, [REDACTED], and the father, [REDACTED]

4:48 p.m. Court adjourns.

4:49 p.m. Court reconvenes.

This matter is digitally recorded in Courtroom A.

The same parties are present as previously indicated.

The Court clarifies that it did not consider future adoption in its best interest determination.

IT IS ORDERED affirming the Court's prior order of 11/26/2015 that Sheriff of Maricopa County return the father, [REDACTED], to the custody of ASPC – Eyman as soon as possible. The trial has concluded.

IT IS ORDERED permanently returning to counsel for the petitioner Petitioner's Exhibits 5-9 and returning to counsel for the father Father's Exhibits 1, 2, 12, and 14.

Michael K. Jeanes, Clerk of Court
*** Filed ***
8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

OCT 07 2014

JS17276

9/15/2014

COMM. ANNIELAURIE VAN WIE

CLERK OF THE COURT
E. Berman
Deputy

IN THE MATTER OF:

[REDACTED]
F1050694

DOB: [REDACTED]

IRIS GARCIA

CONFIDENTIAL COPY MAILED TO:
[REDACTED]

LINCOLN GREEN JR.
[REDACTED]

NO ADDRESS ON RECORD

COC-JUV-FILE CLERK-DUR
FOSTER CARE REVIEW BOARD
OFFICE OF PUBLIC DEFENSE
SERVICES JUVENILE

CONTESTED SEVERANCE HEARING AS TO THE FATHER
SEVERANCE GRANTED

1:35 p.m. This matter is digitally recorded in Courtroom A.

This is the time set for Contested Hearing on Petition for Termination of Parent-Child Relationship filed 12/26/2013 regarding [REDACTED]

Present: Petitioner/mother, [REDACTED] Deylynn Moore appearing for Iris Garcia, guardian ad litem for the child; counsel for the father, Lincoln Green, Jr.; and father, [REDACTED]

The Court notes that the following members of the [REDACTED] family are seated in the back of the courtroom; paternal grandmother, paternal aunt and father's girlfriend.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17276

9/15/2014

Father has been absent from the child's life since October 2012, when he moved from Phoenix to Flagstaff. Father had a phone call with mother in December 2012, but has had no other contact in any form since then. Father has failed to maintain any parental relationship or support the child physically or emotionally, and has not engaged in any parental responsibilities for this period of nearly two years. Father did pay two to three months of child support in early 2013, when the money was garnished from his paycheck. Father testified that he had difficulties finding work, but also that he had multiple cash paying jobs during this time period. He indicated the last job with a standard paycheck was when he worked at Taco Bell in Flagstaff in early 2013, which is when his checks were garnished. Father did not make any child support payments from any of his cash paying jobs.

Father did not assert his parental rights in any manner. Father did not go to Family Court although he was aware of the Family Court as a means to obtain orders for parental contact due to his prior Family Court involvement when child support was ordered.

Father blames mother and accuses her of keeping him from seeing the child. Father claimed that from October 2012, he called and/or texted mother at least one time every week and emailed her monthly until sometime in 2013, but mother failed to respond. Father does agree that he called and mother answered one time in December 2012. Mother had the same phone number and email address during this entire time. He made no further attempts for contact after he stopped in 2013.

Father's testimony regarding his attempts to contact mother and her refusal to answer is not credible. Prior to this mother had allowed regular and frequent contact and answered father's call in December 2012. Father provided no explanation as to why mother would suddenly cut off contact. Father provided no proof of any of these attempts. Further, mother filed for custody modification in Family Court in 2013 and was unable to find father to serve him (eventually finding him in jail). It is not credible that father made so many unanswered attempts to contact mother and see the child and mother ignored all of these contacts, even when she was searching for him to serve him with Family Court documents. If father was in fact trying so diligently to have contact with the child then he certainly could have and would have sought family court orders or contacted mother in person, or her family in person, or made additional efforts to locate and contact mother. He did not and this supports the court's finding that father's testimony on this issue is not credible.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17276

9/15/2014

While father was in jail from November 2013, to March 2014, he made no effort to contact mother or the child. After father was released he made no efforts to contact mother or the child.

During the time period of Father's absence, he moved to Flagstaff, had a job for a few months at Taco Bell, committed a felony Burglary with accomplices, committed a Class 3 Felony Aggravated Assault with family members, was convicted for both these crimes, served four months in jail, was released, committed a shoplifting with one girlfriend, moved to Camp Verde with another girlfriend and her children, moved to a second home in Camp Verde with the same girlfriend and children, and has obtained an under the table job in the last few months prior to the trial. His choices caused him to be absent from his child's life. Moved several times, committed crimes, served time in jail, got (and lost) several jobs, and took care of his own needs. His choices did not include taking care of his child's needs, or having contact with her.

A father need not be perfect, but he must be present. An absent parent is essentially no parent. Father chose to live his own life and chose not to be present for his child from October 2012 to the present with no good cause.

Therefore,

THE COURT FINDS the ground of abandonment has been proven by clear and convincing evidence.

The grounds of incapacity and criminal conviction have not been proven.

THE COURT FINDS that the petitioner has proven by a preponderance of the evidence that termination is in the best interests of the child.

With regard to best interest, the court considers possible harm to the child should the severance not be granted and benefit to the child if it were granted. Maricopa County Juv. Action No. JS-500274, 167 Ariz. 1, 5, 804 P.2d 730, 734 (1990).

With regard to the harm that could come to the child if the severance is not granted, the court finds that there are several possible harms. Father has been living an unstable lifestyle, moving repeatedly and being largely unemployed, for a period of years, and this started even before he lost contact with the child in October 2012.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17276

9/15/2014

Father claims he has now straightened out his life, become stable, has a job, is complying with probation, and has turned a new leaf

However, Father claims he used to "habitually" use marijuana and when he was 25 or 26, used heroine for a "couple of months", but he is now clean without any counseling or treatment because he is just "one of the lucky" people who doesn't need it. He claims he has been drug free for one year. He claims he is complying with probation and a drug test would give clean results but no proof was provided. Father did not dispute that his former girlfriend took this child (and another) and left them unattended in a car while at a gym for an hour, resulting in a felony child endangerment conviction for that former girlfriend. This occurred under father's care and he did not report it to authorities, mother did when she later discovered it. Father admitted to criminal felony conduct for the felony Burglary and Aggravated assaults that he was convicted on in 2013. He also admitted that after he got out of jail in March of 2014, for those crimes, he committed a shoplifting, for which he was also convicted. He denied committing a shoplifting in a thrift shop with this child in earlier 2012, which mother testified he told her he committed, but for which he was not convicted.

The Court questions father's credibility and sincerity with regard to whether he has actually changed his life for the long term to become stable, drug free, employed, and acting in an appropriate manner for parenting purposes. For every bad act he admitted, he blamed others. He blames his former girlfriend for endangering the child in 2012, by leaving the child in a car alone for an hour. He blames mother for his failure to see the child. He blames what he called being cut off from the child for his "losing his way". He blames the court for his not understanding his child support orders. He blames the economy and a Taco Bell manager for why he can't get or keep a job. He blames bad friends for his being in the "wrong place at the wrong time" for the hotel burglary in early 2013, for which he was convicted. He blames his family members for getting in a fight, which he then joined only to try to stop it, and resulted in his conviction for Class 3 felony Aggravated Assault. He was then in jail from November 2013, to March of 2014. He blamed the jail for not being able to complete drug treatment because he was released to early. He also blamed the jail for not completing his GED because they stopped the program. He blamed another girlfriend for his post jail-release shoplifting charge in March 2014. On the other hand, father claims that somehow he is "lucky" and has quit all drug use - which he claims had no part of his criminal conduct in 2013 and 2014 - with no assistance or counseling.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

JS17276

9/15/2014

Father's blaming everyone for his bad conduct and failure to follow through with seeing and supporting his child, getting a GED, keeping a job, or completing drug treatment shows a pattern of excuses and inaction. Based on this; the past pattern of instability, criminal activity, and drug use are all likely to continue.

With regard to the benefit, severance from the father would keep the child from enduring the emotional upheaval of having an on-again, off-again, sporadic father, as well as keep her safe from father's unstable lifestyle. Further, step father is waiting and wanting to adopt the child. He has a bond with the child and the child, of her own volition, calls him "dad". Step father testified to his regular daily involvement in raising the child and providing for the family. He has been married to mother for approximately 6 months and been with the family for approximately one and a half to two years. Step father has a stable job and has been helping support the family since early in the relationship. Step father's testimony was completely credible, testifying against his own interest, as he admitted to smoking marijuana earlier in 2014, and to his 2008 and 2009 marijuana related misdemeanor convictions. He testified that on an infrequent basis, away from the home and family, he has smoked marijuana when he has been practicing with his band buddies. Mother appeared aware of this. Mother is very protective of the children (only one of which is subject to this petition). This admission by step father, while not legal, doesn't appear to cause any potential harm to the children. Step father has no other criminal history and these misdemeanors he had in the past would not preclude him from adoption.

There are multiple harms to be avoided by severance as the Court doesn't find the father's testimony credible that he has sufficiently changed so that he would be stable and actually make the effort to parent consistently, which is what a child needs. There is a benefit to the child in that with a step parent adoption, she will be able to have two legal parents who have a proven record of caring for the child in the past, are bonded to the child, and who can take care of her and meet all her needs on a consistent daily basis, versus only one and a second parent who has participated in the child's life sporadically and then for the last nearly two years not at all.

IT IS ORDERED terminating the parent-child relationship which heretofore existed between the child, [REDACTED], and father [REDACTED]

QUESTION 71

JUDICIAL PERFORMANCE REVIEW

Commissioner:	Van Wie, A
Appointment Date:	NA
Assignment:	Criminal

Results of 43 surveys received from Litigants, Witnesses & Jurors

<u>Litigant Survey Questions</u>	<u>Jurors Superior, Very Good and Satisfactory</u>	<u>Litigants/ Witnesses Superior, Very Good & Satisfactory</u>
Section I: Legal Ability		
<i>Basic fairness and impartiality.</i>	100%	100%
<i>Equal treatment regardless of race.</i>	100%	100%
<i>Equal treatment regardless of gender.</i>	100%	100%
<i>Equal treatment regardless of religion.</i>	100%	100%
<i>Equal treatment regardless of national origin.</i>	100%	100%
<i>Equal treatment regardless of disability.</i>	100%	100%
<i>Equal treatment regardless of age.</i>	100%	100%
<i>Equal treatment regardless of sexual orientation.</i>	100%	100%
<i>Equal treatment regardless of economic status.</i>	100%	100%
Section II: Communication Skills		
<i>Explained proceedings.</i>	100%	100%
<i>Explained reasons for delays.</i>	97%	100%
<i>If a juror, clearly explained juror's responsibilities.</i>	98%	100%
Section III: Judicial Temperament		
<i>Understanding and compassion.</i>	100%	100%
<i>Dignified.</i>	100%	100%
<i>Courteous.</i>	100%	100%
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	100%	100%
<i>Patient.</i>	100%	100%
Section IV: Administrative Performance		
<i>Punctual in conducting proceedings.</i>	97%	100%
<i>Maintained proper control in courtroom.</i>	100%	100%
<i>Was prepared for the proceedings.</i>	100%	100%

Results of 16 surveys received from Attorneys

<u>Attorney Survey Questions</u>	<u>Attorney Responses</u>
Section I: Legal Ability	
<i>Legal reasoning ability.</i>	100%
<i>Knowledge of substantive law.</i>	100%
<i>Knowledge of rules of evidence.</i>	100%
<i>Knowledge of rules of procedure.</i>	100%
Section II: Integrity	
<i>Basic fairness and impartiality.</i>	100%
<i>Equal treatment regardless of race.</i>	100%
<i>Equal treatment regardless of gender.</i>	100%
<i>Equal treatment regardless of religion.</i>	100%
<i>Equal treatment regardless of national origin.</i>	100%
<i>Equal treatment regardless of disability.</i>	100%
<i>Equal treatment regardless of age.</i>	100%
<i>Equal treatment regardless of sexual orientation.</i>	100%
<i>Equal treatment regardless of economic status.</i>	100%
Section III: Communication Skills	
<i>Clear and logical oral communication and directions.</i>	100%
<i>Clear and logical written decisions.</i>	100%
<i>Gave all parties an adequate opportunity to be heard.</i>	100%
Section IV: Judicial Temperament	
<i>Understanding and compassion.</i>	100%
<i>Dignified.</i>	100%
<i>Courteous.</i>	100%
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	100%
<i>Patient.</i>	100%
Section V: Administrative Performance	
<i>Punctual in conducting proceedings.</i>	100%
<i>Maintained proper control in courtroom.</i>	100%
<i>Prompt in making rulings and rendering decisions.</i>	100%
<i>Was prepared for the proceedings.</i>	100%
<i>Efficient management of the calendar.</i>	100%
Section VI: Settlement Activities	
<i>Appropriately conducted or promoted settlement.</i>	100%

Commissioner:	Van Wie, A
Appointment Date:	June 2013
Assignment:	Criminal

Results of 43 surveys received from Litigants, Witnesses and Jurors

<u>Litigant Survey Questions</u>	<u>Department Score</u>	<u>Litigants/ Witnesses Responses</u>	<u>Juror Responses</u>
Section I: Legal Ability			
<i>Basic fairness and impartiality.</i>	4.3	4.7	4.8
<i>Equal treatment regardless of race.</i>	4.4	4.7	4.8
<i>Equal treatment regardless of gender.</i>	4.4	4.7	4.8
<i>Equal treatment regardless of religion.</i>	4.4	4.7	4.8
<i>Equal treatment regardless of national origin.</i>	4.4	4.7	4.8
<i>Equal treatment regardless of disability.</i>	4.4	4.8	4.8
<i>Equal treatment regardless of age.</i>	4.4	4.8	4.8
<i>Equal treatment regardless of sexual orientation.</i>	4.4	4.7	4.8
<i>Equal treatment regardless of economic status.</i>	4.3	4.8	4.8
Section II: Communication Skills			
<i>Explained proceedings.</i>	4.4	4.7	4.8
<i>Explained reasons for delays.</i>	4.2	4.6	4.5
<i>If a juror, clearly explained juror's responsibilities.</i>	4.4	4.8	4.8
Section III: Judicial Temperament			
<i>Understanding and compassion.</i>	4.3	4.8	4.7
<i>Dignified.</i>	4.3	4.7	4.7
<i>Courteous.</i>	4.4	4.7	4.8
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	4.3	4.7	4.8
<i>Patient.</i>	4.4	4.8	4.8
Section IV: Administrative Performance			
<i>Punctual in conducting proceedings.</i>	4.3	4.8	4.2
<i>Maintained proper control in courtroom.</i>	4.4	4.8	4.8
<i>Was prepared for the proceedings.</i>	4.3	4.6	4.7

Results of 16 surveys received from Attorneys

<u>Attorney Survey Questions</u>	<u>Department Score</u>	<u>Attorney Responses</u>
Section I: Legal Ability		
<i>Legal reasoning ability.</i>	3.8	4.8
<i>Knowledge of substantive law.</i>	3.9	4.8
<i>Knowledge of rules of evidence.</i>	4.0	4.9
<i>Knowledge of rules of procedure.</i>	3.9	4.8
Section II: Integrity		
<i>Basic fairness and impartiality.</i>	3.9	5.0
<i>Equal treatment regardless of race.</i>	4.3	5.0
<i>Equal treatment regardless of gender.</i>	4.1	5.0
<i>Equal treatment regardless of religion.</i>	4.6	5.0
<i>Equal treatment regardless of national origin.</i>	4.4	5.0
<i>Equal treatment regardless of disability.</i>	4.4	5.0
<i>Equal treatment regardless of age.</i>	4.1	5.0
<i>Equal treatment regardless of sexual orientation.</i>	4.6	5.0
<i>Equal treatment regardless of economic status.</i>	4.5	5.0
Section III: Communication Skills		
<i>Clear and logical oral communication and directions.</i>	3.9	4.9
<i>Clear and logical written decisions.</i>	4.0	5.0
<i>Gave all parties an adequate opportunity to be heard.</i>	4.1	5.0
Section IV: Judicial Temperament		
<i>Understanding and compassion.</i>	4.0	4.9
<i>Dignified.</i>	3.9	4.9
<i>Courteous.</i>	3.9	5.0
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	3.8	4.9
<i>Patient.</i>	4.0	5.0
Section V: Administrative Performance		
<i>Punctual in conducting proceedings.</i>	3.5	4.6
<i>Maintained proper control in courtroom.</i>	3.8	4.9
<i>Prompt in making rulings and rendering decisions.</i>	3.7	4.9
<i>Was prepared for the proceedings.</i>	3.9	4.8
<i>Efficient management of the calendar.</i>	3.7	4.8
Section VI: Settlement Activities		
<i>Appropriately conducted or promoted settlement.</i>	4.7	4.8

Results of 4 surveys received from Staff

<u>Staff Survey Questions</u>	<u>Department Score</u>	<u>Staff Responses</u>
Section II: Integrity		
<i>Basic fairness and impartiality.</i>	4.2	4.8
<i>Equal treatment regardless of race.</i>	4.4	4.8
<i>Equal treatment regardless of gender.</i>	4.3	4.8
<i>Equal treatment regardless of religion.</i>	4.3	4.8
<i>Equal treatment regardless of national origin.</i>	4.3	4.8
<i>Equal treatment regardless of disability.</i>	4.3	4.8
<i>Equal treatment regardless of age.</i>	4.4	4.8
<i>Equal treatment regardless of sexual orientation.</i>	4.3	4.7
<i>Equal treatment regardless of economic status.</i>	4.3	4.8
Section III: Communication Skills		
<i>communication and</i>	4.2	4.8
Section IV: Judicial Temperament		
<i>Understanding and compassion.</i>	4.1	5.0
<i>Dignified.</i>	4.3	5.0
<i>Courteous.</i>	4.3	5.0
<i>Conduct that promotes public confidence in the court and commissioner's ability.</i>	4.3	5.0
<i>Patient.</i>	4.2	5.0
Section V: Administrative Performance		
<i>Punctual in conducting proceedings.</i>	4.1	4.3
<i>Maintained proper control in courtroom.</i>	4.3	4.5
<i>Was prepared for the proceedings.</i>	4.3	4.3
<i>Respectful treatment of staff.</i>	4.3	4.8
<i>Cooperation with peers</i>	4.4	4.8
<i>Efficient management of calendar</i>	4.2	4.3

Commissioner : Van Wie, Annielaurie
Appointment Date : June, 2013
Assignment : Juvenile

Results of 528 surveys received from Litigants and Witnesses

Litigant & Witness Survey Questions

**Superior/
Very Good/
Satisfactory**

Section I : Integrity

1. Basic fairness and impartiality	100%
2. Equal treatment regardless of race	100%
3. Equal treatment regardless of gender	100%
4. Equal treatment regardless of religion	100%
5. Equal treatment regardless of national origin	100%
6. Equal treatment regardless of disability	100%
7. Equal treatment regardless of age	100%
8. Equal treatment regardless of sexual orientation	100%
9. Equal treatment regardless of economic status	100%

Section II : Communication Skills

10. Explained Proceedings	100%
11. Explained reasons for delays	99%
12. JURORS ONLY : Clearly explained the juror's responsibility	N.A.

Section III : Judicial Temperamental

13. Understanding and compassion	99%
14. Dignified	99%
15. Courteous	99%
16. Conduct that promotes public confidence in the court and commissioner's ability	100%
17. Patient	99%

Section IV : Administrative Performance

18. Punctual in conducting proceedings	99%
19. Maintained proper control in courtroom	100%
20. Was prepared for the proceedings	100%

Commissioner : Van Wie, Annielaurie

Appointment Date : June, 2013

Assignment : Juvenile

Results of N.A. surveys received from Jurors

Juror Survey Questions

**Superior/
Very Good/
Satisfactory**

Section I : Integrity

- | | |
|---|------|
| 1. Basic fairness and impartiality | N.A. |
| 2. Equal treatment regardless of race | N.A. |
| 3. Equal treatment regardless of gender | N.A. |
| 4. Equal treatment regardless of religion | N.A. |
| 5. Equal treatment regardless of national origin | N.A. |
| 6. Equal treatment regardless of disability | N.A. |
| 7. Equal treatment regardless of age | N.A. |
| 8. Equal treatment regardless of sexual orientation | N.A. |
| 9. Equal treatment regardless of economic status | N.A. |

Section II : Communication Skills

- | | |
|--|------|
| 10. Explained Proceedings | N.A. |
| 11. Explained reasons for delays | N.A. |
| 12. JURORS ONLY : Clearly explained the juror's responsibility | N.A. |

Section III : Judicial Temperamental

- | | |
|---|------|
| 13. Understanding and compassion | N.A. |
| 14. Dignified | N.A. |
| 15. Courteous | N.A. |
| 16. Conduct that promotes public confidence in the court and commissioner's ability | N.A. |
| 17. Patient | N.A. |

Section IV : Administrative Performance

- | | |
|--|------|
| 18. Punctual in conducting proceedings | N.A. |
| 19. Maintained proper control in courtroom | N.A. |
| 20. Was prepared for the proceedings | N.A. |

Commissioner : Van Wie, Annielaurie

Appointment Date : June, 2013

Assignment : Juvenile

Results of 21 surveys received from Attorney

Attorney Survey Questions

**Superior/
Very Good/
Satisfactory**

Section I : Legal Ability

1. Legal reasoning ability	95%
2. Knowledge of substantive law	95%
3. Knowledge of rules of evidence	100%
4. Knowledge of rules of procedure	94%

Section II : Integrity

5. Basic fairness and impartiality	95%
6. Equal treatment regardless of race	100%
7. Equal treatment regardless of gender	100%
8. Equal treatment regardless of religion	100%
9. Equal treatment regardless of national origin	100%
10. Equal treatment regardless of disability	100%
11. Equal treatment regardless of age	100%
12. Equal treatment regardless of sexual orientation	100%
13. Equal treatment regardless of economic status	100%

Section III : Communication Skills

14. Clear and logical communications and directions	100%
15. Clear and logical written decisions	100%
16. Gave all parties an adequate opportunity to be heard	95%

Section IV : Judicial Temperamental

17. Understanding and compassion	100%
18. Dignified	95%
19. Courteous	95%
20. Conduct that promotes public confidence in the court and commissioner's ability	95%
21. Patient	95%

Section V : Administrative Performance

22. Punctual in conducting proceedings	86%
23. Maintained proper control in courtroom	100%
24. Prompt in making rulings and rendering decisions	95%
25. Was prepared for the proceedings	100%
26. Efficient management of calendar	95%

Section VI : Settlement Activities

27. Appropriately conducted or promoted settlement	100%
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Commissioner : Van Wie, Annielaurie

Department : Juvenile

	Department	Litigants/ Witnesses (n=528)	Jurors (n=N.A.)
Section I : Integrity			
1. Basic fairness and impartiality	4.8	4.8	N.A.
2. Equal treatment regardless of race	4.8	4.8	N.A.
3. Equal treatment regardless of gender	4.8	4.8	N.A.
4. Equal treatment regardless of religion	4.8	4.8	N.A.
5. Equal treatment regardless of national origin	4.8	4.9	N.A.
6. Equal treatment regardless of disability	4.8	4.8	N.A.
7. Equal treatment regardless of age	4.8	4.8	N.A.
8. Equal treatment regardless of sexual orientation	4.8	4.8	N.A.
9. Equal treatment regardless of economic status	4.8	4.8	N.A.
Section II : Communication Skills			
10. Explained Proceedings	4.8	4.8	N.A.
11. Explained reasons for delays	4.7	4.8	N.A.
12. JURORS ONLY : Clearly explained the juror's responsibility	N.A.	N.A.	N.A.
Section III : Judicial Temperamental			
13. Understanding and compassion	4.8	4.8	N.A.
14. Dignified	4.8	4.9	N.A.
15. Courteous	4.8	4.8	N.A.
16. Conduct that promotes public confidence in the court and commissioner's ability	4.8	4.8	N.A.
17. Patient	4.8	4.8	N.A.
Section IV : Administrative Performance			
18. Punctual in conducting proceedings	4.6	4.7	N.A.
19. Maintained proper control in courtroom	4.8	4.9	N.A.
20. Was prepared for the proceedings	4.8	4.9	N.A.

Commissioner : Van Wie, Annielaurie

Department : Juvenile

	<i>Department</i>	<i>Staff (n=6)</i>
Section I : Integrity		
1. Basic fairness and impartiality	3.9	4.8
2. Equal treatment regardless of race	4.1	4.8
3. Equal treatment regardless of gender	4.2	4.8
4. Equal treatment regardless of religion	4.4	4.8
5. Equal treatment regardless of national origin	4.4	4.8
6. Equal treatment regardless of disability	4.4	4.8
7. Equal treatment regardless of age	4.3	4.8
8. Equal treatment regardless of sexual orientation	4.5	4.8
9. Equal treatment regardless of economic status	4.3	4.8
Section II : Communication Skills		
10. Clear and logical communications	3.9	4.5
Section III : Judicial Temperamental		
11. Understanding and compassion	4.0	4.3
12. Dignified	4.0	4.7
13. Courteous	4.1	4.8
14. Conduct that promotes public confidence in the court and commissioner's ability	3.7	4.2
15. Patient	4.1	4.8
Section IV : Administrative Performance		
16. Punctual in conducting proceedings	3.5	4.0
17. Maintained proper control in courtroom	3.8	4.7
18. Prepared for proceedings	4.0	4.8
19. Respectful treatment of staff	4.0	4.5
20. Cooperation with peers	4.2	5.0
21. Efficient management of calendar	3.6	4.8

Commissioner : Van Wie, Annielaurie

Department : Juvenile

	<i>Department</i>	<i>Attorney (n=21)</i>
Section I : Legal Ability		
1. Legal reasoning ability	4.1	4.4
2. Knowledge of substantive law	4.1	4.3
3. Knowledge of rules of evidence	4.2	4.5
4. Knowledge of rules of procedure	4.1	4.3
Section II : Integrity		
5. Basic fairness and impartiality	4.4	4.5
6. Equal treatment regardless of race	4.5	4.7
7. Equal treatment regardless of gender	4.5	4.6
8. Equal treatment regardless of religion	4.6	4.5
9. Equal treatment regardless of national origin	4.5	4.6
10. Equal treatment regardless of disability	4.6	4.6
11. Equal treatment regardless of age	4.6	4.6
12. Equal treatment regardless of sexual orientation	4.5	4.6
13. Equal treatment regardless of economic status	4.5	4.6
Section III : Communication Skills		
14. Clear and logical communications and directions	4.3	4.5
15. Clear and logical written decisions	4.4	4.4
16. Gave all parties an adequate opportunity to be heard	4.4	4.5
Section IV : Judicial Temperamental		
17. Understanding and compassion	4.5	4.6
18. Dignified	4.4	4.5
19. Courteous	4.5	4.5
20. Conduct that promotes public confidence in the court and commissioner's ability	4.3	4.5
21. Patient	4.4	4.5
Section V : Administrative Performance		
22. Punctual in conducting proceedings	3.9	4.1
23. Maintained proper control in courtroom	4.3	4.6
24. Prompt in making rulings and rendering decisions	4.2	4.4
25. Was prepared for the proceedings	4.4	4.5
26. Efficient management of calendar	4.0	4.2
Section VI : Settlement Activities		
27. Appropriately conducted or promoted settlement	4.4	4.5

Annelaurie VAN WIE
Juvenile Durango Facility Courtroom A

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
COURT COMMISSIONER JUDICIAL PERFORMANCE REVIEW

Commissioner: Annelaurie VAN WIE
Department: Juvenile
Location: Durango Facility Courtroom A

Please rate this commissioner according to the response scale by marking an within the box.
If you are unable to rate this commissioner in an area, mark "can't rate".

JUDICIAL PERFORMANCE STANDARDS

- The commissioner shall administer justice fairly, ethically, uniformly, promptly and efficiently.
- The commissioner shall be free of personal bias in decision making, shall decide cases based on proper application of law and procedure to the facts, and shall issue prompt, clear rulings and decisions that demonstrate competent legal analysis.
- The commissioner shall act with dignity, courtesy and patience.
- The commissioner shall effectively manage the courtroom and discharge the administrative responsibilities of the office.

	Superior	Very Good	Satisfactory	Poor	Unacceptable	Can't Rate
Section I: Integrity						
1. Basic fairness and impartiality	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
2. Equal treatment regardless of race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Equal treatment regardless of gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Equal treatment regardless of religion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Equal treatment regardless of national origin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Equal treatment regardless of disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Equal treatment regardless of age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Equal treatment regardless of sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Equal treatment regardless of economic status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Section II: Communication Skills						
10. Explained proceedings	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
11. Explained reasons for delays	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. JURORS ONLY: Clearly explained the juror's responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Section III: Judicial Temperament						
13. Understanding and compassion	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
14. Dignified	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
15. Courteous	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
16. Conduct that promotes public confidence in the court and commissioner's ability	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
17. Patient	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Section IV: Administrative Performance						
18. Punctual in conducting proceedings	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
19. Maintained proper control in courtroom	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
20. Was prepared for the proceedings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

See to Doc / 10/10/2014