

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-323

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Judge: Marsha Gregory

Complainant: Bryce M. Hamblin

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**ORDER**

The complainant alleged that a justice of the peace was biased against him, had a conflict of interest in serving as a magistrate of another town, interfered with his client relationships, improperly threatened to hold him in contempt, and retaliated against him.

Complainant Bryce M. Hamblin is an attorney who has regularly appeared before Judge Gregory on cases pursuant to his criminal defense contract, as well as on cases in which he has been privately retained. Mr. Hamblin's complaint articulates a number of allegations not restated herein. As discussed more fully below, the Commission found violations of the Code of Judicial Conduct in two respects.

Based on his belief that Judge Gregory could not be fair and impartial in cases where he is counsel of record, Mr. Hamblin requested a blanket change of judge for cause that would prohibit her from hearing his cases. Mr. Hamblin's request was considered by the Apache County Superior Court sitting *en banc*, which conducted an evidentiary hearing and issued a ruling in *State v. Zerfas*, CR201900298. The court ruled, in pertinent part:

A local attorney relatively new to Apache County recognized that it was widely known that [Judge Gregory] does not like Mr. Hamblin and views him negatively. In addition, the Presiding Justice of the Peace in Apache County described how he had approached [Judge Gregory] in an attempt to mediate the rising conflict [Judge Gregory] had with Mr. Hamblin. During those discussions, the Presiding Justice of the Peace observed [Judge Gregory's] mannerisms expressed anger and hostility in regard to Mr. Hamblin in front of her court staff and the Presiding Justice of the Peace – including stabbing her finger into the counter and demanding “I want him [Mr. Hamblin] in my court!” over and over again. . . . [O]n multiple occasions, [Judge Gregory] has expressed the opinion that she blames Mr. Hamblin (directly or indirectly) for

allegedly talking bad about her to others, she blames him (directly or indirectly) for her not being appointed to fill the Round Valley Justice of the Peace position when the former RVJP passed away mid-term, she blames him (directly or indirectly) for the Eagar Magistrate position not being given to her . . . and she blames him (directly or indirectly) for his secretary running against her in the last election.

Although the superior court did not make a finding of actual bias or prejudice, it found “factual grounds giving rise to the appearance of bias and/or prejudice by [Judge Gregory] against Mr. Hamblin which a reasonable person could find would prevent a fair and impartial hearing or trial.” The record before the Commission supports these findings. Judge Gregory’s conduct in this regard violated the following provisions of the Code of Judicial Conduct:

Rule 1.2: A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.11:

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances.

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

. . .

In addition to serving as the elected Round Valley Justice of the Peace, Judge Gregory serves as a magistrate for the Springerville Municipal Court. Mr. Hamblin alleged that Judge Gregory has a conflict of interest in serving as the Springerville magistrate because her husband is a sergeant with the Springerville Police Department. Judge Gregory recuses from cases in which her husband is known to be involved but does not recuse from all Springerville Police Department cases. Judge Gregory reads a prepared statement advising of these circumstances and asking defendants who appear before her if they would like to waive the conflict or have their matter heard by another judicial officer.

Although Judge Gregory cannot (and does not) preside over cases involving her husband, assuming there has been a proper disclosure and waiver (and absent actual bias or prejudice), she is not prohibited from presiding over all cases involving the

Springerville Police Department. *See, e.g.*, Formal Advisory Opinion 10-03 (justice of the peace is subject to disqualification in any matter involving the sheriff's office because his brother is the sheriff; with certain caveats, though, waiver of the conflict may occur). The Commission concluded, however, that Judge Gregory's disclosure and waiver process fails to comply with the following requirements of the Code of Judicial Conduct:

Rule 2.11:

...

(C) A judge subject to disqualification under this rule, other than for bias or prejudice under paragraph (A)(1), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

The Commission did not find clear and convincing evidence to support the remaining allegations of the complaint.

Accordingly, Justice of the Peace Marsha Gregory is hereby publicly reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judicial officer's response, and this order shall be made public as required by Commission Rule 9(a).

Commission member Michael J. Brown did not participate in the consideration of this matter.

Dated: May 19, 2020

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on May 19, 2020.

1) Judge Gregory is the current Springerville Magistrate. Her husband is a sergeant at the Springerville Police Department. I believe there are only 7 officers from chief to patrol in this small department. Additionally, Judge Gregory's son is the sole prosecutor for the Town of Springerville. Despite her obvious and unwaivable conflict, Judge Gregory applied for, accepted, and is currently paid as the Springerville Magistrate notwithstanding the fact that she cannot ethically hear a single case in that court. She has attempted to resolve this conflict by arranging for the St. Johns Justice/Magistrate Court judge, Butch Gunnels, to hear these cases. How can she ethically hold a position that she cannot ethically perform?

2) I am one of four attorneys in Apache County that have a contract with the county to provide indigent defense. Beginning a couple years ago, Judge Gregory periodically appointed me to defendants that had already hired me. This obviously creates an issue with my clients when they return wanting a refund or wanting me to represent them for free moving forward because the judge has told them that I am now "appointed". Previously I did not have proof that the defendants had actually told the judge that they had hired me. All I had was their word that they had informed her they had hired me and she indicated that she would appoint me instead. However, on May 28, 2019, two clients that had previously hired me came into my office and indicated that the judge had "appointed" me as counsel so they didn't need to hire me. Both indicated that they had informed Judge Gregory that they had hired me prior to said appointment. One of them specifically said that Judge Gregory responded "Well I was already going to appoint him anyway". My office contacted the court and requested the financial statements (this is not provided me as a general course) for each Defendant. Each Defendant clearly indicates that they had already hired me on the form (Exhibits A and B). Clearly, Judge Gregory is intentionally interfering with the attorney-client relationship and my income.

3) Judge Gregory has twice issued an order to show cause, threatening to hold me in contempt, for failure to attend hearings which she knows of a certainty were the fault of her court and not mine. She is the only sitting judge in Apache County to issue an order to show cause for an attorney and both times were against me. In CV2015-0070, I prepared an answer for the Defendant that was filed with the Court that same date. The Court set a trial date by way of "Notice of Court Date" (Exhibit C) but sent the notice to the Defendant at his address and NOT to me. At the trial, the Defendant informed the Court that he had not been in contact with me. He had not paid the fee for services and was avoiding calls from my office. He did not expect me to be at the hearing and wanted to proceed on his own. Upon inquiry from Judge Gregory, he stated that he did not know if I knew of the trial date. Judge Gregory informed the Defendant that I was aware of the trial date because the Court had notified me. On the record, Judge Gregory reiterated that Counsel was aware of the trial date. Judge Gregory issued an order to show cause for my failure to appear at a hearing which I had been given no notice of. At the time of the OSC hearing, it was clearly pointed out to Judge Gregory that even her own notice indicated that it was sent directly to Defendant at his address and not to me (Exhibit D).

In CR2019-118, the defendant's mental health counselor filed what amounts to a motion for appointment of counsel; clearly engaging in the unauthorized practice of law (Exhibit E). Judge

Gregory granted said improper motion and appointed Jon Saline as counsel. Mr. Saline notified the Court that he did not have adequate time to accept the appointment and the Court appointed me even though my contract with Apache County to provide indigent defense only extends to those individuals entitled to counsel as a matter of law. A hearing was set for June 18, 2019 @ 2:00 pm.

On June 17, 2019, the Court called my office and stated that it had need to change the time of the hearing from 2:00 pm to 1:00 pm. My secretary informed the Court that I could be available at 1:00 pm. On June 18, 2019, I appeared in the Round Valley Justice Court at 1:00 pm but nobody, including Judge Gregory, was in the courtroom. I immediately called the prosecuting attorney, Tyron Jensen, and asked him where he was. Mr. Jensen informed me that he was in his office...in St. Johns. I inquired about the hearing at 1:00 pm. Mr. Jensen replied that the hearing was at 2:00 pm. I informed Mr. Jensen that the hearing had been changed to 1:00 pm. Mr. Jensen stated that he was unaware there had been a change.

I next went to the clerk's window and spoke to S [redacted] L [redacted] (all the while Judge Gregory was sitting in a chair behind Mrs. L [redacted] and listening to the conversation). I inquired as to why nobody was present for the 1:00 pm hearing. Mrs. L [redacted] replied that they initially needed to move the hearing due to transport issues with the jail but later determined that it wasn't feasible. Mrs. L [redacted] stated that the hearing would be held at 2:00 pm. I informed Mrs. L [redacted] that I could not be present at 2:00 pm because I had another obligation at that time. I also informed Mrs. L [redacted] that the Defendant was not entitled to appointment of counsel and that I should not have been appointed on the matter (I was already representing the Defendant in another case in Superior Court and had spoken to both prosecutors who agreed to make a global resolution of both cases in Superior Court. This is what I intended to tell the Court at the 1:00 hearing.). Mrs. L [redacted] referenced the motion filed by the Defendant's counselor as support for the appointment. I informed Mrs. L [redacted]; that the counselor was not an attorney nor did her motion create the right to counsel. Mrs. L [redacted] stated that I could come back at 2:00 pm and "put that on the record with the judge". I again informed Mrs. L [redacted]; that it was not possible for me to be present at a 2:00 pm hearing.

A hearing for the Defendant was conducted at 2:00 pm at which time Judge Gregory issued an order to show cause against me (Exhibits F and G). Just prior to the Defendant arriving for the hearing, Judge Gregory went on the record with the prosecutor (Exhibit H). She endeavors to portray me in a negative light and states that I indicated that I had an appointment at 1:00 and left. This is a lie. I never indicated that I had an appointment at 1:00 and in fact was in her courtroom at 1:00. At no time does she inquire of the prosecutor as to why he was not there at 1:00. She also indicates that the hearing was changed to 1:00 to accommodate the jail, a distinct contradiction to my interview with the transport officer who indicated that the request to change the hearing time in fact came from her office.

The following day, at a conference attended by Judge Gregory and numerous judges throughout the state, Judge Gregory discussed the matter with other judges and displayed her

contempt for me. What's more, her recitation of the events was again grossly inaccurate and designed to portray me in a negative light.

At the order to show cause hearing on July 2, 2019 (Exhibit I), Judge Gregory began by explaining why I had been appointed in the case; clearly showing her hand that her real reason for being angry with me was because I had pointed out the fact that the Defendant was not entitled to appointment of counsel. In her explanation, Judge Gregory stated that the matter was originally a Springerville Magistrate case in which Jon Saline was appointed. Subsequently, she alleges, Mr. Saline moved to withdraw due to "health issues". Judge Gregory states that "meanwhile it got filed as a Justice Court case" so I was appointed. Upon review of the Arizona Supreme Court public access case lookup, the matter was never filed as a Springerville case. Jon Saline was appointed in CR2019-0118, a Round Valley Justice Court case. Mr. Saline filed his Notice of Declination of Appointment (Exhibit J) in that same justice court case and the order, prepared by him, states that the matter is in the Round Valley Justice Court under case number CR2019-0118. What's more, Mr. Saline does not cite "health issues" as his reason for withdrawal. I also subsequently spoke to Mr. Saline and he indicated that he had never indicated to the court that he was having health issues. This is significant because if Judge Gregory really felt that the Defendant was entitled to appointment of counsel, why did she first appoint an attorney outside the contract? Also, why is it that she feels inclined to fabricate facts regarding something so mundane?

Judge Gregory then moved on to what she alleged was the reason for the Order to Show Cause. She alleged that I had left the courthouse after telling Mrs. L [redacted] that the appointment was not part of my contract and that I was not coming to the hearing. Judge Gregory claimed that she looked at the clock when I left and that I had exited the courthouse at 12:55; just 5 minutes prior to the hearing beginning. I advised Judge Gregory that her allegations were incorrect and that I was present at 1:00 pm but that I was the only individual in the courtroom. I stated that upon inquiry of Mrs. L [redacted], she advised me that the hearing had been changed back to 2:00 pm. I explained the remainder of my conversation with Mrs. L [redacted]. Judge Gregory insisted that I was incorrect because she took the bench at "one minute after one" and "she wouldn't have told you that because we didn't move it to 2:00".

Over the next several minutes Judge Gregory insisted that the hearing was at 1:00 pm and that I had failed to show. I insisted that not only was I present at 1:00 pm but that I was the only one present. I inquired as to why an order to show cause was not issued for the individuals that were not present at 1:00 pm. Judge Gregory insisted that they were present. I informed Judge Gregory that I had called the prosecutor at 1:00 pm from the courthouse inquiring as to why he wasn't there. I informed Judge Gregory that the prosecutor was at his office in St. Johns at the time of the call so it was impossible for him to have appeared in her court at the same time. Judge Gregory then asked her clerk if the record of the hearing would tell what time the hearing was held. When her clerk indicated that she would look, Judge Gregory stated "don't worry about it at this point"; a clear indication that she wasn't all that interested in confirming whether I was correct or not.

Judge Gregory waived slightly and then doubled down. She enlisted her clerk to testify, falsely, as to her conversation with me that day. Judge Gregory even supported Mrs. L's rendition by stating that her and the rest of the clerks heard the conversation. Ultimately, Judge Gregory insisted that what it comes down to is that I am disrespectful to her court. She indicated that I should have filed something with her Court indicating that I couldn't be there. The problem is, I didn't know that the hearing had been changed back to 2:00 pm until I showed up there at 1:00 pm. Throughout the hearing Judge Gregory maintains that the hearing was held at 1:00 and not 2:00. This is clearly inaccurate.

Subsequent to the OSC hearing, I interviewed the transport officer with Apache County Sheriff's Office. He stated to me that he had received a call from Judge Gregory's office on June 17, 2019 asking if he could transport inmates to her court at 1:00 instead of 2:00 (I believe she left to the Judicial Conference that day and was trying to get out of town earlier). The transport officer told me that he informed Judge Gregory's court that it was not possible to be there at 1:00 because the Eagar Magistrate hearings were at 1:00. This is likely the reason that the hearing time was never changed with the prosecutor because when I spoke to him he said the hearing was always at 2:00 and he never received information otherwise.

Another one of Judge Gregory's clerks reviewed the security footage of June 18, 2019. She provided a letter (Exhibit K) with the timeline which indicates that I was in fact present at 1:00 pm for the hearing. The video shows me enter the courthouse and go directly into the courtroom for the hearing; where I was the only individual present. What's more, the security footage, the minute entry (Exhibit L), the prosecutor, and the Defendant all confirm that the hearing was held that day at 2:00 pm. Judge Gregory will likely state now that she was mistaken. However, the testimony of Mrs. L at the OSC hearing, which Judge Gregory supported, clearly shows that they lied and were not simply mistaken. This is further supported by the fact that, even knowing that I was correct, Judge Gregory has not acknowledged her mistake and has instead filed a retaliatory bar complaint.

4) After the OSC hearing on July 2, 2019, my office made a public records request for several items, including the security footage for the courtroom. Judge Gregory's clerk, M. H., responded with a letter (Exhibit K) on July 3, 2019 wherein she stated that the footage could not be released without pre-approval from Apache County Court Security. A couple weeks later I spoke to Apache County Superior Court Chief Security Officer, Mr. Troy Czarnyszka about the security footage. His first response was that he was head of security for the superior court and had nothing to do with the Round Valley Justice Court. I informed him that I was told that the approval had to come from him. He indicated that he had not received a request from Judge Gregory.

My office sent a second request to Judge Gregory's office on July 25, 2019 (Exhibit M) and bcc'ed Mr. Czarnyszka. A third request was sent on August 28, 2019 (Exhibit N) and Judge Gregory's clerk, M. H., responded that Mr. Czarnyszka had been contacted after each request but that he had never provided authorization to release the footage. She concluded that too much time had now elapsed and the footage was unavailable.

Upon interview of Mr. Czarnyszka, he stated that he had never received communication from Judge Gregory's office of any kind requesting authorization. He stated that the email from my office in which he was copied was the only request he had seen. He stated that he received a call from Judge Gregory's office on August 28, 2019, for the first time, inquiring about authorization to release the footage. He indicated to them that IT had informed him that it was now too late to retrieve it.

Judge Gregory clearly had a duty to preserve the footage but failed to do so. What's more, it appears authorization was never requested despite avowals to the contrary. I believe this was a deliberate attempt to keep me from obtaining the video that would clearly show the requisite timeline as well as my actions while at the courthouse.

5) After the second OSC, I filed a Motion for Change of Judge for Cause due to the fact that I believe that my clients cannot receive a fair and impartial hearing in front of Judge Gregory due to her hatred of me. Judge Gregory filed a retaliatory bar complaint against me alleging a host of complaints. The complaint was conveyed to me telephonically but the allegations as I understand them to be are as follows:

- a. That I abandoned my clients – Judge Gregory stated that she was worried that my clients were not receiving adequate representation and provided the aforementioned cases as examples. Most disturbingly, she alleged that I had abandoned the client in the case in which I had just filed the 10.1 motion. She alleged that I had entered the courthouse, filed said motion, and then left my client to fend for herself at the hearing. The fact of the matter is that I met with my client for some time in the courthouse after filing the motion and informed her of what was taking place. The first question my client asked was "Why are you here? I was told there wouldn't be any attorneys here for this". That's because my client was there for an initial appearance at which no attorneys are present. In fact, while I was talking to my client, I was the only attorney in the building. Judge Gregory knows good and well that I was not expected to be at that hearing but tried nonetheless to use it against me.
- b. That I lied about her and her clerk being untruthful in my 10.1 Motion – Judge Gregory repeatedly stated in the OSC hearing that I was not present for the 1:00 hearing and that it was in fact held at 1:00. She also supported her clerk who stated that she never told me it was moved back to 2:00 and that she invited me to enter the courtroom at that time to "put it on the record". The facts are clear and have been proven that I was in fact there at 1:00 and that I was the only individual there at 1:00. The hearing was held at 2:00 because nobody but me had been told it was at 1:00. When the bar counsel asked Judge Gregory why I was the only one that was issued an order to show cause, she stated that it's because she wasn't sure everyone else had notice but that she knew that I had notice. Yes...but I was there!!! During my conversation with Judge Gregory's clerk, Mrs. L , Judge Gregory was sitting in a chair behind her. I could see her the entire time. She never indicated to me that she wanted me to put something on the record. Mrs. L ; got short with me after I told her that I should not have been



appointed on the case and told me that I could come back at 2:00 and put that on the record...just moments after I had already informed her that I could not be back at 2:00. Is it reasonable to believe that Judge Gregory was going to go on the record with me at 1:00 even though the prosecutor wasn't there and she apparently wasn't sure he had notice? Why is it that I am expected to correct the Court's mistake? Any reasonable and unbiased Judge would have realized their mistake and set a new hearing date.

- c. That I am out to get her – Judge Gregory applied to be appointed to fulfill the remainder of Judge Geisler's term upon her demise. Judge Gregory complained that I had sat on the selection committee and sabotaged her chances of being selected. The problem is, I was not on the selection committee. I had nothing to do with it.

I am the current Mayor for the Town of Eagar. I have held this position for 7 ½ years. Upon being elected as Justice of the Peace, Judge Gregory mistakenly thought that she had also been elected as Eagar's magistrate. She began making demands of our then town manager and made statements like "whether Bryce likes it or not". The manager informed Judge Gregory that she was mistaken and that the position is actually filled by the council. The two of them did not hit it off well and there was obvious friction. I instructed my manager to meet with Judge Gregory and to try to smooth things over. To my understanding, Judge Gregory left my manager in the hallway waiting for nearly an hour. Consequently, my manager left, called me and told me of the ordeal, and proceeded to lead the charge against selecting her as the magistrate. Judge Gregory blames me for this but, again, I had nothing to do with it. Judge Gregory immediately began a feud with the magistrate selected which required removing said magistrate from the building.

The next time the Eagar magistrate position became available, Judge Gregory again applied. I recused myself from the process. Steve Williams was selected as the Eagar magistrate. Judge Gregory has not spoken to him since and has gotten up from her table and moved the past 2 years at the judicial conference when Judge Williams sits at that table. I had nothing to do with his selection but Judge Gregory blames me.

Last year, my secretary ran against Judge Gregory for justice of the peace. Other than the one time that my secretary informed me that she planned to run, it was never brought up in my office. In fact, until the ballot came out I wasn't even sure she was running. Judge Gregory believes that I put my secretary up to unseat her. This could not be further from the truth. My secretary is invaluable to my law practice. I do not want to lose her and certainly did not encourage her to leave. In any case, even if all these things were true (or even if it was me who had personally ran against her each time), it does not justify her using her position as judge to retaliate against me as she has done.

6) After consultation with the bar, the presiding justice of the peace, and the presiding superior court judge, I sent a letter to the presiding Justice of the Peace, Butch Gunnels, to request that any matter in which I appear before Judge Gregory be automatically reassigned to another judge (Exhibit O). Even though I am confident that my 10.1 motions will continue to be granted, I was hopeful that we could avoid re-igniting that flame each time I entered an appearance. Judge Gunnels discussed the letter with Judge Gregory at lunch. Thereafter, Judge Gregory read the letter to her entire staff and became enraged demanding that I continue to appear in front

Name: Bryce Hamblin

Judge's Name: Marsha Gregory

of her. Upon information and belief, she pounded the counter stating "I want him in front of me!"

The fact that Judge Gregory is so determined to have me appear before her is cause enough in itself that she should not hear my cases. The fact that she read the letter aloud to her staff is unprofessional and is indicative of her regard for me.

On a side note, Judge Gregory informed Judge Gunnels during this episode that she had called Mr. Czarnyszka on two prior occasions requesting authorization to release the security footage to me. Mr. Czarnyszka was subsequently brought into Judge Latham's office with Judge Gunnels and asked about Judge Gregory or her office contacting him regarding the security footage. He relayed to them the same version of events that I set forth above.

In short, this has gone well beyond Judge Gregory's impartiality being reasonably questioned. It is clear that she has not conducted herself with impartiality with regard to me. I have done my best to avoid her and have even turned down individuals wishing to hire me because I did not want to appear in front of her. She has such a bias and prejudice against me that I believe the evidence clearly shows has led her to now be untruthful. It appears that she is determined to attack me at every opportunity. It is for this reason that I believe that I am now required to file this complaint. She is not fit to be on the bench much less hear any of my cases.

# Exhibit A

STATE OF ARIZONA Plaintiff  
 -vs-  
Destiny James-Billy  
 Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]  
 CR-2019-0127

DEFENDANT'S  
 FINANCIAL  
 STATEMENT  
 (Confidential)

COPY

**INSTRUCTIONS TO THE DEFENDANT:** You are to answer the following questions so the Judge can decide whether to appoint an attorney to represent you and/or, if a bond is required, how much it should be, or any other matter relating to indigence. Use care in filling in your answers. If you need more space for any answer, note such and write on the back of the page. If you knowingly give false or misleading information, you may be punished for contempt of court or subjected to prosecution for fraud or perjury.

1. Full name: Destiny James-Billy
2. Check the appropriate box:  Single  Married, living w/ spouse  Married but separated  Divorced  Widowed  Partnered
3. In addition to yourself, how many other adults do you support? 0 How many children? 0

**INCOME:**

4. List below in Column 1 the money that you are paid or receive each month. If you are married and are living with your spouse, list below in Column 2 the money that your spouse is paid or receives each month. If you are separated, divorced, widowed, partnered or single, leave Column 2 blank.

	Column 1 Amount paid to Me Monthly	Column 2 Amount paid to Spouse Monthly
a. Wages, Salaries, Self Employment Income	\$ 440.00 x 4	\$
b. Payroll deductions	\$ 0	\$
c. Unemployment compensation	\$ 0	\$
d. Welfare benefits	\$ 0	\$
e. Disability benefits	\$ 0	\$
f. Veteran's benefits	\$ 0	\$
g. Social Security benefits	\$ 0	\$
h. Worker's compensation	\$ 0	\$
i. Accident benefits	\$ 0	\$
j. Retirement benefits	\$ 0	\$
k. Allotment checks	\$ 0	\$
l. Interest	\$ 0	\$
m. Dividends	\$ 0	\$
n. Child support received	\$ 0	\$
o. Alimony or maintenance received	\$ 0	\$
p. Total of any other income received	\$ 0	\$
Source: _____		
<b>TOTAL MONTHLY INCOME:</b>	\$ _____	\$ _____

**ASSETS:**

5. **Cash:** List below the amounts of cash held or value of:
  - a. Cash on you, your spouse, or in your jail property, and at home \$ 200
  - b. Cash in banks, credit unions, and elsewhere \$ 200
  - c. Cash owed to you or to your spouse by others \$ 0

- d. Stocks and bonds; insurance policy cash values
- e. Beneficial interest in a trust

COPY \$ 0  
\$ 0

6. **Personal Property:** List below any valuable personal property you own and have not listed above which is not needed by you or your family for day-to-day living.

a. Description	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)
b. Description	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)
c. Description	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)

7. **Auto:** Complete the following information about any motor vehicles (e.g.: cars, trucks, trailers, boats, airplanes, motorcycles) that you are buying, that you own, or in which you claim to have an interest.

a. Make, Year and Model	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)
b. Make, Year and Model	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)

8. **Real Estate:** Complete the following information about any real property (your home, other land, or buildings) that you are buying, that you own, or in which you claim to have an interest.

a. Location	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)
b. Location	<u>/</u>	\$ _____	\$ _____	\$ _____
		(value)	(owed)	(net value)

**TOTAL AVAILABLE ASSETS:** \$ \_\_\_\_\_

**EXPENSES:**

9. List below all monthly expenses **not already deducted** from your pay.

a. Rent or house payment		\$ <u>0</u>
b. Total cost of utilities (water, electric, gas, telephone, trash)		\$ <u>125.00</u>
c. Food		\$ <u>25.00</u>
d. Credit card payments		\$ <u>25.00</u>
e. Installment loan payments		\$ <u>0</u>
f. Charge account payments		\$ <u>0</u>
g. Motor vehicle payments		\$ <u>0</u>
h. Union dues		\$ <u>0</u>
i. Medical care costs (doctors, dentists, medicine)		\$ <u>0</u>
j. Child support and alimony		\$ <u>4,000.00</u>
k. Cost of baby-sitter		\$ <u>0</u>
l. Motor vehicle insurance, maintenance and gas		\$ <u>0</u>

10. Do you have any expenses (monthly or otherwise) not shown above? If yes, please list below.

a. <u>Fines - court</u>	<u>monthly</u>	\$ <u>100.00</u>
	(how often paid)	(how much)
b. <u>Legal fees?</u>		\$ _____
	(how often paid)	(how much)
c. _____		\$ _____
	(how often paid)	(how much)

**TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

COPY

11. Are any of your expenses past due? If yes, please list below.

- a. Medical monthly \$ 4,000  
(how often paid) (how much)
- b. \_\_\_\_\_ \$ \_\_\_\_\_  
(how often paid) (how much)
- c. \_\_\_\_\_ \$ \_\_\_\_\_  
(how often paid) (how much)

12. Do you have an attorney to help you with this case?  Yes  No  
If yes, what is his/her name: Bryce Hamblin If no, are you planning to hire your own attorney?  Yes  No

- 13. Do you want the Court to appoint an attorney (public defender) to help you with this case?  Yes  No
  - a. How much can you pay as a down payment for attorney fees? \$ \_\_\_\_\_
  - b. How much can you pay each month for attorney fees? \$ \_\_\_\_\_

14. Oath under penalty of perjury: I have truthfully and completely given the information in this statement. I have not knowingly concealed, or in any way misrepresented, my financial resources. I am aware that I may be held in contempt of court, or prosecuted for perjury if I have made any false statements or misrepresentation, or concealment, or if I continue to accept the services of a court appointed attorney after my financial condition has materially changed without notifying my court appointed attorney. In any such case, I understand that this application may be used against me.

I hereby make these representations under PENALTY OF PERJURY:

Date: 05/28/2019 Defendant Signature: [Signature]  
 Witnessed by: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

PLAINTIFF STATE OF ARIZONA vs.	DEFENDANT  Destiny James-Billy	CASE NO. CR-2019-0127
		MOTION FOR APPOINTMENT OF COUNSEL AND ORDER

**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature: Destiny James-Billy Date: 05/20/2019 Phone No. \_\_\_\_\_  
 Address: \_\_\_\_\_

**ORDER**

**A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED,**

Motion for court appointed attorney is denied or  
 It is ordered that Bryce Hamblin Attorney Name  
Box 432 Page City 85925 Attorney Address  
928-333-0000 Phone No.

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

Defendant has financial resources which may offset all or part of the cost of legal services.  
 It is therefore ordered that Defendant pay to the clerk of the Round Valley Justice Court the amount of \$ \_\_\_\_\_, payable:  
 By this date \_\_\_\_\_  
 At the time of judgment.  
 In installments of \$ \_\_\_\_\_ every \_\_\_\_\_ beginning \_\_\_\_\_  
 Said amount to be determined at the time of judgment.

**NOTICE IS HEREBY GIVEN THAT THE ABOVE-ENTITLED ACTION IS SET FOR**

Preliminary Hearing  
 Pretrial Conference in the Apache County Superior Court (for RVJC) in St. Johns, Arizona, on the

12 day of June, 2019, at 9:00 a.m.

Dated 5-23-19 Judge/Magistrate \_\_\_\_\_

Copies Forwarded On:  
 To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered  
 To:  Prosecutor  Mail  Hand delivered  Emailed  
 Officer  Mail  Hand delivered  Emailed

# Exhibit B



STATE OF ARIZONA Plaintiff  
 -vs-  
Vanessa M. Macleod  
 Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]  
 CR-2019-0162

DEFENDANT'S  
 FINANCIAL  
 STATEMENT  
 (Confidential)

**INSTRUCTIONS TO THE DEFENDANT:** You are to answer the following questions so the Judge can decide whether to appoint an attorney to represent you and/or, if a bond is required, how much it should be, or any other matter relating to indigence. Use care in filling in your answers. If you need more space for any answer, note such and write on the back of the page. If you knowingly give false or misleading information, you may be punished for contempt of court or subjected to prosecution for fraud or perjury.

1. Full name: Vanessa Macleod
2. Check the appropriate box: [ ] Single  Married, living w/ spouse [ ] Married but separated [ ] Divorced [ ] Widowed [ ] Partnered
3. In addition to yourself, how many other adults do you support? \_\_\_\_\_ How many children? 6

**INCOME:**

4. List below in Column 1 the money that you are paid or receive each month. If you are married and are living with your spouse, list below in Column 2 the money that your spouse is paid or receives each month. If you are separated, divorced, widowed, partnered or single, leave Column 2 blank.

	Column 1 Amount paid to Me Monthly	Column 2 Amount paid to Spouse Monthly
a. Wages, Salaries, Self Employment Income	\$ _____	\$ _____
b. Payroll deductions	\$ _____	\$ _____
c. Unemployment compensation	\$ _____	\$ _____
d. Welfare benefits	\$ _____	\$ _____
e. Disability benefits	\$ <u>1000 Foodstamps 240 cash</u>	\$ _____
f. Veteran's benefits	\$ _____	\$ _____
g. Social Security benefits	\$ _____	\$ _____
h. Worker's compensation	\$ _____	\$ _____
i. Accident benefits	\$ _____	\$ _____
j. Retirement benefits	\$ _____	\$ _____
k. Allotment checks	\$ _____	\$ _____
l. Interest	\$ _____	\$ _____
m. Dividends	\$ _____	\$ _____
n. Child support received	\$ _____	\$ _____
o. Alimony or maintenance received	\$ _____	\$ _____
p. Total of any other income received	\$ <u>240</u>	\$ _____
Source: <u>State</u>		
<b>TOTAL MONTHLY INCOME:</b>	\$ <u>240</u>	\$ _____

**ASSETS:**

5. **Cash:** List below the amounts of cash held or value of:
  - a. Cash on you, your spouse, or in your jail property, and at home \$ 20
  - b. Cash in banks, credit unions, and elsewhere \$ \_\_\_\_\_
  - c. Cash owed to you or to your spouse by others \$ \_\_\_\_\_

- d. Stocks and bonds; insurance policy cash values \$ \_\_\_\_\_
- e. Beneficial interest in a trust \$ \_\_\_\_\_

6. **Personal Property:** List below any valuable personal property you own and have not listed above which is not needed by you or your family for day-to-day living.

a. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
c. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)

7. **Auto:** Complete the following information about any motor vehicles (e.g.: cars, trucks, trailers, boats, airplanes, motorcycles) that you are buying, that you own, or in which you claim to have an interest.

a. Make, Year and Model <u>2006 Chev Town or Country</u>	\$ <u>2,000.00</u>	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Make, Year and Model <u>@1997 Dodge</u>	\$ <u>1,000.00</u>	\$ _____	\$ _____
	(value)	(owed)	(net value)

8. **Real Estate:** Complete the following information about any real property (your home, other land, or buildings) that you are buying, that you own, or in which you claim to have an interest.

a. Location _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Location _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)

**TOTAL AVAILABLE ASSETS:** \$ \_\_\_\_\_

**EXPENSES:**

9. List below all monthly expenses **not already deducted** from your pay.
- a. Rent or house payment \$ 550
  - b. Total cost of utilities (water, electric, gas, telephone, trash) \$ 375
  - c. Food \$ 1000
  - d. Credit card payments \$ \_\_\_\_\_
  - e. Installment loan payments \$ 200
  - f. Charge account payments \$ \_\_\_\_\_
  - g. Motor vehicle payments \$ \_\_\_\_\_
  - h. Union dues \$ \_\_\_\_\_
  - i. Medical care costs (doctors, dentists, medicine) \$ \_\_\_\_\_
  - j. Child support and alimony \$ \_\_\_\_\_
  - k. Cost of baby-sitter \$ \_\_\_\_\_
  - l. Motor vehicle insurance, maintenance and gas \$ 210

10. Do you have any expenses (monthly or otherwise) not shown above? If yes, please list below.
- a. Tv monthly \$ 130
  - (how often paid) (how much)
  - b. life ins. monthly \$ 86
  - (how often paid) (how much)
  - c. \_\_\_\_\_ \$ \_\_\_\_\_
  - (how often paid) (how much)

**TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

11. Are any of your expenses past due? If yes, please list below.

- a. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- b. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- c. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)

12. Do you have an attorney to help you with this case?  Yes  No  
If yes, what is his/her name: Bryce Hamblin If no, are you planning to hire your own attorney?  Yes  No

13. Do you want the Court to appoint an attorney (public defender) to help you with this case?  Yes  No  
a. How much can you pay as a down payment for attorney fees? \$ \_\_\_\_\_  
b. How much can you pay each month for attorney fees? \$ \_\_\_\_\_

14. **Oath under penalty of perjury:** I have truthfully and completely given the information in this statement. I have not knowingly concealed, or in any way misrepresented, my financial resources. I am aware that I may be held in contempt of court, or prosecuted for perjury if I have made any false statements or misrepresentation, or concealment, or if I continue to accept the services of a court appointed attorney after my financial condition has materially changed without notifying my court appointed attorney. In any such case, I understand that this application may be used against me.

I hereby make these representations under **PENALTY OF PERJURY:**

Date: 5-28-19 Defendant Signature: \_\_\_\_\_  
Witnessed by: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

PLAINTIFF  STATE OF ARIZONA  vs.	DEFENDANT  Vanessa M. Macleod	CASE NO.  CR-2019-0162  MOTION FOR APPOINTMENT OF COUNSEL AND ORDER
--	-------------------------------------	---

**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature Vanessa Macleod Date 5-28-19 Phone No. \_\_\_\_\_  
 Address \_\_\_\_\_

**ORDER**

**A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED,**

Motion for court appointed attorney is denied or  
 It is ordered that Bryce Hamblin Attorney Name  
Box 488 Egan, Az 85925 Attorney Address  
928-333-0000 Phone No.

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

Defendant has financial resources which may offset all or part of the cost of legal services.  
 It is therefore ordered that Defendant pay to the clerk of the Round Valley Justice Court the amount of \$ \_\_\_\_\_, payable:

- By this date \_\_\_\_\_
- At the time of judgment.
- In installments of \$ \_\_\_\_\_ every \_\_\_\_\_ beginning \_\_\_\_\_
- Said amount to be determined at the time of judgment.

**NOTICE IS HEREBY GIVEN THAT THE ABOVE-ENTITLED ACTION IS SET FOR**

Preliminary Hearing  
 Pretrial Conference in the Apache County Superior Court (for RVJC) in St. Johns, Arizona, on the  
12 day of June, 2019, at 9:00 a.m.

Dated \_\_\_\_\_ Judge/Magistrate \_\_\_\_\_

Copies Forwarded On:  
 To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered  
 To:  Prosecutor  Mail  Hand delivered  Emailed  
 Officer  Mail  Hand delivered  Emailed

# Exhibit C

ROUND VALLEY JUSTICE COURT : P.O. BOX 1356 ; SPRINGVILLE, AZ 85938 (928) 333-4613

PLAINTIFF (Name/Address/Phone)  
JESSIE SLADE FARR  
C/O POSTMASTER

DEFENDANT (Name/Address/Phone)  
TIM CLUFF

CASE NO.  
CV-2015-0070

NOTICE OF COURT DATE

TRIAL DATE\*

Please take notice that the Court has  set  reset this case to be heard as follows:

Date: THURSDAY, AUGUST 27, 2015 Time: 1:00 P.M.

This matter will not be postponed except for a good reason filed in writing with the Court. Written agreement by all parties to postpone must also be supported by good reason.

\*Since this is a trial, all witnesses and evidence must be brought to court.

ORAL ARGUMENT

ORAL ARGUMENT ON: \_\_\_\_\_

Please take notice that the Court has set this matter for oral argument as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

This matter will not be postponed except for a good reason filed in writing with the Court. Written agreement by all parties to postpone must also be supported by good reason.

OTHER

Please take notice that the Court has set this matter to be heard as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

This matter will not be postponed except for a good reason filed in writing with the Court. Written agreement by all parties to postpone must also be supported by good reason.

CERTIFICATE OF MAILING

Copy mailed to  Plaintiff  Defendant cited above.

Received Time Aug. 31. 9:33AM By: dc

Ex H. D

Comp Exh D-Recording

2019-323

OCT 15 2019

19-323

CONFIDENTIAL  
AZ Commission of Judicial Conduct  
re: Judge Marsha Gregory  
Exhibits A-O

# Exhibit E



# Exhibit F



Little Colorado  
Behavioral Health Centers

P.O. Box 699  
Springerville, AZ 85938

05/22/19

Apache County Justice Court; Judge Gregory

Mrs. Sheila Kueneman has been a client at Little Colorado Behavioral Health Centers since 10/18/2010. It is the consensus of the clinical team that Mrs. Kueneman does not have the emotional, mental, or physical ability to effectively represent herself in court proceedings. This belief comes from Mrs. Kueneman's long history of trauma, and a serious mental illness, which makes it difficult to regulate and maintain appropriate emotional behaviors. Mrs. Kueneman can also be triggered by various events, people, stress, or environments. It is our belief that without proper representation that Mrs. Kueneman will not receive a fair court proceeding, trial, or sentence. It is the request of the client and clinical team that Mrs. Kueneman receive representation by a public defender in order to provide Mrs. Kueneman with a fair trial and sentencing.

Sincerely,

Jamie Benson MA, MFT, M.Ed, BHT

Mental Health Therapist

MA, MFT, M. Ed, BHT

RECEIVED MAY 28 2019

St Johns Office: (928) 337-4301  
Fax: (928) 337-2269

Springerville Office: (928) 333-2683  
Fax: (928) 333-5595

**IN THE ROUND VALLEY JUSTICE COURT  
OF THE ROUND VALLEY PRECINCT COUNTY OF APACHE,  
STATE OF ARIZONA**

---

STATE OF ARIZONA  
*Plaintiff,*

Docket No.: CR-2019-0118

**NOTICE OF HEARING FOR  
ORDER TO SHOW CAUSE**

VS.

*RE: Contempt of Court*

SHEILA R. KUENEMAN  
*Defendant,*

BRYCE HAMBLIN  
*Defense Atty.,*

---

TO: Bryce Hamblin,

***Pursuant to A.R.S. §13-810A IT IS HEREBY ORDERED:***

That you appear before the Honorable Marsha A. Gregory, Justice of the Peace at the Round Valley Justice Court in Springerville, Arizona, at **10:00 am on the 2nd of July, 2019**, to then and there show cause, if any you may have, why you **SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR: FAILURE TO APPEAR ON TUESDAY JUNE THE 18<sup>TH</sup> OF 2019 AT 1:00 PM.**

***IT IS FURTHER ORDERED THAT IF YOU FAIL TO APPEAR IN PERSON, A WARRANT WILL BE ISSUED FOR YOUR ARREST.***

DONE IN OPEN COURT this 18 day of June, 2019.

---

*Honorable Marsha A. Gregory*  
**Justice of the Peace**

Exh G

Comp. Exh G - Recording

2019-323

OCT 15 2019

19-323



CONFIDENTIAL  
AZ Commission of Judicial Conduct  
re: Judge Marsha Gregory  
Exhibits A-O

Exh H

Comp Exh H - Recording

2019-323

OCT 15 2019

19-323



CONFIDENTIAL  
AZ Commission of Judicial Conduct  
re: Judge Marsha Gregory  
Exhibits A-O

Exh I

Comp. Exh I - Recording

2019-323

OCT 15 2019

19-323



CONFIDENTIAL  
AZ Commission of Judicial Conduct  
re: Judge Marsha Gregory  
Exhibits A-O

# Exhibit J



Holland  
Saline  
& Lewis

1 970 SOUTH MAIN STREET  
2 SNOWLAKE, ARIZONA 85937  
3 (928) 536-3001  
4 JOSEPH E. HOLLAND, 024706  
5 joseph@hollandsaline.com  
6 JON H. SALINE, 028445  
7 jon@hollandsaline.com  
8 HUNTER T. LEWIS, 030049  
9 hunter@hollandsaline.com  
10 *Attorneys for Defendant*

11 IN THE ROUND VALLEY JUSTICE COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF APACHE

13 STATE OF ARIZONA,

Case No. CR2019-0118

Plaintiff,

**NOTICE OF DECLINATION OF  
APPOINTMENT**

v.

SHEILA R. KUENEMAN,

Defendant.

HOLLAND SALINE & LEWIS  
970 SOUTH MAIN STREET  
SNOWLAKE, ARIZONA 85937  
(928) 536-3001

15 Counsel, Jon Saline, hereby gives notice to this court of his declination of the court appointment  
16 in the above captioned matter. Counsel does not have time to adequately represent Ms. Kueneman with  
17 his current caseload. Due to the above stated reasons, counsel requests he be allowed to withdraw.

18 DATED this 10<sup>th</sup> day of June 2019.

HOLLAND SALINE & LEWIS

By \_\_\_\_\_

Jon H. Saline,  
*Attorney for Defendant*



1 ORIGINAL of the foregoing mailed this  
2 10<sup>th</sup> day of June 2019 mailed:

3 Round Valley Justice Court  
4 PO Box 1356  
5 Springerville, AZ 85938

6 COPY of the foregoing mailed this  
7 10<sup>th</sup> day of June 2019 to:

8 Apache County Attorney's Office  
9 PO Box 637  
10 St Johns, AZ 85936

11 Sheila Keuneman

12

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Kelsi Rasmussen

HOLLAND SALINE & LEWIS  
970 SOUTH MAIN STREET  
SNOWFLAKE, ARIZONA 85937  
(928) 536-3001

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IN THE ROUND VALLEY JUSTICE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF APACHE

STATE OF ARIZONA,

Case No. CR2019-0118

Plaintiff,

**ORDER RE: NOTICE OF DECLINATION  
OF APPOINTMENT**

v.

SHEILA R. KUENEMAN,

Defendant.

GOOD CAUSE APPEARING, IT IS ORDERED:

GRATING Counsel's Motion to withdraw and appointing  
\_\_\_\_\_.

DENYING the motion.

IT IS FURTHER ORDERED: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Signed in Chambers this \_\_\_\_ day of June 2019.

\_\_\_\_\_  
Judge

Apache County Attorney's Office  
PO Box 637  
St Johns, AZ 85936

Jon Saline

# Exhibit K

**Round Valley Justice Court**

*Marsha Gregory*  
*Justice of the Peace*  
P.O. Box 1356  
Springerville, AZ 85938  
(928) 333-4613

July 3, 2019

Katie Eagar  
Hamblin Law Office, PLC  
367 N. Main St., Suite 3  
P.O. Box 488  
Eagar, AZ 85925

Katie, I have gathered most of the recordings and information you requested:

1. The audio recording of the OSC hearing on 7/2/2019 for CR-2019-0118
2. I cannot provide you with the security video from the Round Valley Justice Court without pre-approval from Apache County Court Security, but the timeline is as follows:
  - a. 12:59 PM – Mr. Hamblin arrives
  - b. 1:03 PM – Mr. Hamblin leaves the building
  - c. 1:35 PM – Mr. Jensen arrives
  - d. Pretrial Conference for another defendant is conducted
  - e. 1:56 PM – Ms. Kueneman arrives and enters the courtroom for hearing
  - f. 2:02 PM – Ms. Kueneman leaves the building
  - g. 2:03 PM – Mr. Jensen leaves the building
3. The audio recording from the hearing on 8/27/2015 for CV-2015-0070
4. The audio recording of the OSC hearing on 9/22/2015 for CV-2015-0070
5. Judge Gregory has issued an OSC for Mr. Hamblin on two cases:
  - a. CR-2019-0118, Attorney B. Hamblin, issued on 8/27/2015
  - b. CR-2015-0070, Attorney B. Hamblin, issued on 6/18/2019
6. If you would like to provide a specific case number relative to the request for domestic violence cases, we would be happy to look at that case. However, unless Mr. Hamblin was the attorney of record for the case, a \$28.00 fee for a public records request will apply.

Sincerely,

M H  
Round Valley Justice Court Clerk

# Exhibit L

State of Arizona Plaintiff		<b>MINUTE ENTRY and ORDER</b>
VS	CR-2019-0118 Case Number	<input type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic
Sheila R. Kueneman Defendant		<input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic
		<input type="checkbox"/> Petty Offense <input type="checkbox"/> Game & Fish

Charge(s): A.R.S. 13-2907.01A False Report to Law-Enforcement, CIM; 13-2921A1 Harassment by Communication, CIM; 13-2921A3 Harassment - Repeated Acts, CIM; 13-2921A5 Harassment - False Reports, CIM  
 IN OPEN COURT ON: Tuesday June 18, 2019 at 2:00 PM  
 Set For: Pretrial Conference

Defendant:  In Person  Juvenile  In Custody  Telephonically  Appeared by Counsel  Failed to Appear  
 Defense Attorney: A. Hamilton  Present  Not Present  
 Prosecutor:  Present  Not Present  
 Officer:  Present  Not Present  
 Interpreter:  Present  Not Present

At Defendant's request, enter a plea of:  No Contest  Not Guilty/Not Responsible  Guilty/Responsible  
 At Defendant's request:  Waive Preliminary Hearing and transmit to Apache County Superior Court  
 Court finds Defendant:  Not Guilty/Not Responsible  Guilty/Responsible  Probable Cause/Bound Over to Superior Court  
 Case Dismissed at request of \_\_\_\_\_  With Prejudice  Without Prejudice  
 Signature of Requesting Person: \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC	<input type="checkbox"/> Suspend License	<input type="checkbox"/> Release from Custody
<input type="checkbox"/> Issue Summons	<input type="checkbox"/> Exonerate Bond \$ _____	<input type="checkbox"/> Release Conditions Modified
<input type="checkbox"/> Issue Warrant. Bond \$ _____	<input type="checkbox"/> Forfeit Bond \$ _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Refund Bond \$ _____	

Reset by court

**SCHEDULE:**

<input type="checkbox"/> Arraignment	<input type="checkbox"/> Oral Arguments	<input type="checkbox"/> Sentencing
<input type="checkbox"/> Change of Plea	<input type="checkbox"/> Order to Show Cause	<input checked="" type="checkbox"/> Status Conference
<input type="checkbox"/> Civil TR Hearing	<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Report and Reasons (Juvenile)
<input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury		

On: (day) Tuesday; (date) July 2 2019; (time) 2:00 AM/PM  
**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

**DEFENDANT IS SENTENCED TO:**

<input type="checkbox"/> Pay Fine of \$ _____ <input type="checkbox"/> plus time payment fee of \$20.00	<input type="checkbox"/> Attend screening/counseling	<input type="checkbox"/> Be incarcerated at ACSO for _____ days
<input type="checkbox"/> Perform _____ hours of CWS	<input type="checkbox"/> Placed on probation for _____ Months	<input type="checkbox"/> Other: _____

Date of Order: 18 June 2019

Copies Forwarded On: 6/18/19 MTT

To:  Defendant  Mail  Hand delivered  E-mailed  
 Defense Atty.  Mail  Hand delivered  E-mailed

Signature of Judge of Magistrate \_\_\_\_\_

To:  Prosecutor  Mail  Hand delivered  E-mailed  
 Officer  Mail  Hand delivered  E-mailed

# Exhibit M



Hamblin Law Office <admin@hamblinlawoffice.com>

---

## Request for Security Video

4 messages

---

Hamblin Law Office <admin@hamblinlawoffice.com>

Thu, Jul 25, 2019 at 1:04 PM

To: "H M" <@courts.az.gov>

Bcc: Bryce Hamblin <bryce@hamblinlawoffice.com>, Troy Czarnyszka <tczarnyszka@co.apache.az.us>

Good afternoon M - I was following up on our request for Security Footage from June 18th, 2019 from 12:30 p.m. until 2:30 p.m. Could you give me an estimated time frame of when we can expect to receive that?

Thank you!

--

**Katie Eagar**  
Hamblin Law Office, PLC  
367 N. Main St., Suite 3  
P.O. Box 488  
Eagar, AZ 85925  
Tel (928) 333-0000  
Fax (928) 333-0001

---

H M <@courts.az.gov>

Thu, Jul 25, 2019 at 1:36 PM

To: Hamblin Law Office <admin@hamblinlawoffice.com>

Good Afternoon,

As I mentioned before, any requests for video footage have to go through court security in St. Johns. I'll let you know when I hear something from them.

M H

Round Valley Justice Court

Senior Court Clerk

PO Box 1356

Springerville, AZ 85938

(928) 333-4613 Phone

(928) 333-4205 Fax

@courts.az.gov



# Exhibit N

**From:** Hamblin Law Office <admin@hamblinlawoffice.com>  
**Sent:** Thursday, July 25, 2019 1:05 PM  
**To:** H , M <@courts.az.gov>  
**Subject:** Request for Security Video

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

---

**Hamblin Law Office** <admin@hamblinlawoffice.com>  
To: Bryce Hamblin <bryce@hamblinlawoffice.com>

Thu, Jul 25, 2019 at 1:36 PM

[Quoted text hidden]

---

**Troy Czarnyszka**  
To: Hamblin Law Office <admin@hamblinlawoffice.com>

Thu, Jul 25, 2019 at 1:47 PM

Good afternoon

I have requested our IT department to pull the video. I hope to have the video early next week

Troy

**From:** Hamblin Law Office [mailto:admin@hamblinlawoffice.com]  
**Sent:** Thursday, July 25, 2019 1:05 PM  
**To:** H M  
**Subject:** Request for Security Video

Good afternoon M I was following up on our request for Security Footage from June 18th, 2019 from 12:30 p.m. until 2:30 p.m. Could you give me an estimated time frame of when we can expect to receive that?

[Quoted text hidden]



Hamblin Law Office <admin@hamblinlawoffice.com>

## Public Records Request

3 messages

Hamblin Law Office <admin@hamblinlawoffice.com>  
To: "H , M" <i@courts.az.gov>  
Bcc: Bryce Hamblin <bryce@hamblinlawoffice.com>

Tue, Aug 27, 2019 at 4:38 PM

Good afternoon M -

Our office would like to make another request for all security video footage from June 18th, 2019 from 12:30 p.m. until 2:30 p.m. The Court has a duty to preserve the information once requested; please forward that information to our office as soon as possible.

Further, our office is making a second request for public records. Please send a list of case numbers for **any and all** cases in the past 12 months wherein the Defendant was convicted of a domestic violence offense but was not required by the Court to complete the 26 domestic violence classes.

Thank you for your prompt attention to these matters.

—  
Katie Eagar  
Hamblin Law Office, PLC  
367 N. Main St., Suite 3  
P.O. Box 488  
Eagar, AZ 85925  
Tel (928) 333-0000  
Fax (928) 333-0001

H , M <i@courts.az.gov>  
To: Hamblin Law Office <admin@hamblinlawoffice.com>

Wed, Aug 28, 2019 at 11:02 AM

Katie,

I am writing to respond to your latest email.

### Video Footage

Immediately following your request for video footage on July 2, 2019, the court, following proper protocol, contacted the Chief Security Officer, Troy Czarnyszka, to request authorization to release the footage. In the meantime, your office was provided with audio recordings of the requested hearings.

When your second request was received on July 25, 2019, court security was again contacted. One again, the court did not receive the requested authorization from Mr. Czarnyszka.

Following your email yesterday, the court contacted Mr. Czarnyszka a third time and was informed as follows:

- Mr. Hamblin had, at some point, gone to Judge Latham personally, rather than to the Chief Security Officer, Troy Czarnyszka, to get authorization to release the footage.
- Authorization to release the footage was (apparently) verbally given by Judge Latham, although this court was not made aware of this communication.
- Mr. Czarnyszka then informed Mr. Hamblin personally last week that the 30-day window had expired, and the footage was no longer available.

Public Records Request RE: DV Classes

The court is not aware of **any** cases where the defendant was convicted of DV and not sentenced to the required counseling classes. As I mentioned in the letter dated July 3, 2019, if you would like to provide the court with a specific case number I would be happy to look at that case. However, unless Mr. Hamblin was the attorney of record for case, a \$28.00 fee search request fee, per case, would apply.

Please let me know if you have any questions.

Thank you,

M H

Round Valley Justice Court

Senior Court Clerk

PO Box 1356

Springerville, AZ 85938

(928) 333-4613 Phone

(928) 333-4205 Fax

1@courts.az.gov

**From:** Hamblin Law Office <admin@hamblinlawoffice.com>

**Sent:** Tuesday, August 27, 2019 4:38 PM

**To:** H M <1@courts.az.gov>

**Subject:** Public Records Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

---

**Hamblin Law Office** <admin@hamblinlawoffice.com>  
To: Bryce Hamblin <bryce@hamblinlawoffice.com>

Wed, Aug 28, 2019 at 11:05 AM

[Quoted text hidden]

# Exhibit O

367 NORTH MAIN STREET  
SUITE 3  
P.O. BOX 488  
EAGAR, ARIZONA 85925

## HAMBLIN LAW OFFICE, PLC

PHONE 928-333-0000  
FAX 928-333-0001  
EMAIL [Admin@hamblinlawoffice.com](mailto:Admin@hamblinlawoffice.com)  
WEBSITE [www.hamblinlawoffice.com](http://www.hamblinlawoffice.com)

September 24, 2019

Judge Butch Gunnels  
St. Johns Justice Court  
PO Box 308  
St. Johns, AZ 85936

Re: Reassignment of Cases

Via First Class Mail

Presiding Judge Gunnels:

The purpose of my letter is to request that cases in which I appear in the Round Valley Justice Court be reassigned from Judge Gregory to another judge. As indicated in my recent 10.1 Motion for Change of Judge, I do not believe that my clients can receive a fair and impartial hearing in front of Judge Gregory. Her recent retaliatory bar complaint against me is indicative of the fact that she does not intend to change her tactics.

In an effort to avoid having to file 10.1 motions in each case in which I appear, requiring I state the specific grounds therefore (thereby enflaming the matter perpetually), I would propose that your honor enter an order as Presiding Justice of the Peace requiring each matter in which I appear in the Round Valley Justice Court be automatically transferred to another judge. I truly believe that this will work best for Judge Gregory, myself, and most importantly, my clients. Thank you for your consideration.

Regards:

Bryce M. Hamblin, Esq.

Comp Supp 1  
19-323  
1-13-20

**From:** Bryce Hamblin <bryce@hamblinlawoffice.com>  
**Sent:** Monday, January 13, 2020 12:58 PM  
**To:** Elliott, April <@courts.az.gov>  
**Subject:** Re: CJC Case No. 19-323 (Judge Gregory)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

April:

Please see attached the letter from bar counsel dismissing the charge/complaint brought by Judge Gregory. As I indicated over the phone, the most recent order to show cause that Judge Gregory issued against me was for a case in which Judge Gregory's husband was the "victim" (false reporting) as well as one of the investigating officers and the supervising officer (attached Disclosure 1-15). What's more, Judge Gregory indicates on the record, as you will hear in the recording, that the Defendant waived said conflict. First, this is not a waivable conflict. Second, the whole premise behind Judge Gregory appointing me is that the Defendant supposedly could not understand and/or appreciate the gravity of the charges against her. Yet Judge Gregory thought she was fit enough to waive an unwaivable conflict. Please let me know if you need anything additional.

On Tue, Dec 31, 2019 at 4:03 PM Elliott, April <@courts.az.gov> wrote:

Hi Mr. Hamblin:

I am the attorney investigating your complaint against Judge Gregory. I understand that a hearing on your Rule 10.1 motion was held before the Apache County Superior Court en banc and they granted your motion. I am in the process of obtaining that ruling and the recording of that proceeding. I wanted to know if there had been any disposition of the bar complaint (although we have parallel functions, we are limited in what we can share with the Bar and vice versa). Therefore, if there has been a disposition, I would appreciate it if you could share the outcome with me. Thank you for your attention to this matter.

April P. Elliott  
Disciplinary Counsel  
Arizona Commission on Judicial Conduct  
1501 W. Washington, Suite 229  
Phoenix, AZ 85007  
602-452-3200 (Main)



Bryce M. Hamblin, Esq.  
Hamblin Law Office, PLC  
PO Box 488  
Eagar, AZ 85925  
928.333.0000



November 20, 2019

**PERSONAL AND CONFIDENTIAL**

Bryce M Hamblin  
Hamblin Law Office PLC  
P.O. Box 488  
367 N. Main Street, Suite 3  
Eagar, Arizona 85925-0488

**Re: File No:** 19-2179  
**Complainant:** The Hon. Marsha Ann Gregory

Dear Mr. Hamblin:

The State Bar received a telephonic Bar charge/complaint against you from Judge Gregory on August 1, 2019. After our review and investigation of the charge, we determined there was no clear and convincing evidence of a violation of the Rules of Professional Conduct warranting further investigation. We, therefore, dismissed this charge on September 9, 2019, and consider this file closed.

Pursuant to Rule 70(a)(4), Ariz. R. Sup. Ct., the record of this charge will be public for six months from the date of this letter. This charge has no adverse impact on your standing with the State Bar. The record shows a consumer charge that was dismissed. Pursuant to Rule 71, Ariz. R. Sup. Ct., the State Bar file may be expunged in three years.

Sincerely,

Blair Hartwell Moses  
Bar Counsel - Intake

BHM/tab

# Springerville PD Incident Report Form

**18-1115**  
10/21/2018  
**HARASSMENT**

Primary Officer: **QUINTIN MCCUE - 120**

- |  |   |  |  |  |
|--|---|--|--|--|
| <input type="checkbox"/> Juvenile Involved | <input checked="" type="checkbox"/> Investigation | <input type="checkbox"/> Video Available | <input type="checkbox"/> Gang Related              | <input type="checkbox"/> Paperless       |
| <input type="checkbox"/> Domestic Related  | <input checked="" type="checkbox"/> Suspects      | <input type="checkbox"/> Bias Crime      | <input type="checkbox"/> Accident                  | <input type="checkbox"/> Administrative  |
| <input type="checkbox"/> Alcohol Involved  | <input checked="" type="checkbox"/> Arrests Made  | <input type="checkbox"/> Drugs Involved  | <input type="checkbox"/> Ready for DA / Prosecutor | <input type="checkbox"/> Alarm Activated |

Log Number <b>18-1115</b>	Incident Number	File Number	Case Number	UCR
------------------------------	-----------------	-------------	-------------	-----

Incident Type <b>HARR HARASSMENT</b>	Dispatcher <b>ACDISP</b>	Source <b>RADI</b>	District <b>SPD</b>	Status <b>ARREST</b>
---	-----------------------------	-----------------------	------------------------	-------------------------

Incident Date / Times Incident Occurred At or Between

Date Received <b>10/21/2018</b>	Day Rec'd <b>Sunday</b>	Rcvd	Disp	Arrv <b>1539</b>	Cld <b>1559</b>	Earliest Date and Time <b>10/19/2018 1500 (Friday)</b>	Latest Date and Time <b>10/20/2018 1539 (Saturday)</b>
------------------------------------	----------------------------	------	------	---------------------	--------------------	---	---

Disposition <b>ARR CLEARED BY ARREST</b>	Cleared by Exception	<input type="checkbox"/> Suspended
---	----------------------	------------------------------------

UCR Clearance	UCR Occur Date	UCR Clear Date	UCR Count	UCR Human Traffic Code	UCR HT Count <b>0</b>
---------------	----------------	----------------	-----------	------------------------	--------------------------

Location <b>1203 E MAIN STREET SPRINGERVILLE AZ 85938</b>	Cross Street	<input type="checkbox"/> Intersection
	GPS Loc X	GPS Loc Y

Municipality:	Premise Code <b>APT APARTMENT COMPLEX</b>	Arson Value
---------------	--	-------------

Business Name <b>MESA VISTA APARTMENTS</b>	Gang	Weather
---	------	---------

Modus Operandi Coding	Victim:	<p><b>RECEIVED</b></p> <p>OCT 22 2018</p> <p>Apache County Attorney</p>
Entry:	Property:	
Exit:	Area:	
Method:	Time of Day:	

**WEAPON USED:**

Caller / Complainant Type	<input checked="" type="checkbox"/> Normal	<input type="checkbox"/> Anonymous	<input type="checkbox"/> Hangup	<input type="checkbox"/> Refused
---------------------------	--	------------------------------------	---------------------------------	----------------------------------

### INVOLVED PERSONS

Name (Last, First, Middle) - Address <b>KUENEMAN, SHEILA RANAE</b>	Juvenile <input type="checkbox"/>	Date of Birth	Age	Race	Sex	Ethnic	Social Security Number
	Weight	Height	Hair	Eyes	Phone Number		
	Driver License Number			State <b>AZ</b>	Class	Expiration Date	
	ID Provided			ID Detail			

Link Comments

### INVOLVED BUSINESSES / ORGANIZATIONS

**10/21/2018**

<b>18-1115</b>	<b>10/21/2018</b>	<input checked="" type="checkbox"/> APPROVED BY: SGT APPROVAL	PAGE 1
IRF 1.6		APPROVED ON: 10/22/2018	

# Springerville PD Incident Report Form

**18-1115**  
**10/21/2018**  
**HARASSMENT**

### INVOLVED BUSINESSES / ORGANIZATIONS

10/21/2018

Business / Organization Name <b>MESA VISTA APARTMENTS</b>			Business Address <b>1203 E MAIN STREET</b>		
Phone 1 <b>(602) 571-3297</b>	Phone 2	Phone 3	<b>SPRINGERVILLE, AZ 85938</b>		
Involvement Comments					

### ARREST INFORMATION

Arrest Date <b>10/20/2018</b>	Arrested / Suspect Name (First/Last)	<b>KUENEMAN SHEILA RANAE</b>	Arrested At	<b>N</b>
Arrest Type	OTN	Ticket / Complaint Number		
Primary Charge <b>13-2922.B</b>	Primary Charge Description		Charge Type	Charge Class
Arrest Disposition	Bail	UCR Code <b>26</b>	Arrestment Date	Miranda by ID
Arresting Officer 1	Arresting Officer 2		Blood / Alcohol	Arrest <input type="checkbox"/>
Charge		Description	Charge Type	Charge Class
		<b>Secondary Charge(s)</b>		Count(s) <b>1</b>

### RESPONDING / INVOLVED UNITS, OFFICERS, TIMES

Division	Supervisor / I/O
Unit Number	Officer / ID (Ofcr1 / Ofcr2)
	<b>QUINTIN MCCUE 120</b>
	Officer / ID (Ofcr3 / Ofcr4)

### COMMENTS / NARRATIVES

Title <b>18-1115/HARASSMENT</b>	
Narrative Created By / Creation Date <b>QUINTIN MCCUE 10/21/2018</b>	Narrative Updated By / Update On <b>QUINTIN MCCUE 10/21/2018</b>
Narrative Approved By / Approved Date <b>SGT APPROVAL 10/22/2018</b>	

**Case Type:** Harassment/Interfere with Public Safety Transmission

**Suspect #1:** Sheila Kuencman (D.O.B : )

#### Charges:

1. A.R.S 13-2916.A.3 Use of electronic communication device to harass
2. A.R.S 13-2916.A.1 Use of electronic communication device to harass
3. A.R.S 13-2921.A.1 Harassment
4. A.R.S 13-2922.B Interfere with public safety transmission

**Victim:** Apache County Sheriffs Office

**Location:** 1203 E. Main Street #1 Springerville, AZ

# Springerville PD

## Incident Report Form

18-1115  
10/21/2018  
HARASSMENT

Case Officer: Q. McCue #120

Synopsis:

On Saturday October 20, 2018, Sheila Kueneman was arrested for violating A.R.S 13-2916.A.3 (use of electronic communication device to harass), A.R.S 13-2916.A.1 (use of electronic communication device to harass), A.R.S 13-2921.A (harassment) and A.R.S 13-2922.B (interfere with Public Safety Transmission) in the area of 1203 E. Main Street in Springerville. Sheila was transported and booked into the Apache County Jail for the above mentioned charges.

Narrative:

On Saturday October 20, 2018 Apache County Sheriffs Office Dispatch informed me Sheila Kueneman has been calling the non-emergency line in dispatch and the Apache County Jail repeatedly throughout this day. The day prior, 10/19/18, I was also aware of Sheila calling into dispatch repeatedly. Sergeant Gregory also spoke with Sheila on 10/19/18 several times and informed her she needed to stop calling into dispatch for the same reason that had already been addressed or she would be charged. (See DR#18-1113).

ACSO Dispatch informed me Sheila has called the jail in excess of 10+ times within an hour time period and had called into dispatch using the non-emergency line in excess of 20+ times. Sheila was advised by dispatch there were 9-1-1 calls coming into dispatch and she needed to stop calling. Sheila reportedly replied by saying she was more important than the 9-1-1 calls.

In November 2013, Apache County Sheriffs Deputy Sloan arrested Sheila in Eagar, and was charged with these same charges after she had called into dispatch repeatedly (Refer to ACSO DR# 13-111491). Over the years working for the Springerville Police Department, I have advised Sheila several times that she could not call dispatch unless she had a bona fide emergency or a legitimate reason. For example, on 9/1/2018 Sheila repeatedly called dispatch to inform them the grass at the Springerville Cemetery needed to be cut. (See DR#18-0967).

I was in the process of booking a felony arrest when I received the call that Sheila was harassing the jail and dispatch. I requested Eagar Police Officer Richardson #75 proceed to Sheila's residence and take her into custody.

Officer Richardson agreed and contacted ACSO Deputy Prieto A-12 and they proceeded to Sheila's residence and took her into custody without incident. Once Sheila arrived at the Springerville Police Department, I informed her why she was arrested and what charges were going to be filed against her. I again explained to Sheila she could not repeatedly call dispatch and the jail as they have other business and emergencies to address.

Apache County Sergeant Sloan A-20 spoke with the deputies in the jail and our emergency dispatchers and requested them complete an incident report in the matter. These reports will be attached to this report when they are received. Also recordings of the calls Sheila made were requested and will be attached to this report when they become available. I issued the Apache County Sheriffs Office Victim Rights #A415246.

Nothing further.

18-1115

10/21/2018



APPROVED BY: SGT APPROVAL  
APPROVED ON: 10/22/2018

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000003

18-1115

10/21/2018

HARASSMENT

# Springerville PD Incident Report Form

**ATTACHMENTS:**

- 1. AXON body camera footage
- 2. Incident reports from ACSO Employees
- 3. Audio recordings of the calls made into dispatch
- 4. Victim Rights A415246

**Disposition:** Cleared by arrest

Officer Quintin McCue #120

Springerville Police Department

18-1115

10/21/2018



APPROVED BY: SGT APPROVAL

APPROVED ON: 10/22/2018

PAGE 4

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000004



# APACHE COUNTY ADULT DETENTION FACILITY PRE-BOOKING SHEET

BOOKING# \_\_\_\_\_

NCIC: NEGATIVE \_\_\_\_\_ POSTIVE \_\_\_\_\_

BY: \_\_\_\_\_

NAME: KUENEMAN SHEILA RANAE  
LAST FIRST MIDDLE

ADDRESS: \_\_\_\_\_  
NUMBER STREET CITY STATE ZIP

TELEPHONE: \_\_\_\_\_  
DAY NIGHT

SOCIAL SECURITY NUMBER: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

MOUSTACHE: Y\_\_N\_\_ BEARD: Y\_\_N\_\_ GLASSES: Y\_\_N\_\_ COMPLEXION: \_\_\_\_\_ BUILD: \_\_\_\_\_

PERSONAL DESCRIPTORS: Scars, Marks, Tattoos or other. Describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALIASES (AKA'S): \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

ARRESTING AGENCY: SPRINGVILLE POLICE DEPT D.R. #: 18-1115

ARRESTING OFFICER: MCCUE BADGE: 120

PLACE OF ARREST: 1203 E. MAIN STREET #1 DATE/TIME: 10/20/18//1539

NEXT OF KIN: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

### CHARGES

CLASS	LITERAL	STATUTE	
M	Use of an electronic communication to harass	13-2916.A.3	
M	HARASSMENT	13-2921.A.1	
M	Use of an electronic communication to harass	13-2916.A.1	
F		<u>13-2922</u>	

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

1 <<FORM USE>>
Initial Contact [checked]
Victim-Initiated Change(s) [ ]
By Phone/Mail [ ]
In Person [checked]
DATE: 10/20/18

2 <<CASE IDENTIFYING INFORMATION>>
REPORTING AGENCY: Springfield Police Dept Phone #: 928-333-4240
Reporting Officer(s): J. L. #170 Complaint/Report/Citation #: 18-1115
Location: 1203 E Main #1 Report/Citation Date/Time: 10/20/18
Offense/Type of Crime: Use of Electronic Device to Harass, Harassment
Felony [ ] Misdemeanor [checked] Petty Offense [ ] Domestic Violence Issue [ ] Interference w/ Public Safety [checked]

3 <<ARREST / DETENTION STATUS>>
SUSPECT NOT IN CUSTODY [ ]
SUSPECT CITED AND RELEASED / REFERRED [ ]
SUSPECT IN CUSTODY - ADULT [checked]
SUSPECT IN CUSTODY - JUVENILE [ ]
SUSPECT #1: Sheila K...
SUSPECT #2:
COURT: P.U.J.C.
DATE: 11/14/18
TIME: 10:00 AM
CUSTODIAL AGENCY: S.P.D.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>
A. Who is the crime or offense committed against? Victim: ACSO
B. Lawful Representative: [ ] Sex: [ ] M [ ] F Birth Date: Relationship to Victim: Employee
C. How can you be contacted? What is your language preference? [checked] English [ ] Spanish [ ]
Name: ACSO
Mailing Address:
Home Address (if different):
City: State: Zip Code:
Telephone (Primary): (Alternate/Message):
Email:

D. [checked] I REQUEST my rights in this case. OR [ ] I WAIVE (DECLINE) my rights in this case.
I understand that I must keep my mailing address and phone number current with the agency in court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.
Victim or Lawful Representative Signature / Date: [Signature] 10/20/18

(FOR REPORTING AGENCY USE ONLY)
REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)
NOTES / COMMENTS:

POST OFFICE CONTACT INFORMATION
MAIL [ ] DATE / TIME INITIALS
LAW ENFORCEMENT COPY - GREEN
REV. 7/2018

COVER SHEET - TEAR OFF FOR VICTIM 000006



# Springerville PD

## Incident Report Form

18-1115  
10/21/2018  
HARASSMENT

Primary Officer: **QUINTIN MCCUE - 120**

- |  |   |  |  |  |
|--|---|--|--|--|
| <input type="checkbox"/> Juvenile Involved | <input checked="" type="checkbox"/> Investigation | <input type="checkbox"/> Video Available | <input type="checkbox"/> Gang Related              | <input type="checkbox"/> Paperless       |
| <input type="checkbox"/> Domestic Related  | <input checked="" type="checkbox"/> Suspects      | <input type="checkbox"/> Bias Crime      | <input type="checkbox"/> Accident                  | <input type="checkbox"/> Administrative  |
| <input type="checkbox"/> Alcohol Involved  | <input checked="" type="checkbox"/> Arrests Made  | <input type="checkbox"/> Drugs Involved  | <input type="checkbox"/> Ready for DA / Prosecutor | <input type="checkbox"/> Alarm Activated |

Log Number <b>18-1115</b>	Incident Number	File Number	Case Number	UCR
------------------------------	-----------------	-------------	-------------	-----

Incident Type <b>HARR HARASSMENT</b>	Dispatcher <b>ACDISP</b>	Source <b>RADI</b>	District <b>SPD</b>	Status <b>ARREST</b>
---	-----------------------------	-----------------------	------------------------	-------------------------

Incident Date / Times Incident Occurred At or Between

Date Received <b>10/21/2018</b>	Day Rec'd <b>Sunday</b>	Rcvd	Disp	Arrv <b>1539</b>	Clrd <b>1559</b>	Earliest Date and Time <b>10/19/2018 1500 (Friday)</b>	Latest Date and Time <b>10/20/2018 1539 (Saturday)</b>
------------------------------------	----------------------------	------	------	---------------------	---------------------	---	---

Disposition <b>ARR CLEARED BY ARREST</b>	Cleared by Exception	<input type="checkbox"/> Suspended
---	----------------------	------------------------------------

UCR Clearance	UCR Occur Date	UCR Clear Date	UCR Count	UCR Human Traffic Code	UCR HT Count <b>0</b>
---------------	----------------	----------------	-----------	------------------------	--------------------------

Location  Intersection

<b>1203 E MAIN STREET SPRINGERVILLE AZ 85938</b>	Cross Street
--	--------------

Municipality:	GPS Loc X	GPS Loc Y
---------------	-----------	-----------

Business Name <b>MESA VISTA APARTMENTS</b>	Premise Code <b>APT APARTMENT COMPLEX</b>	Arson Value
---	--	-------------

Gang	Weather
------	---------

Modus Operandi Coding Victim:

Entry: Property:

Exit: Area:

Method: Time of Day:

WEAPON USED:

Caller / Complainant Type Normal  Anonymous  Hangup  Refused

INVOLVED PERSONS

**ARRESTED**

CODE: **ARR**

Name (Last, First, Middle) - Address <b>KUENEMAN, SHEILA RANAE</b>	Juvenile <input type="checkbox"/>	Date of Birth	Age	Race	Sex	Ethnic	Social Security Number
	Weight	Height	Hair	Eyes	Phone Number		
	Driver License Number				State <b>AZ</b>	Class	Expiration Date
	ID Provided	ID Detail					

Link Comments

INVOLVED BUSINESSES / ORGANIZATIONS

10/21/2018

18-1115

10/21/2018

APPROVED BY: SGT APPROVAL  
APPROVED ON: 10/22/2018

PAGE 1

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# Springerville PD Incident Report Form

18-1115  
10/21/2018  
HARASSMENT

## INVOLVED BUSINESSES / ORGANIZATIONS

10/21/2018

Business / Organization Name  
**MESA VISTA APARTMENTS**

Business Address  
**1203 E MAIN STREET  
SPRINGERVILLE, AZ 85938**

Phone 1  
**(602) 571-3297**

Phone 2

Phone 3

Involvement Comments

## ARREST INFORMATION

Arrest Date <b>10/20/2018</b>	Person Arrested (Last Name, First Middle) <b>KUENEMAN SHEILA RANAE</b>	Juvenile <b>N</b>						
Arrest Type	OTN	Ticket / Complaint Number						
Primary Charge <b>13-2922.B</b>	Primary Charge Description	Charge Type	Charge Class	Count(s) <b>1</b>				
Arrest Disposition	Bail	UCR Code <b>26</b>	Arraignment Date	Miranda by ID	Docket Number	Blood / Alcohol	Arrest <input type="checkbox"/>	Summons <input type="checkbox"/>
Arresting Officer 1	Arresting Officer 2		Secondary Charge(s)					
Charge	Description	Charge Type	Charge Class	Count(s)				

## RESPONDING / INVOLVED UNITS, OFFICERS, TIMES

Division	Supervisor / ID		
Unit Number	Officer / ID (Ofcr1 / Ofcr2)	Officer / ID (Ofcr3 / Ofcr4)	
	<b>QUINTIN MCCUE</b>	<b>120</b>	

## COMMENTS / NARRATIVES

Title <b>18-1115/HARASSMENT</b>			
Narrative Created By / Creation Date <b>QUINTIN MCCUE</b>	<b>10/21/2018</b>	Narrative Updated By / Update On <b>QUINTIN MCCUE</b>	<b>10/21/2018</b>
Narrative Approved By / Approved Date <b>SGT APPROVAL</b>	<b>10/22/2018</b>		

**Case Type:** Harassment/Interfere with Public Safety Transmission

**Suspect #1:** Sheila Kueneman (D.O.B 11/21/1965)

### Charges:

1. A.R.S 13-2916.A.3 Use of electronic communication device to harass
2. A.R.S 13-2916.A.1 Use of electronic communication device to harass
3. A.R.S 13-2921.A.1 Harassment
4. A.R.S 13-2922.B Interfere with public safety transmission

**Victim:** Apache County Sheriffs Office

**Location:** 1203 E. Main Street #1 Springerville, AZ

18-1115

10/21/2018



APPROVED BY: SGT APPROVAL  
APPROVED ON: 10/22/2018

PAGE 2

IRF 1.6

000008

**Springerville PD**  
**Incident Report Form**

**18-1115**  
**10/21/2018**  
**HARASSMENT**

Case Officer: Q. McCue #120

Synopsis:

On Saturday October 20, 2018, Sheila Kueneman was arrested for violating A.R.S 13-2916.A.3 (use of electronic communication device to harass), A.R.S 13-2916.A.1 (use of electronic communication device to harass), A.R.S 13-2921.A (harassment) and A.R.S 13-2922.B (interfere with Public Safety Transmission) in the area of 1203 E. Main Street in Springerville. Sheila was transported and booked into the Apache County Jail for the above mentioned charges.

Narrative:

On Saturday October 20, 2018 Apache County Sheriffs Office Dispatch informed me Sheila Kueneman has been calling the non-emergency line in dispatch and the Apache County Jail repeatedly throughout this day. The day prior, 10/19/18, I was also aware of Sheila calling into dispatch repeatedly. Sergeant Gregory also spoke with Sheila on 10/19/18 several times and informed her she needed to stop calling into dispatch for the same reason that had already been addressed or she would be charged. (See DR#18-1113).

ACSO Dispatch informed me Sheila has called the jail in excess of 10+ times within an hour time period and had called into dispatch using the non-emergency line in excess of 20+ times. Sheila was advised by dispatch there were 9-1-1 calls coming into dispatch and she needed to stop calling. Sheila reportedly replied by saying she was more important than the 9-1-1 calls.

In November 2013, Apache County Sheriffs Deputy Sloan arrested Sheila in Eagar, and was charged with these same charges after she had called into dispatch repeatedly (Refer to ACSO DR# 13-111491). Over the years working for the Springerville Police Department, I have advised Sheila several times that she could not call dispatch unless she had a bona fide emergency or a legitimate reason. For example, on 9/1/2018 Sheila repeatedly called dispatch to inform them the grass at the Springerville Cemetery needed to be cut. (See DR#18-0967).

I was in the process of booking a felony arrest when I received the call that Sheila was harassing the jail and dispatch. I requested Eagar Police Officer Richardson #75 proceed to Sheila's residence and take her into custody.

Officer Richardson agreed and contacted ACSO Deputy Prieto A-12 and they proceeded to Sheila's residence and took her into custody without incident. Once Sheila arrived at the Springerville Police Department, I informed her why she was arrested and what charges were going to be filed against her. I again explained to Sheila she could not repeatedly call dispatch and the jail as they have other business and emergencies to address.

Apache County Sergeant Sloan A-20 spoke with the deputies in the jail and our emergency dispatchers and requested them complete an incident report in the matter. These reports will be attached to this report when they are received. Also recordings of the calls Sheila made were requested and will be attached to this report when the become available. I issued the Apache County Sheriffs Office Victim Rights #A415246.

Nothing further.



**Springerville PD**  
**Incident Report Form**

**18-1115**  
**10/21/2018**  
**HARASSMENT**

**ATTACHMENTS:**

1. AXON body camera footage
2. Incident reports from ACSO Employees
3. Audio recordings of the calls made into dispatch
4. Victim Rights A415246

**Disposition:** Cleared by arrest

Officer Quintin McCue #120

Springerville Police Department





# APACHE COUNTY ADULT DETENTION FACILITY PRE-BOOKING SHEET

BOOKING# \_\_\_\_\_

NCIC: NEGATIVE \_\_\_\_\_ POSTIVE \_\_\_\_\_

BY: \_\_\_\_\_

NAME: KUENEMAN SHEILA RANAE  
LAST FIRST MIDDLE

ADDRESS: \_\_\_\_\_  
NUMBER STREET CITY STATE ZIP

TELEPHONE: \_\_\_\_\_  
DAY NIGHT

SOCIAL SECURITY NUMBER \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

MOUSTACHE: Y\_\_N\_\_ BEARD: Y\_\_N\_\_ GLASSES: Y\_\_N\_\_ COMPLEXION: \_\_\_\_\_ BUILD: \_\_\_\_\_

PERSONAL DESCRIPTORS: Scars, Marks, Tattoos or other. Describe:

ALIASES (AKA'S): \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

ARRESTING AGENCY: SPRINGVILLE POLICE DEPT D.R. #: 18-1115

ARRESTING OFFICER: MCCUE BADGE: 120

PLACE OF ARREST: 1203 E. MAIN STREET #1 DATE/TIME: 10/20/18//1539

NEXT OF KIN: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

### CHARGES

CLASS	LITERAL	STATUTE	
M	Use of an electronic communication to harass	13-2916.A.3	
M	HARASSMENT	13-2921.A.1	
M	Use of an electronic communication to harass	13-2916.A.1	
F		<u>13-2922</u>	

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

1 <<FORM USE>>
 Initial Contact
 By Phone/Mail
 Victim-Initiated Change(s)
 In Person
DATE: 10/20/18

2 <<CASE IDENTIFYING INFORMATION>>
REPORTING AGENCY: Springerville Police Dept Phone #: 978-333-5240
Reporting Officer(s): McLean #176 Complaint/Report/Citation #: 18-1115
Location: 1703 E Main #1 Report/Citation Date/Time: 10/20/18
Offense/Type of Crime: Use of Electronic Device to Harass & Harassment
Felony Misdemeanor Petty Offense Domestic Violence Issue Interfere w/ Public Safety

3 <<ARREST / DETENTION STATUS>>
SUSPECT NOT IN CUSTODY: UNKNOWN
SUSPECT CITED AND RELEASED / REFERRED: ADULT
SUSPECT IN CUSTODY - ADULT: Suspect #1 Shale K...
SUSPECT IN CUSTODY - JUVENILE:
Initial Appearance: 11/13/18
COURT: RUCS
DATE: 11/13/18
TIME: 10:00 AM
CUSTODIAL AGENCY: SPD

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?
Victim: ACSO Sex: M Birth Date:
B. Lawful Representative: Relationship to Victim: Emp over

- If lawful representative, check (one) of the following which applies:
The victim has designated me as his/her lawful representative.
The victim is a legal entity (corporation, partnership or business).
The victim is a vulnerable adult & I am the legal guardian.
The victim is incapacitated or deceased and I am an immediate family member.
The victim is minor child and I am a parent, an immediate family member or legal guardian.

C. How can you be contacted? What is your language preference? English Spanish
Name: ACSO
Mailing Address:
Home Address (if different):
City: State: Zip Code:
Telephone: (Primary) (Alternate/Message)
Email:

D. I REQUEST my rights in this case. OR I WAIVE (DECLINE) my rights in this case.
I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.
Victim or Lawful Representative Signature - Date: 10/6/18
(FOR REPORTING AGENCY USE ONLY)
REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)
NOTES / COMMENTS:

POST-VICTIM-CONTACT
ARREST NOTIFICATION: PHONE MAIL
DATES / TIMES DATE / TIME INITIALS
LAW ENFORCEMENT COPY - GREEN

# PRESS HARD - YOU ARE MAKING 5 COPIES

FOR BEST COPIES - REMOVE FROM BOOK AND WRITE ON A HARD SURFACE

A415246

## VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

**1** <<FORM USE>>

Initial Contact  By Phone-Mail DATE: 10/1/18

Victim-Initiated Change(s)  In Person

### 2 <<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: Springdale Police Dept Phone #: 972-333-1241

Reporting Officer(s): J. McNeil #120 Complaint/Report/Citation #: DE 18 1115

Location: 1723 E Main St Report/Citation Date/Time: 10/1/18

Offense/Type of Crime: Use of Electronic Device to Harass or Harassment

Felony  Misdemeanor  Petty Offense  Domestic Violence Issue Interfere w/ Public Safety

### 3 <<ARREST / DETENTION STATUS>>

<input type="checkbox"/> SUSPECT NOT IN CUSTODY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> KNOWN ADULT _____ JUVENILE _____ SUSPECT #1 _____ DOB _____ SUSPECT #2 _____ DOB _____	<input type="checkbox"/> SUSPECT CITED AND RELEASED / REFERRED ADULT _____ JUVENILE _____ SUSPECT #1 _____ DOB _____ SUSPECT #2 _____ DOB _____ COURT _____ DATE: _____ TIME: _____	<input checked="" type="checkbox"/> SUSPECT IN CUSTODY - ADULT INITIAL APPEARANCE: SUSPECT #1 <u>Sheela K...</u> DOB _____ SUSPECT #2 _____ DOB _____ COURT <u>P.D.</u> DATE: <u>11/2/18</u> TIME: <u>1:20 AM</u> CUSTODIAL AGENCY: <u>P.D.</u>	<input type="checkbox"/> SUSPECT IN CUSTODY - JUVENILE DETENTION HEARING: SUSPECT #1 _____ DOB _____ SUSPECT #2 _____ DOB _____ DETENTION CENTER: _____
--	---	---	---

If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.

The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.

The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

### 4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?  
Victim: ACSO Sex:  M  F Birth Date: \_\_\_\_\_

B. Lawful Representative: \_\_\_\_\_ Sex:  M  F Birth Date: \_\_\_\_\_ Relationship to Victim: Employee

- If lawful representative, check (one) of the following which applies:
- The victim has designated me as his/her lawful representative.
  - The victim is a legal entity (corporation, partnership or business).
  - The victim is a vulnerable adult & I am the legal guardian.
  - The victim is incapacitated or deceased and I am an immediate family member.
  - The victim is minor child and I am a parent, an immediate family member or legal guardian.

C. How can you be contacted? What is your language preference?  English  Spanish  \_\_\_\_\_

Name: A. D.

Mailing Address: \_\_\_\_\_ Apt: \_\_\_\_\_

Home Address (if different): \_\_\_\_\_ Apt: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (Primary) \_\_\_\_\_ (Alternate/Message) \_\_\_\_\_

Email: \_\_\_\_\_

D. <input checked="" type="checkbox"/> I REQUEST my rights in this case. OR <input type="checkbox"/> I WAIVE (DECLINE) my rights in this case. I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.	(FOR REPORTING AGENCY USE ONLY) <input type="checkbox"/> REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)	NOTES / COMMENTS:
Victim or Lawful Representative Signature: _____ Date: <u>10/1/18</u>		

# Springerville PD

## Incident Report Form

18-1113  
10/19/2018  
INFORMATIONAL REPORT

Primary Officer: **DAVID GREGORY - 135**

- |  |  |  |  |  |
|--|--|--|--|--|
| <input type="checkbox"/> Juvenile Involved | <input type="checkbox"/> Investigation | <input type="checkbox"/> Video Available | <input type="checkbox"/> Gang Related              | <input type="checkbox"/> Paperless       |
| <input type="checkbox"/> Domestic Related  | <input type="checkbox"/> Suspects      | <input type="checkbox"/> Bias Crime      | <input type="checkbox"/> Accident                  | <input type="checkbox"/> Administrative  |
| <input type="checkbox"/> Alcohol Involved  | <input type="checkbox"/> Arrests Made  | <input type="checkbox"/> Drugs Involved  | <input type="checkbox"/> Ready for DA / Prosecutor | <input type="checkbox"/> Alarm Activated |

Log Number 18-1113	Incident Number	File Number	Case Number 18-1113	UCR
-----------------------	-----------------	-------------	------------------------	-----

Incident Type INFORMATIONAL REPORT	Dispatcher ACDISP	Source RADI	District SPD	Status EXCEPT
---------------------------------------	----------------------	----------------	-----------------	------------------

Incident Date / Times: Incident Occurred At or Between

Date Received 10/19/2018	Day Rec'd Friday	Rcvd 2057	Disp	Arrv 2057	Clrd 2105	Earliest Date and Time 10/19/2018 2057 (Friday)	Latest Date and Time 10/19/2018 2105 (Friday)
-----------------------------	---------------------	--------------	------	--------------	--------------	--	--

Disposition NPPA NO FURTHER POLICE ACTION	Cleared by Exception	<input type="checkbox"/> Suspended
---	----------------------	------------------------------------

UCR Clearance	UCR Occur Date	UCR Clear Date	UCR Count	UCR Human Traffic Code	UCR HT Count 0
---------------	----------------	----------------	-----------	------------------------	-------------------

Location:  Intersection

**E MAIN STREET**  
**SPRINGERVILLE AZ 85938**

Cross Street

Municipality:

GPS Loc X      GPS Loc Y

Business Name	Premise Code	Arson Value
---------------	--------------	-------------

Gang	Weather
------	---------

Modus Operandi Coding      Victim:

Entry:      Property:

Exit:      Area:

Method:      Time of Day:

WEAPON USED:

Caller / Complainant Type    Normal     Anonymous     Hangup     Refused

**INVOLVED PERSONS**

**CALLER**

CODE: CALLER

Name (Last, First, Middle) - Address <b>KUENEMAN, SHEILA RANAE</b>	Juvenile <input type="checkbox"/>	Date of Birth	Age	Race	Sex	Ethnic	Social Security Number
	Weight	Height	Hair	Eyes	Phone Number		
	Driver License Number		State AZ	Class	Expiration Date		
	ID Provided		ID Detail				

Link Comments

**RESPONDING / INVOLVED UNITS, OFFICERS, TIMES**

Division	Supervisor / ID	
Unit Number	Officer / ID (Ofcr1 / Ofcr2)	Officer / ID (Ofcr3 / Ofcr4)
	DAVID GREGORY	135

18-1113      10/19/2018       APPROVED BY: SGT APPROVAL      PAGE 1  
IRF 1.6      APPROVED ON: 10/29/2018



**Springerville PD**  
**Incident Report Form**

18-1113

10/19/2018

INFORMATIONAL REPORT

COMMENTS / NARRATIVES

Title

**Information, Complaint, Harass**

Narrative Created By / Creation Date

DAVID GREGORY

10/19/2018

Narrative Updated By / Update On

QUINTIN MCCUE

10/21/2018

Narrative Approved By / Approved Date

SGT APPROVAL

10/29/2018

**NARRATIVE:** On October 19, 2018 at 2057 hours, I was contacted by dispatch advising Sheila Kueneman was continually calling them wanting to speak with me regarding Information she had already spoke to me about. Dispatch advised it was getting to the point of Sheila harassing them, I asked if Sheila was still on the line and if so to patch me through.

I was patch with Sheila who stated she had additional information on the person who was threatening to damage her vehicle. Sheila stated it was a female named Crystal who lived at the Elk Ridge apartments and she thought it was apartment #12. Sheila also stated Crystal was selling meth to people in town and she wanted something done about it.

Sheila then stated Officer Mc Cue assaulted her 2 times earlier today by pushing her away when she was trying to find out why they were arresting her son (Rocky). I advised Sheila if she was assaulted it would be on video. Sheila would not stop talking and yelling at me, insisting she was going to go to NCIC and report Mc Cue. Sheila would then start telling about me doing something about Crystal selling meth, then yell about her home and vehicle being damaged. I told Sheila multiple times I would do a security check on the residence and vehicle tonight. Sheila stated she was out of town because she was afraid of Crystal, then would rant about Mc Cue and wanting something done. I finally told Sheila I would look into it and if she continued to call dispatch, she would be charged. While trying to speak with Sheila she hung up.

I spoke with Eagar Sgt. Jones #271 who Officer Mc Cue was assisting while taking Rocky into custody. Sgt. Jones stated Sheila came driving up in her vehicle and came to a sliding stop in the gravel. Sgt. Jones stated Officer Mc Cue did not assault Sheila and he stated she was trying to interfere in his investigation.

I then watched Officer Mc Cue's video during the arrest of Rocky Kueneman. When Sheila drives up, she gets out of her vehicle and starts walking towards Officers. Officer Mc Cue tells her to stop and get back in her vehicle, but she continues towards him. Officer Mc Cue tell Sheila again to leave and places his hand on her shoulder to turn her, when she turns and starts walking away, shortly after this Officers leave the scene. I did not see any thing on the video that shows Officer Mc Cue assaulting Sheila by pushing or shoving as she stated.

Nothing Further

Sgt. D. Gregory #135

Springerville Police Department

18-1113

10/19/2018



APPROVED BY: SGT APPROVAL

APPROVED ON: 10/29/2018

PAGE 2

IRF 1.6

000015

December 17, 2019

RESP

2019-323

DEC 19 2019

Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

RE: Response to Complaint filed by Bryce Hamblin  
Case No. 19-323

Dear Commission members,

My response Mr. Hamblin's complaint against me is as follows:

**CONFLICT OF INTEREST IN SERVING AS SPRINGERVILLE MAGISTRATE**

Before I ever ran for the office of Justice of the Peace, I consulted with the State Bar of Arizona (as did my son, Shawn Taylor) and the Judicial Commission. Essentially, I was told that with respect to my husband being Sergeant with the Town of Springerville, I should probably not sit on his cases and would need to put safeguards in place regarding potential conflict with his officers. As to Mr. Taylor, it was probably not a situation where a defendant could waive the conflict. In the last five years, I have been very careful to avoid even the appearance of impropriety and impartiality. To that end, I have implemented the following safeguards:

1. **SERGEANT GREGORY CASES**

**I do NONE of Sgt. Gregory's cases.** Before I took office, I made an arrangement with Judge Butch Gunnels of the St. Johns Justice Court wherein he would cover any conflict cases out of my court and I, in turn, would cover any conflict cases arising in his court. Previous to our arrangement, both the Round Valley Justice Court and the St. Johns Justice Court had hired pro tems to cover conflict cases. This arrangement has worked out well for us and has saved both courts a significant amount of money.

2. **OTHER SPRINGERVILLE OFFICER CASES**

My court holds Initial Appearances/Arraignments every Tuesday morning. **Each and every week I repeat, almost verbatim, the following:**

"For those of you charged by a Springerville officer, let me tell you what the Rules of Judicial Conduct tell me: any judge who has a spouse who has 'more than a de minimis'—in other words, more than a little—interest in the case, OR who is likely to be a material witness in the case, that judge should recuse himself or herself. And that just makes sense, doesn't it? Because you should have a judge sitting on your case who is absolutely unbiased.

"My husband is Sgt. David Gregory of the Springerville Police Department. I know these are not his cases—I wouldn't touch his cases with a 10' pole, and I don't know if he has any involvement in these cases because I don't get police reports. But I do know each of his officers—they come to my house every year for a Christmas party. And I am more than happy to take myself off the case and let another judge handle it.

"So when you come up, if you would like me off your case, please just say so. It doesn't hurt my feelings, and I don't take it personally."

The overwhelming majority of defendants express their desire to keep me on the case. When they do, I have them initial a slip of paper saying they are waiving any potential conflict and circle 'Yes' in the box indicating they wish to waive. If the defendant wishes to enter a plea of guilty, I proceed. If they enter a plea of not guilty, I set it for a pretrial conference. Their next hearing will be in front of Mr. Taylor. At that point, I take myself completely off the case. This is where Judge Gunnels helps out: he comes over one afternoon per month and covers those cases. I don't talk to him or Mr. Taylor about the case; I stay completely out of it. Judge Gunnels and I usually go out to lunch that day; Mr. Taylor NEVER joins us, and neither does Sgt. Gregory. Incidentally, Mr. Taylor has recently been appointed Judge Pro Tempore for the Apache County Superior Court and has resigned as Springerville prosecutor.

Mr. Hamblin has appeared on Springerville cases numerous times and routinely waives any potential conflict. One such example is provided in the attached **Exhibit A: CD of Lisa Wells, CR-16-0239 dated 12-2016**. Incidentally, another example is provided by Mr. Hamblin's own exhibits: the case of Vanessa Macleod. Still another is State v. Torres, CR-2004-0114.

#### **APPOINTMENT OF DEFENDANTS WHO HAVE ALREADY HIRED MR. HAMBLIN**

In general, defendants often talk of 'going to hire an attorney' but don't give specifics. Where a defendant is charged with a felony, without a Notice of Appearance actually filed by an attorney, or at the very least, a statement by a defendant as to who specifically they are hiring, I would never send a defendant away without a court-appointed attorney, provided their Financial Affidavit shows they are indigent. If they tell me they are hiring a certain attorney, I

mark on the Motion for Appointment of Counsel and Order that 'the defendant will retain counsel.' I then tell the defendant that they will need to contact the attorney because without a Notice of Appearance I cannot send notification.

I was shocked as to Mr. Hamblin's allegation that I have "periodically appointed [him] to defendants that had already hired [him]". I would never intentionally interfere with any attorney being hired; I know I certainly would not want it done to me. When Judge Sherry Geisler was still alive, she did appoint me a couple of times to defendants who told her they had already spoken with me. I spoke with her about it and she agreed not to appoint where the defendant had already consulted with me. Mr. Hamblin has never expressed any concern to me in the past, and his "proof" of me doing so in these two cases utterly fails. In fact, **Mr. Hamblin outright lies to this Commission**, as can be shown below:

1. **VANESSA MACLEOD**

At Ms. Macleod's initial appearance, I determined to appoint an attorney to represent her, based on her Financial Affidavit. Mr. Hamblin was next in the order of rotation and I filled out his information on the Order appointing counsel. Only at the end of the initial appearance did Ms. Macleod state that she had retained Mr. Hamblin, after which I told her I could not appoint counsel because she had retained Hamblin. I then checked the line "Motion for court appointed attorney is denied" and wrote in "Defendant retained Hamblin." I also tried to 'white out' the checkmark saying I was appointing counsel; the check mark was still a little visible. Additionally, I verbalized on the record that I could not appoint him. ***See Exhibit B: CD of Vanessa Macleod dated 5-28-19.***

That same day, my clerk emailed a copy of the Minute Entry and the Motion for Appointment of Counsel and Order to the County Attorney's Office as well as to Mr. Hamblin's office. ***See Exhibit C: email to [groupmail@apachelaw.net](mailto:groupmail@apachelaw.net) and [admin@hamblinlawoffice.com](mailto:admin@hamblinlawoffice.com).*** The Court also retained a copy. An email sent the same day to the Judicial Assistant in Superior Court included the Motion for Appointment of Counsel and Order. ***See Exhibit D: email to D Si*** The original of the entire packet was sent to the Clerk of the Court. A certified copy is provided herein. ***See Exhibit E: Transmittal Order.***

A comparison of all these documents prove that **Mr. Hamblin has deliberately and materially altered the document "Motion for Appointment of Counsel and Order"** as follows:

- (a) the words "Defendant retained Hamblin" have been whited out;
- (b) the checkmark in front of the line "Motion for court appointed attorney is denied" has been whited out; and
- (c) the checkmark in front of the line appointing counsel (which was partially whited out by the court) has been filled in to show a full checkmark.

2. DESTINY BILLY-WILLIAMS

At Ms. Billy-Williams initial appearance, I determined to appoint an attorney to represent her, based on her Financial Affidavit. Mr. Hamblin's name was next in the order of rotation (since I had NOT appointed him in Ms. Macleod's case). As can be heard in the audio exhibit I provide herein, she states she already has Bryce Hamblin. She does NOT say she hired him or that she INTENDS to hire him; only that he already represents her. This happens quite often, where a defendant already has ongoing felony cases in Superior Court. We judges are encouraged to find out which attorney they already have and appoint that same attorney, as there are only four such contract defense attorneys in our county.

I stated that worked out well because Mr. Hamblin was next in line of appointment anyway, and I questioned what she had going on with him (to make sure it was in Superior Court, which would verify he had been previously appointed). At that point, I had NO Notice of Appearance by Mr. Hamblin.

Ms. Billy-Williams was vague; she stated she had only spoken with him once; that he was "going to figure it out"; other than that, she hadn't heard from him. NEVER does she state she has hired him or intends to hire him. And NOTHING in her Financial Affidavit led me to believe she could afford private counsel. Ultimately, I appointed Mr. Hamblin but did not mark it as a previous appointment in my Appointment Report because I was not sure on which case/s he was already representing her. **See Exhibit F: CD of Destiny James-Billy dated 5-28-19 and Exhibit G: Apache County Indigent Defense Appointment Report.**

As you can also see from Exhibit G, I did NOT appoint Ms. Macleod.

ORDER TO SHOW CAUSE

1. SLADE V. CLUFF

In this case, Mr. Hamblin's "proof" that he did not receive notification of the trial is provided by his Exhibit C, wherein it shows that both Plaintiff and Defendant were sent notice. However, as you can see, there is no place to show that an "attorney" for either Plaintiff or Defendant has been notified. That being said, **it is the policy of this**

court to *always* send notification to an attorney of record. Moreover, the notice did not come back to the court (the towns of Springerville and Eagar run together; there is no reason to believe that something sent from the court in Springerville would not make it the approximate two miles to Mr. Hamblin's office) and Mr. Hamblin stated on the record that he had received all the other notices from the court in the matter.

At the trial, Mr. Cluff informed the court that Mr. Hamblin would probably not be there because he (Mr. Cluff) owed him (Mr. Hamblin) money. However, Mr. Hamblin had not filed a Motion to Withdraw, so he was still the attorney of record and the court expected him to be there.

When asked at the OSC hearing regarding whether he had received notification from the court, Mr. Hamblin stated, "I never touched that letter." Emphasis on "touched." Mr. Hamblin went on to explain why he had not filed a Motion to Withdraw: he didn't know his own client's address. However, he went on to admit that he could go to Mr. Cluff's place of work right after the hearing that very day and see whether or not he wanted to appeal.

## 2. STATE V. KUENEMAN

In Ms. Kueneman's case, I based the decision to appoint counsel primarily on my observation of the defendant's continual confusion in court and at the window. The letter to the court from Little Colorado Behavioral Health Center encouraging the court to appoint counsel was not a determining factor, although I did, and believe I *should*, take into account something presented to me which might be relevant to a defendant's state of mind. This is certainly NOT engaging in the unauthorized practice of law. Mr. Hamblin was provided a copy of the letter.

Ms. Kueneman's charges initially included three misdemeanors and one felony. Benjamin Brewer, one of the four Apache County contract defense attorneys, was appointed and a preliminary hearing was set for October 24, 2018. As no complaint was filed and I vacated the preliminary hearing.

Thereafter, the County Attorney's Office refiled the charges as all misdemeanors; a Summons was sent out by the Round Valley Justice court on April 10, 2019. I appointed Jon Saline to represent Ms. Kueneman. This was my mistake. The agency responsible for the charges was the Springerville Police Department and I routinely appoint Mr. Saline to misdemeanor DUI cases. Why I appointed him when the charges were long-formed by the county attorney's office and therefore properly in the Justice Court, I can't honestly say; I guess I saw Springerville PD and went from there. ***See Exhibit H: Kueneman documents.***

At any rate, Mr. Saline did file a letter declining appointment, citing not having time to do the case. However, we had previously been informed by his secretary that Mr. Saline was in the hospital and experiencing severe enough health problems that we were asked not to appoint him for the foreseeable future. Although Mr. Hamblin would like to portray me as a liar because I stated Mr. Saline had withdrawn for health reasons, at the OSC hearing with Mr. Hamblin, I actually stated, ".....well, he had health issues and he really couldn't do it." Which was true, although Mr. Hamblin is also correct in saying Mr. Saline's letter of declination only listed time constraints. **See Exhibit I: Statement of M H (re: Jon Saline Appointments).**

A review of the audio from the (Kueneman) OSC hearing shows a few key take-away points:

- a. Mr. Hamblin continues to mislead this Commission. A key allegation: **"Mrs. Llamas stated that the hearing would be held at 2:00 p.m."**

At least FIVE TIMES during the hearing, his own words show he knows this is not true:

**"Maybe she didn't say it was moved back to 2:00 o'clock; it was my understanding she was saying 'now it's back to 2:00 o'clock and that could be because I had just spoken to Mr. Jensen and he said 'no, court's not 'til 2.**

**"Like I said, and maybe she didn't specifically say 2:00 o'clock, but the understanding I had is that it was moved back to 2:00 o'clock and that is why I said I can't be here at 2. So at no time was it ever indicated to me 'we can do this right now. The Plaintiff's not here, my client's not here, but we can go ahead and do this right now'. At no time was this indicated to me.**

**"I do not know whether she said 2:00 o'clock but I was given the impression or the express that it was moved back and I said I can't be here then.**

**"That's not what was said. She told me I could put in on the record, and I am almost certain she said at 2:00 o'clock.**

**"I don't know that she stated 2:00 exactly. I believe that she did, but the way that it was stated, if it wasn't express it led me to believe that it would not be heard until 2:00 o'clock and I could not come back and put it on the record at 2:00 o'clock." See Mr. Hamblin's Exhibit I. See also Exhibit J: Statement of S L .**

- b. Mr. Hamblin also engages in another lie, although, unlike the altered documents in Ms. Macleod's case, it is his word against mine: "I spoke to your clerk with you sitting behind here; I could see you." This is an outright lie. In five years, I have

NEVER sat behind one of the clerks at the window. That would just invite patrons to improperly engage me in conversation about their cases. I was, however, standing across the room by one of the clerk stations, in my robe and fully prepared to take the bench at 1:00 o'clock. I could hear much of what was being said at the window but did not approach it.

- c. Apparently Mr. Hamblin believes that this court runs according to his say-so: if I am not on the bench when HE is ready, or if the other parties have not yet appeared, he is then free to leave.
- d. Mr. Hamblin seems to think the Court is on a 'need-to-know' basis: on the one hand, he says he should not have been appointed to Ms. Kueneman's case; on the other hand, he tells the court (for the first time at the OSC hearing) that he had been working with prosecutors on a "global resolution." So which is it? Because Mr. Hamblin refused to enter the courtroom that day, the court was completely in the dark.

The truth is, I have filed an OSC on Mr. Hamblin only twice in five years, even though his contempt for this court has been on display many times. He is the ONLY attorney who has shown such open contempt. For instance, he does not sign in as requested upon entering the courthouse; everyone else does. This is a minor thing but shows he follows his own rules. More concerning is having to ask him--more than once--not to talk aside to/laugh with the prosecutor at the bench while I am trying to conduct court. This occurred once while ignoring his client who was standing next to him in handcuffs and chains looking very frightened. Primarily, Mr. Hamblin's contempt shows in his demeanor. I can overlook that; he doesn't have to like me, but he does have to at least feign respect for the office I hold. And he must show up for hearings.

Ultimately, after the two OSC hearings—both held without any of the public in the courtroom—I did not find Mr. Hamblin in contempt. In the matter of Slade v. Cluff, I could not prove Mr. Hamblin got notice of the trial, although I remain convinced that he did. Mr. Hamblin later filed a Motion to Withdraw. In the Kueneman matter, it was clear that Mr. Hamblin would continue to argue about 1:00 o'clock versus 2:00 o'clock. I admonished Mr. Hamblin to be respectful and professional and allowed him to make a verbal motion to withdraw, which I then granted.

Finally, as to this court being the only one to file an OSC on an attorney, Mr. Hamblin is, once again, wrong. Judge Jay Yellowhorse from the Puerco Justice Court filed once against Bryce Patterson approximately two years ago. Judge Yellowhorse has offered to provide the OSC to the court but will need time to find it in his archives. I remember from the first year of law school that before you sign a document, you had



better make sure you know what you are alleging is accurate. Judge Yellowhorse's issue with Mr. Patterson's failures to appear is not a well-kept secret in Apache County; any attorney doing due diligence would have discovered the OSC.

### "DISCUSSION" WITH JUDGES AT CONFERENCE

Here, Mr. Hamblin's allegations are based strictly on hearsay; after all, he was not there. It is unfortunate that one of the judges decided to share (incorrectly) what was discussed, but the facts are as follows:

- a. I talked to the Apache County judges as a group in the hallway between break-out session as to whether or not we could appoint on certain misdemeanors, because this is an issue that can affect us all. I explained that I had been appointed on similar cases when I held one of the Apache County contracts. I believe that at no time did I mention Mr. Hamblin by name.
- b. I talked with Judge Latham specifically about having "an attorney" who had refused to show up at a hearing because he felt like he should not have been appointed. Again, I don't believe I mentioned Mr. Hamblin by name. I asked Judge Latham for his advice, and he suggested I call the attorney in (which I had already issued an OSC); if I did not feel I could resolve it, then I should pass it off to another judge (I never passed it off because I felt it was resolved, although not entirely to my satisfaction, by admonishing Mr. Hamblin at the OSC to just be professional and respectful in the future).
- c. Allegation that I have "not spoken to [Steve Williams] since he was selected as the Eagar Magistrate" and that I "[got] up from [my] table and moved the past 2 years at the judicial conference when Judge Williams sits at that table" is a mixture of half-truths and outright lies. I hate to even respond to this allegation—what!—are we 10 years old? Nevertheless, the facts are:
  - i. At the first judicial conference, I learned just minutes before lunch that Judge Williams had been appointed as Eagar Magistrate. I was upset by the news which made me a little sick to my stomach; when Mr. Williams sat down at the table, I lost my appetite and went to my room;
  - ii. At the judicial conference the next year, Judge Williams again sat at my table, asked me how I was; I responded I was well and asked him how he was; and

- iii. Since that time, I have spoken to Judge Williams more than once; the most recent at my son's Investiture, where I congratulated him on his appointment to the Court of Appeals.

#### RELEASE OF SECURITY FOOTAGE

I would LOVE to have given Mr. Hamblin the video footage of the Kueneman hearing, because it refutes his allegation that he was here at 1:00 o'clock that day and remained for fifteen minutes. However, policy is to not release any video footage without authorization from the head of security; in this case, being Troy Czarnyska. To that end, immediately after each request, my chief clerk made phone calls to Mr. Czarnyska. When he did not answer, she left a message each time asking him to return the call. He did not do so. *See Exhibits I and J.*

Meanwhile, I reviewed the footage with my clerk, M H We took down the exact times things happened and promptly provided it to Mr. Hamblin, explaining that we would provide the video upon approval from security. *See Exhibit I.*

#### MOTION FOR CHANGE OF JUDGE FOR CAUSE—"RETALIATORY" BAR COMPLAINT

My decision to file a bar complaint was NOT retaliatory; in fact, I thought long and hard about it. Before doing so, I called the Ethics Hotline and spoke with Rick Palmateer. I explained the many instances of disrespect over the years and stated that Mr. Hamblin was making it difficult to run court business. I informed him about the OSC's I had filed and why. I also felt that he was trying to damage my reputation as a judge (telling his client April Jones that I was a really mean judge; therefore, he had to get me off her case). *See Exhibit K: Statement of R K and Exhibit J.*

Even though I was not present when Ms. Jones spoke to my clerks about changing judges, I had been concerned for her apparent confusion in the courtroom. Although Mr. Hamblin alleges that he had explained everything to her before filing the 10.1 motion, she clearly did not understand.

Further, in his Motion for Change of Judge in State v. April Jones TR-2019-0207, which alleges essentially the same things as this judicial complaint, Mr. Hamblin falsely accused myself and my clerks of lying: "Judge Gregory's hatred for Counsel is so deep that she and her clerk were willing to lie to support her attack against Counsel." I felt like I could not just let these false allegations go unchallenged.

Mr. Palmateer told me that in his opinion, Mr. Hamblin "hits all three elements of Rule 8.3 by showing a "pattern of conduct" that was a "potential risk to clients." He stated that Mr.

Hamblin had “abandoned his clients on the doorstep to the court”—I later used his very words in my bar complaint. Mr. Palmateer went on to say that in his opinion, I was probably past the discretionary stage and into the mandatory reporting stage.

### OUT TO GET ME

Once again, Mr. Hamblin’s allegations are based on half-truths and outright lies:

1. Selection committee to fulfill the remainder of Judge Geisler’s term:

This is an outright lie. I NEVER blamed Mr. Hamblin for not being appointed. He wasn’t even on the committee to appoint. Moreover, I assumed that if I was appointed as Justice of the Peace, the position of both Eagar and Springerville Magistrate would automatically follow, as it has always been the case in the history of Round Valley. I was disappointed at not being selected, as my qualifications were far greater than those of Judge Reed, but she has always been and still remains my friend.

2. First application for Eagar Magistrate after Judge Reed completed Judge Geisler’s term:

I fully believed that I would be appointed as Eagar Magistrate this time. Not only I was vastly more qualified, I also offered to drop the salary by \$2,000. While Mr. Hamblin alleges that he “had nothing to do with” the selection, the fact is that he was in the room during the interviews and later bragged about helping draft very difficult questions; furthermore, one of the committee members was a friend of his from Navajo county (why?). Once again, I was disappointed at not being appointed, but Eagar can do what it wants. Having Judge Reed appointed caused a staggering amount of logistical problems for the Round Valley Justice court for years, and I was quite happy when Eagar decided to move their court to another building. However, up until that time, Judge Reed and I worked things out amicably and still remain friends.

As to Mr. Hamblin’s “understanding” that I kept his town manager waiting in the hallway for nearly an hour, that is completely untrue. Never have I kept anyone waiting in the hall more than a few moments unless I am in a hearing or on a conference call; and never has anyone waited very long at all.

3. Second “application” for Eagar Magistrate:

In this case, there never was an “application”; I was told all I needed to submit was a resume, which I did. I was a bit uneasy about this process and asked “Lou” at the city desk if I could verify that no application was needed with acting manager Bruce Ray. She called him, handed the phone to me, and he personally told me to just submit a resume, that no application was needed. I had Lou sign a post-it note to show I had tendered my resume.

Steve Williams (from Navajo county) was given the job; he later told me that Mr. Hamblin had informed him I had not applied (is this the reason I was told not to submit an application?) and that Mr. Hamblin also told him that as long as he (Mr. Hamblin) was mayor, I would never be Magistrate.

Once again, Eagar can do what it wants, but that applies to me as well. I chose NOT to discuss the issue with Judge Williams at the first conference immediately following his appointment (as stated earlier, I found out about it a few short minutes before the lunch) OR with Judge Latham who later tried to run interference for Judge Williams as to why I wasn't speaking with him (Judge Williams) about it.

4. Mr. Hamblin's secretary running against me:

This idea comes from gossip from a mutual friend who told me that she told him she didn't really want to do it. However, it's her business. I do not hold it against her. There seems to be a good relationship between Ms. Eagar and my clerks and I have found her to be polite and courteous.

5. Letter from Mr. Hamblin to Judge Gunnels asking for a blanket 10.1:

Judge Gunnels brought the letter to show me one day at lunch when he was in my court to cover conflict cases. He kept urging me to 'go along with it', stating that Mr. Hamblin was "Just like my (his) Candelaria." I completely disagreed and told him it was nothing like that. I told him I would not 'go along with it' because it would imply that I agreed with Mr. Hamblin that he was not able to get fair treatment in my court. Judge Gunnels kept crowding me. I admit I was upset by this. However, I was NOT enraged; I was EMPHATIC that I would not just go along with it. I told Judge Gunnels that he could rule however he wanted; in the meantime, I expected Mr. Hamblin to file 10.1 motions each time. My clerks were in the room when Judge Gunnels brought the subject up and heard everything, primarily because Judge Gunnels brought it up in front of them. I did not think this was inappropriate, as they are implicated in Mr. Hamblin's lies. *See Exhibit I.*

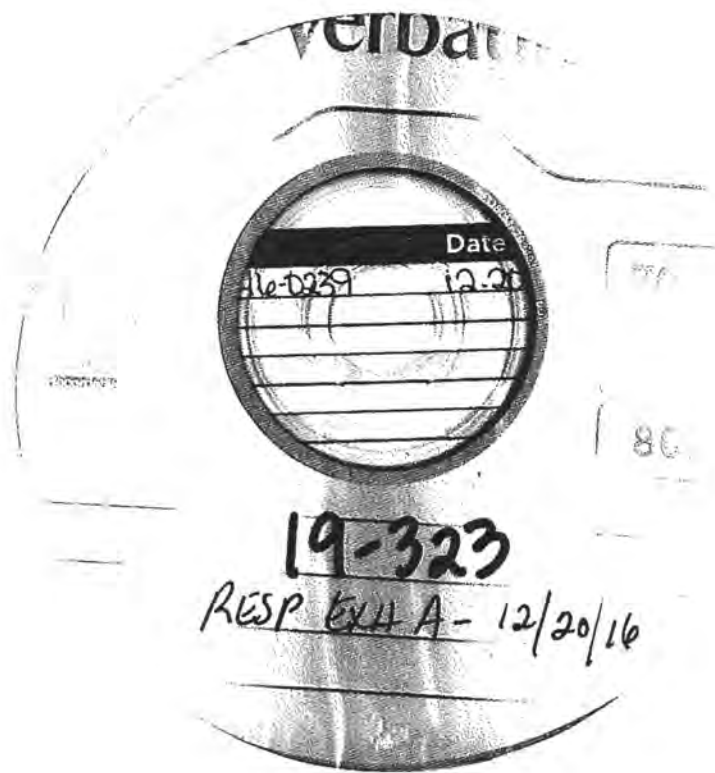
### CONCLUSION

I have shown that Mr. Hamblin has both misled and outright lied to this Commission. I would like to point out that I have received no complaints from the public; rather, I have received many compliments on my fairness, even by people against whom I have ruled. The perception of "bias and prejudice" against Mr. Hamblin is created by Mr. Hamblin himself, who now hopes to capitalize on it.

I apologize for the length of this Response, but I believe anything less would not do full justice to the facts. I leave this Commission with one final exhibit: a prime example of my absolute fairness to Mr. Hamblin. ***See Exhibit L: State v. Dandridge CR-16-0209 dated 12-20-16.***

I thank you for your time.

# EXHIBIT A



RESP EXHA -  
12/20/16

2019-323

DEC 19 2019

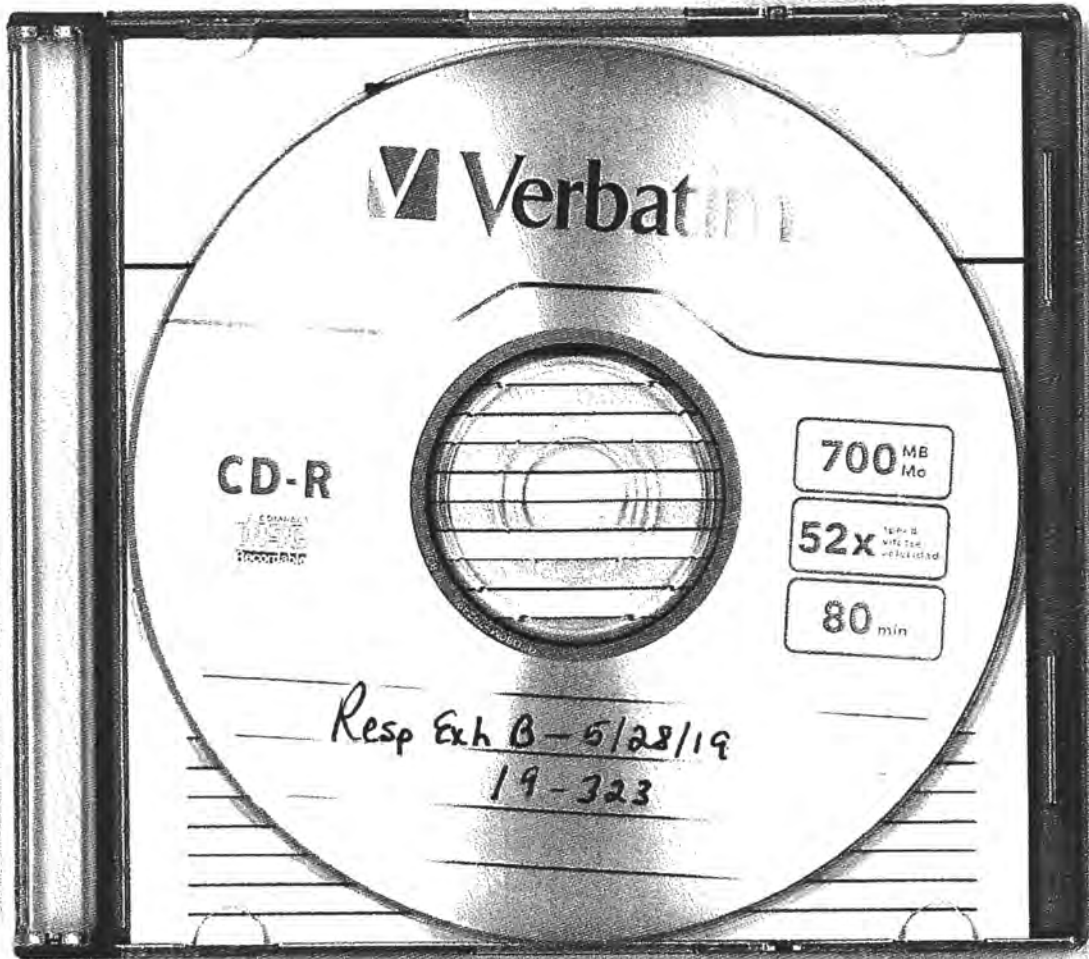
# EXHIBIT B



RESP EXH B -  
5/28/19

2019-323

DEC 19 2019



# EXHIBIT C

## Llamas, Shawna

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**From:** Llamas, Shawna  
**Sent:** Tuesday, May 28, 2019 4:47 PM  
**To:** groupmail@apachelaw.net; admin@hamblinlawoffice.com  
**Subject:** Vanessa Macleod CR-2019-0162  
**Attachments:** 20190528163332107.pdf

Please find attached Minute Entry and Appointment of Counsel for Vanessa Macleod.

Thank you,  
S

-----Original Message-----

**From:** copier@court.com <copier@court.com>  
**Sent:** Tuesday, May 28, 2019 3:34 PM  
**To:** Llamas, Shawna <shawna@courts.az.gov>  
**Subject:** Message from "RNP002673244B72"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This E-mail was sent from "RNP002673244B72" (Aficio MP C3501).

Scan Date: 05.28.2019 16:33:31 (-0600)  
Queries to: copier@court.com

State of Arizona <i>Plaintiff</i>  VS  Vanessa M. Macleod <i>Defendant</i>	CR-2019-0162 Case Number	<b>MINUTE ENTRY and ORDER</b>  <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense <input type="checkbox"/> Game & Fish
--	-----------------------------	--

Charge(s): A.R.S. 13-1204A1 Aggravated Assault – Physical Injury, C3F; A.R.S. 13-1204A3 Aggravated Assault – Enter Residence, C4F; A.R.S. 13-2904A1 Disorderly Conduct – Fighting, C1M; A.R.S. 13-1203A1 Assault – Intent/Reckless/Injury (2 Counts), C1M; A.R.S. 13-1203A2 Assault – Fear of Injury (2 Counts), C2M; A.R.S. 13-1203A3 Assault – Touched to Injure (2 Counts), C3M  
**IN OPEN COURT ON: Tuesday May 28, 2019 at 10:00 AM**  
**Set For: Initial Appearance**

Defendant:  In Person     Juvenile     In Custody     Telephonically     Appeared by Counsel     Failed to Appear

Defense Attorney: \_\_\_\_\_  Present       Not Present

Prosecutor: \_\_\_\_\_  Present       Not Present

Officer: \_\_\_\_\_  Present       Not Present

Interpreter: \_\_\_\_\_  Present       Not Present

At Defendant's request, enter a plea of:     No Contest     Not Guilty/Not Responsible     Guilty/Responsible

At Defendant's request:     Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:     Not Guilty/Not Responsible     Guilty/Responsible     Probable Cause/Bound Over to Superior Court

Case Dismissed at request of \_\_\_\_\_     With Prejudice     Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC <input type="checkbox"/> Issue Summons <input type="checkbox"/> Issue Warrant. Bond \$ _____ <input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Suspend License <input type="checkbox"/> Exonerate Bond \$ _____ <input type="checkbox"/> Forfeit Bond \$ _____ <input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> Release from Custody <input type="checkbox"/> Release Conditions Modified <input type="checkbox"/> Other: _____
---	---	--

**SCHEDULE:**

<input type="checkbox"/> Arraignment <input type="checkbox"/> Change of Plea <input type="checkbox"/> Civil TR Hearing <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Oral Arguments <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Sentencing <input type="checkbox"/> Status Conference <input type="checkbox"/> Other: _____ <input type="checkbox"/> Report and Reasons (Juvenile)
--	---	--

On: (day) Wednesday ; (date) June 12 ; (time) 9:00 AM/PM  
**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

**DEFENDANT IS SENTENCED TO:**

<input type="checkbox"/> Pay Fine of \$ _____ <input type="checkbox"/> plus time payment fee of \$20.00 <input type="checkbox"/> Perform _____ hours of CWS	<input type="checkbox"/> Attend screening/counseling <input type="checkbox"/> Placed on probation for _____ Months	<input type="checkbox"/> Be incarcerated at ACSO for _____ days <input type="checkbox"/> Other: _____
---	--	--

Date of Order: 24 May 2019

Copies Forwarded On: S. 28.19 SR

To: \_\_\_\_\_ Via: \_\_\_\_\_

Defendant     Mail     Hand delivered     E-mailed  
 Defense Atty.     Mail     Hand delivered     E-mailed

\_\_\_\_\_  
 Signature of Judge or Magistrate

To: \_\_\_\_\_ Via: \_\_\_\_\_

Prosecutor     Mail     Hand delivered     E-mailed  
 Officer     Mail     Hand delivered     E-mailed

ROUND VALLEY JUSTICE COURT ◊ APACHE COUNTY, ARIZONA  
130 South Mountain Avenue ◊ P.O. Box 1356 Springerville, AZ 85938 ◊ (928) 333-4613

PLAINTIFF STATE OF ARIZONA vs.	DEFENDANT Vanessa M. Macleod	CASE NO. CR-2019-0162 MOTION FOR APPOINTMENT OF COUNSEL AND ORDER
--------------------------------------	---------------------------------	---

MOTION FOR APPOINTMENT OF COUNSEL

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature Vanessa Macleod Date 5-28-19 Phone No. \_\_\_\_\_  
Address \_\_\_\_\_

ORDER

A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED,

Motion for court appointed attorney is denied or Defendant retained  
It is ordered that Bryce Hamblin Attorney Name  
Box 488 Eagar Az 85925 Attorney Address  
928-333-0000 Phone No.

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

\_\_\_\_\_ Defendant has financial resources which may offset all or part of the cost of legal services.  
\_\_\_\_\_ It is therefore ordered that Defendant pay to the clerk of the Round Valley Justice Court the amount of \$ \_\_\_\_\_, payable:  
 By this date \_\_\_\_\_  
 At the time of judgment.  
 In installments of \$ \_\_\_\_\_ every \_\_\_\_\_ beginning \_\_\_\_\_  
 Said amount to be determined at the time of judgment.

NOTICE IS HEREBY GIVEN THAT THE ABOVE-ENTITLED ACTION IS SET FOR

Preliminary Hearing  
 Pretrial Conference in the Apache County Superior Court (for RVJC) in St. Johns, Arizona, on the  
12 day of June, 2019, at 9:00 a.m.

Dated \_\_\_\_\_ Judge/Magistrate \_\_\_\_\_

Copies Forwarded On: \_\_\_\_\_  
To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered  
To:  Prosecutor  Mail  Hand delivered  Emailed  
 Officer  Mail  Hand delivered  Emailed

# EXHIBIT D

**Llamas, Shawna**

---

**From:** L S  
**Sent:** Tuesday, May 28, 2019 4:47 PM  
**To:** S D  
**Subject:** Vanessa Macleod CR-2019-0162  
**Attachments:** 20190528163348941.pdf

-----Original Message-----

**From:** copier@court.com <copier@court.com>  
**Sent:** Tuesday, May 28, 2019 3:34 PM  
**To:** L S < > 'courts.az.gov'  
**Subject:** Message from "RNP002673244B72"

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This E-mail was sent from "RNP002673244B72" (Aficio MP C3501).

Scan Date: 05.28.2019 16:33:48 (-0600)  
Queries to: copier@court.com

State of Arizona <i>Plaintiff</i>  VS  Vanessa M. Macleod <i>Defendant</i>	CR-2019-0162 Case Number	<b>MINUTE ENTRY and ORDER</b> <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense <input type="checkbox"/> Game & Fish
--	-----------------------------	--

Charge(s): A.R.S. 13-1204A1 Aggravated Assault – Physical Injury, C3F; A.R.S. 13-1204A3 Aggravated Assault – Enter Residence, C4F; A.R.S. 13-2904A1 Disorderly Conduct – Fighting, C1M; A.R.S. 13-1203A1 Assault – Intent/Reckless/Injury (2 Counts), C1M; A.R.S. 13-1203A2 Assault – Fear of Injury (2 Counts), C2M; A.R.S. 13-1203A3 Assault – Touched to Injure (2 Counts), C3M  
**IN OPEN COURT ON: Tuesday May 28, 2019 at 10:00 AM**  
**Set For: Initial Appearance**

Defendant:  In Person     Juvenile     In Custody     Telephonically     Appeared by Counsel     Failed to Appear  
 Defense Attorney: \_\_\_\_\_  Present       Not Present  
 Prosecutor: \_\_\_\_\_  Present       Not Present  
 Officer: \_\_\_\_\_  Present       Not Present  
 Interpreter: \_\_\_\_\_  Present       Not Present

At Defendant's request, enter a plea of:     No Contest     Not Guilty/Not Responsible     Guilty/Responsible  
 At Defendant's request:     Waive Preliminary Hearing and transmit to Apache County Superior Court  
 Court finds Defendant:     Not Guilty/Not Responsible     Guilty/Responsible     Probable Cause/Bound Over to Superior Court  
 Case Dismissed at request of \_\_\_\_\_  With Prejudice     Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC <input type="checkbox"/> Issue Summons <input type="checkbox"/> Issue Warrant. Bond \$ _____ <input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Suspend License <input type="checkbox"/> Exonerate Bond \$ _____ <input type="checkbox"/> Forfeit Bond \$ _____ <input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> Release from Custody <input type="checkbox"/> Release Conditions Modified <input type="checkbox"/> Other: _____
---	---	--

**SCHEDULE:**

<input type="checkbox"/> Arraignment <input type="checkbox"/> Change of Plea <input type="checkbox"/> Civil TR Hearing <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Oral Arguments <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Sentencing <input type="checkbox"/> Status Conference <input type="checkbox"/> Other: _____ <input type="checkbox"/> Report and Reasons (Juvenile)
--	---	--

On: (day) Wednesday; (date) June 12; (time) 9:00 AM/PM  
**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

**DEFENDANT IS SENTENCED TO:**

<input type="checkbox"/> Pay Fine of \$ _____ <input type="checkbox"/> plus time payment fee of \$20.00 <input type="checkbox"/> Perform _____ hours of CWS	<input type="checkbox"/> Attend screening/counseling <input type="checkbox"/> Placed on probation for _____ Months	<input type="checkbox"/> Be incarcerated at ACSO for _____ days <input type="checkbox"/> Other: _____
---	--	--

Date of Order: 28 May 2019

Copies Forwarded On: 5.28.19 SR

To:  Defendant     Mail     Hand delivered     E-mailed  
 Defense Atty.     Mail     Hand delivered     E-mailed

Signature of Judge or Magistrate \_\_\_\_\_

To:  Prosecutor     Mail     Hand delivered     E-mailed  
 Officer     Mail     Hand delivered     E-mailed



PLAINTIFF  STATE OF ARIZONA  vs.	DEFENDANT  Vanessa M. Macleod	CASE NO.  CR-2019-0162  MOTION FOR APPOINTMENT OF COUNSEL AND ORDER
--	-------------------------------------	---

**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature: Vanessa M. Macleod Date: 5-28-19 Phone No.: \_\_\_\_\_  
 Address: \_\_\_\_\_

**ORDER**

**A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED,**

Motion for court appointed attorney is denied or Defendant retained  
 It is ordered that Bryce Hamblin Attorney Name  
Box 488 Eagan Az 85925 Attorney Address  
928-333-0000 Phone No.

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

\_\_\_\_\_ Defendant has financial resources which may offset all or part of the cost of legal services.  
 \_\_\_\_\_ It is therefore ordered that Defendant pay to the clerk of the Round Valley Justice Court the amount of \$ \_\_\_\_\_, payable:

- By this date \_\_\_\_\_
- At the time of judgment.
- In installments of \$ \_\_\_\_\_ every \_\_\_\_\_ beginning \_\_\_\_\_
- Said amount to be determined at the time of judgment.

**NOTICE IS HEREBY GIVEN THAT THE ABOVE-ENTITLED ACTION IS SET FOR**

- Preliminary Hearing
  - Pretrial Conference
- in the Apache County Superior Court (for RVJC) in St. Johns, Arizona, on the 12 day of June, 2019, at 9:00 a.m.

Dated \_\_\_\_\_ Judge/Magistrate \_\_\_\_\_

Copies Forwarded On:

- |   |  |  |   |
|---|--|--|---|
| To:   | Via:   | To:  | Via:  |
| <input checked="" type="checkbox"/> Defendant     | <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand delivered | <input checked="" type="checkbox"/> Prosecutor | <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivered <input checked="" type="checkbox"/> Emailed |
| <input checked="" type="checkbox"/> Defense Atty. | <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand delivered | <input type="checkbox"/> Officer               | <input type="checkbox"/> Mail <input type="checkbox"/> Hand delivered <input type="checkbox"/> Emailed            |

ROUND VALLEY JUSTICE COURT ◊ APACHE COUNTY, ARIZONA  
SPRINGERVILLE MAGISTRATE COURT  
130 South Mountain Avenue ◊ P.O. Box 1356 Springerville, AZ 85938 ◊ (928) 333-4613

PLAINTIFF	DEFENDANT	CASE NO.
STATE OF ARIZONA	Vanessa M. Macleod	CR-2019-0161
vs.		RULE 17.2 ADVISORY

**RULE 17.2 ADVISORY**

**NOTE: If you are not a citizen of the United States, pleading guilty or no contest to a crime or being found guilty of a crime, whether by submission or by trial, may affect your immigration status. Admitting guilt or being found guilty may result in deportation even if the charge is later dismissed. Your plea or admission of guilt or being found guilty could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.**

**AVISO: Si no es ciudadano de los Estados Unidos, declararse culpable o no lo contenderé a un delito o ser determinado culpable, de un delito, sea por admisión o por juicio, puede afectar su estatus migratorio. Reconocer culpabilidad o ser determinado culpable puede resultar en deportación aun así si el cargo es destituido. Su declaración o reconocimiento de culpabilidad o el ser determinado culpable puede resultar en su deportación o extracción, puede prevenir que usted logre un estatus legal dentro de los Estados Unidos, o puede prevenir que usted obtenga la ciudadanía de los Estados Unidos.**

- I hereby acknowledge that the above advisory was read to me by the Court.**  
Por este medio doy a conocer que el juez me leyó el aviso impreso arriba.
- I hereby acknowledge that the Court offered to read the above advisory to me and that I waived the reading of the advisory.**  
Por este medio doy a conocer que el juez ofreció leerme el aviso impreso arriba y que yo prescindí de la lectura del aviso.

**I hereby certify that I have received a copy of this notification.**  
Doy fe que que he recibido una copia de este aviso.

5-28-19  
Today's Date (Fecha de hoy)

[Signature]  
Defendant's Signature (Firma del acusado)

5-28-19  
Date (Fecha)

[Signature]  
Justice of the Peace (Juez de la Paz)

STATE OF ARIZONA Plaintiff -VS- Vanessa M. Macleod Defendant (FIRST, MI, LAST)										CR-2019-0161 Booking Number Date of Birth				RELEASE ORDER	
LINE #	COMPLAINT NO.	VIOLATION CODE	NF	ORR	PSR	3P	BOND	BA	UB	DB	SB	CB	NB		
1	Long Form	13-1204A1			✓		\$								
2	Long Form	13-1204A3			✓		\$								
3	Long Form	13-2904A1			✓		\$								
4	Long Form	13-1203A1			✓		\$								
5	Long Form	13-1203A2			✓		\$								
6	Long Form	13-1203A3			✓		\$								
7	Long Form	13-1203A1			✓		\$								
8	Long Form	13-1203A2			✓		\$								
9	Long Form	13-1203A3			✓		\$								

(NF=Charge not filed; ORR=Own recognizance release; PSR=Pretrial supervision release; 3P=Thlrd party custody; Bond=Amount of bond; BA=Bond applles; UB=Unsecured bond; DB=Deposit bond; SB=Secured bond; CB=Cash bond; NB=Non-bailable)

If you are released from jail, you must follow all release conditions and appear at court as indicated below:

**MANDATORY AND STANDARD CONDITIONS OF YOUR RELEASE:**

- [X] 1. Appear at Consolidated court on: 6-12-19 at 9.00 a.m. / p.m., Courtroom: \_\_\_\_\_  
(Court name and address) (Date) (Time)  
 for Preliminary Hearing and attend all future court hearings.
- [X] 2. Violate no federal, state or local criminal laws.
- [X] 3. Not leave the state of Arizona without written permission from the court.  
 [ ] Defendant may leave the state of Arizona provided defendant returns for court dates.
- [X] 4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.
- [ ] 5. Maintain contact with your attorney.
- [ ] 6. Provide a current address and phone number to the court and to your attorney and immediately notify both of any changes.
- [X] 7. Not threaten or initiate any type of contact with the alleged victim(s).
- [ ] 8. Not drive a motor vehicle without a valid driver's license in your possession.
- [ ] 9. Not threaten or initiate any type of contact with any person as specified here: \_\_\_\_\_.
- [ ] 10. Not possess weapons as specified here: \_\_\_\_\_.
- [ ] 11. Not consume any alcoholic beverages.
- [ ] 12. Not go to scene of the alleged crime.
- [ ] 13. Not go to locations as specified here: \_\_\_\_\_.
- [ ] 14. Comply with 3rd party custody release conditions as specified here: \_\_\_\_\_.
- [ ] 15. Contact probation or parole officer. (See 3rd party obligations in this document.)
- [ ] 16. Electronic monitoring, if available, (mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13)
- [ ] 17. Other: \_\_\_\_\_.

**ADDITIONAL CONDITIONS FOR YOUR PRETRIAL SUPERVISION RELEASE (PSR):**

- [X] 18. Comply with the assigned pretrial supervision program as specified here: Level 4.

**IF YOU VIOLATE THIS ORDER:** You have the right to be present at your trial and at all other proceedings in your case. **IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND/OR HOLD THE TRIAL OR PROCEEDING IN YOUR ABSENCE. IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.**

19. Provide a current address and phone number to Pretrial Services immediately and notify of any changes.

**FINANCIAL CONDITIONS OF RELEASE:** If you cannot post an appearance bond of \$ \_\_\_\_\_ you will remain in custody until your next court hearing on \_\_\_\_\_.

If you violate any condition of a bond, the court may order the bond and any related security deposit forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be impossible for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

**ACKNOWLEDGEMENT:** I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

\_\_\_\_\_  
Current Address where you live

\_\_\_\_\_  
Apt. No.

\_\_\_\_\_  
Address where you receive mail if different from current address

\_\_\_\_\_  
Phone No.

( ) \_\_\_\_\_  
Phone No.

X \_\_\_\_\_  
Defendant Signature

5-28-19  
Date

X/ \_\_\_\_\_  
Judicial Officer

5-28-19  
Date

**THIRD PARTY OBLIGATIONS**

**YOU MUST** comply with the following obligations if the defendant has been placed in your custody while the case is pending in court.

- A. Supervise the defendant in accordance with all of the release conditions.
- B. Make every effort to assure that the defendant is present for all scheduled court hearings.
- C. Make every effort to assure that the defendant will contact Indigent Defense Services to determine indigency status.
- D. Notify the court immediately in the event the defendant violates any conditions of release or disappears.

As Third Party Custodian appointed by the Court, I understand and accept these obligations.

_____	_____	( ) _____
Third Party Custodian	Date	Phone No.
_____		
Address		
_____		
City, State Zip		

**WARNING**

**IF YOU WILLFULLY VIOLATE ANY OF THESE OBLIGATIONS, THE COURT MAY HOLD YOU IN CONTEMPT AND IMPOSE A JAIL SENTENCE, FINE, OR BOTH, AND YOU MAY LOSE YOUR RIGHT TO APPEAL.**

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY  
Alane M. Moore  
Deputy County Attorney  
Bar ID #: 032700  
Apache County Attorney's Office  
P.O. Box 637  
St. Johns, AZ 85936  
Telephone: (928) 337-7560  
groupmail@apachelaw.net

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
VANESSA MARIE MACLEOD,  
Defendant.

Case No.: CR-2019-0162

COMPLAINT

THE APACHE COUNTY ATTORNEY accuses VANESSA MARIE MACLEOD, charging that in the jurisdiction of the Round Valley Justice Court in Apache County, Arizona:

**COUNT 1: (13-1204A1) AGGRAVATED ASSAULT, A CLASS 3 FELONY**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally, knowingly or recklessly did cause a serious physical injury to Star Ellis, in violation of A.R.S. §§ 13-1203, 13-1204, 13-701, 13-702, and 13-801.

**COUNT 2: (13-1204A3) AGGRAVATED ASSAULT, A CLASS 4 FELONY**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally, knowingly or recklessly did cause injury to Star Ellis by any means of force, which caused a temporary but substantial loss or impairment of any body organ or part, to Star Ellis, in violation of A.R.S. §§ 13-1203, 13-1204, 13-701, 13-702, and 13-801.

**COUNT 3: (13-2904A1) DISORDERLY CONDUCT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally or knowingly did disturb the peace or quiet of a neighborhood, family, or person, by engaging in fighting, violent or seriously disruptive behavior, in violation of A.R.S. §§ 13-2904, 13-707, and 13-802.

**COUNT 4: (13-1203A1) ASSAULT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, recklessly did cause physical injury to Star Ellis, in violation of A.R.S. §§ 13-1203(A)(1),(B), 13-707, and 13-802.

**COUNT 5: (13-1203A2) ASSAULT, A CLASS 2 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally did place Star Ellis in reasonable apprehension of imminent physical injury, in violation of A.R.S. §§ 13-1203(A)(2),(B), 13-707, and 13-802.

**COUNT 6: (13-1203A3) ASSAULT, A CLASS 3 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, knowingly did touch Star Ellis, with the intent to injure, insult, or provoke her, in violation of A.R.S. §§ 13-1203(A)(3),(B), 13-707, 13-802, and 13-812.

**COUNT 7: (13-1203A1) ASSAULT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, recklessly did cause physical injury to Kelly Faye Callicoat, in violation of A.R.S. §§ 13-1203(A)(1),(B), 13-707, and 13-802.

**COUNT 8: (13-1203A2) ASSAULT, A CLASS 2 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally did place Kelly Faye Callicoat in reasonable apprehension of imminent physical injury, in violation of A.R.S. §§ 13-1203(A)(2),(B), 13-707, and 13-802.

**COUNT 9: (13-1203A3) ASSAULT, A CLASS 3 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, knowingly did touch Kelly Faye Callicoaat, with the intent to injure, insult, or provoke her, in violation of A.R.S. §§ 13-1203(A)(3),(B), 13-707, 13-802, and 13-812.

Law Enforcement Agency: SPRINGERVILLE POLICE DEPARTMENT

Respectfully submitted April 18, 2019.

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY

---

Alane M. Moore  
Deputy County Attorney

A copy of the foregoing mailed/delivered  
04/18/2019, to:

Round Valley Justice Court  
130 S. Mountain Ave.  
Springerville, AZ, 85938

By: ! \_\_\_\_\_



# EXHIBIT E

STATE OF ARIZONA Plaintiff  
-vs-  
VANESSA M. MACLEOD  
Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]  
CR-2019-0162  
CR2019-326

SEP 26 2019  
ANNELL HOONISH, CLERK  
APACHE COUNTY SUPERIOR COURT  
TRANSMITTAL ORDER

**ORDER HOLDING DEFENDANT TO ANSWER BEFORE THE SUPERIOR COURT**

The Court ORDERS the defendant VANESSA M. MACLEOD to respond before the Superior Court in Apache County, Arizona to the listed charges:

- Count 1: Aggravated Assault a class 3 Felony in violation of A.R.S. §13-1204A1
- Count 2: Aggravated Assault a class 4 Felony in violation of A.R.S. §13-1204A3
- Count 3: Disorderly Conduct a class 1 Misdemeanor in violation of A.R.S. §13-2904A1
- Count 4: Assault a class 1 Misdemeanor in violation of A.R.S. §13-1203A1
- Count 5: Assault a class 2 Misdemeanor in violation of A.R.S. §13-1203A2
- Count 6: Assault a class 3 Misdemeanor in violation of A.R.S. §13-1203A3
- Count 7: Assault a class 1 Misdemeanor in violation of A.R.S. §13-1203A1
- Count 8: Assault a class 2 Misdemeanor in violation of A.R.S. §13-1203A2
- Count 9: Assault a class 3 Misdemeanor in violation of A.R.S. §13-1203A3

- I find that there is probable cause to believe that the above offense(s) has/have been committed and that the defendant committed them.
- The defendant waived a preliminary hearing on the felony charge(s).
- The court requests that the above misdemeanor(s) be associated with the felony charge(s) set forth above.

9-19-19  
Date

\_\_\_\_\_  
Signature of Judicial Officer



Marsha A. Gregory, Justice of the Peace  
Printed Name and Title of Judicial Officer

ROUND VALLEY JUSTICE, SPRINGVILLE MUNICIPAL COURT, APACHE COUNTY

STATE OF ARIZONA Plaintiff  
-vs-

VANESSA M. MACLEOD  
Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]

CR-2019-0162

TRANSMITTAL  
CERTIFICATION

ORDER HOLDING DEFENDANT TO ANSWER BEFORE THE SUPERIOR COURT

I hereby certify that the enclosed items constitute a true and complete record of the preliminary proceedings held in the above-entitled case appearing in Docket No. CR-2019-0162.

The following items are included:

- The original complaint, including amendments;
- The supporting affidavits of the following witnesses:

\_\_\_\_\_

- The arrest warrant or summons; **SUMMONS**
- The defendant's and officer's release questionnaires;
- The defendant's financial statement and request for appointment of counsel;
- A copy of the release order; PSR
- The defendant's appearance bond;
- Security deposited with the appearance bond: \_\_\_\_\_

- Defendant's waiver of counsel;
- Order appointing counsel: Bryce Hamblin
- Notice of Appearance:
- Waiver of preliminary hearing;
- Exhibits and items of physical evidence introduced at the preliminary hearing: \_\_\_\_\_
- Order holding the defendant to answer in superior court;
- Audio or video record of preliminary hearing, if any
- Other: Docket No. CR-2019-0162, (5) Minute Entries/ Orders, Disposition Report, Rule 17.2 Advisory, State's Initial Disclosure, (2) State's Supplemental Disclosure.

Date

9-19-19

Signature of Judicial Officer

Marsha A. Gregory, Justice of the Peace  
Printed Name and Title of Judicial Officer



CASE HISTORY

J-0101-CR-0020190162

ST OF AZ VS MACLEOD

TYPE: CRIM-CH12 ASSULT/RELATED OFFENCURRENT STATUS: COMPLETED 09-18-2019  
DATE FILED: 04-22-2019

--- JUDGES ---

INITIAL ASSIGNMENT 04-22-2019 MARSHA GREGORY

-----ATTORNEYS-----  
ALANE MOORE

DOB:  
ADDRESS:  
MACLEOD VANESSA MARIE

LIC:

D 001 CASE TRANS MACLEOD VANESSA MARIE

CHARGE 1:	AGG ASLT-SERIOUS PHY INJURY 13-1204A1	CASENUM
CHARGE 2:	AGG ASLT-ENTER RESIDENCE 13-1204A3	CASENUM
CHARGE 3:	DISORDERLY CONDUCT-FIGHTING 13-2904A1	CASENUM
CHARGE 4:	ASSAULT-INTENT/RECKLESS/INJ 13-1203A1	CASENUM
CHARGE 5:	ASLT-CAUSE FEAR PHYS INJ 13-1203A2	CASENUM
CHARGE 6:	ASSAULT-TOUCHED TO INJURE 13-1203A3	CASENUM
CHARGE 7:	ASSAULT-INTENT/RECKLESS/INJ 13-1203A1	CASENUM
CHARGE 8:	ASLT-CAUSE FEAR PHYS INJ 13-1203A2	CASENUM
CHARGE 9:	ASSAULT-TOUCHED TO INJURE 13-1203A3	CASENUM

MAJOR EVENTS

09-18-2019 COMPLETED ONBASE BACK SCAN 024 D 001

FILING DATE	EVENT	PROCEEDINGS ENTRY	RESULT	PARTY
06-06-2018	DISCLOSURE FILED	024		D 001
	FILED STATE'S SUPPLEMENTAL DISCLOSURE			



CASE HISTORY

J-0101-CR-0020190162

ST OF AZ VS MACLEOD

04-22-2019 COMPLAINT FILED-PROSECUTOR	024	D	001
04-25-2019 SUMM ISSUED CR,SR,TR,DR,MR,FR SUMMONS ISSUED TO  TO BE SERVED BY CONSTABLE CURTIS	024	D	001
04-25-2019 PROOF SERVICE COMPL PROOF OF SERVICE BY CONSTABLE	024	D	001
05-08-2019 COMMENTS RECEIVED DISPOSITION REPORT	024	D	001
05-28-2019 TELEPHONE CALL T/C FROM DEF - WENT TO WRONG COURT IN ST JOHNS. ON HER WAY TO THIS COURT	022	D	001
05-28-2019 I/A HELD: FELONY/MISD/CR TR IA DEPENDANT IN PERSON R 17.2 RELEASE QUESTIONAIRE RELEASE ORDER COPY OF FOLLOWING TO DEFENDANT MOTION FOR APPT OF COUNSEL AND ORDER FINANCAL STATEMENT MINUTE ENTRY DEFENDANT PLACED ON LEVEL 4 PTS DEFENDANT RETIANED B HAMBLIN PH 06.12.19 AT 9 SEND COPY OF ORDER OF COUNSEL AND MINUTE ENTRY TO PROSECUTOR AND DEFENSE ATTY ALSO SUPERIOR COURT	024	D	001
05-28-2019 COUNSEL APPOINTED B HAMBLIN APPOINTED	024	D	001
05-28-2019 CAL: PRELIMINARY HEARING PRELIMINARY HEARING SET IN SUPERIOR COURT ON 06.12.19 AT 9. COPIES SENT TO CA OFFICE, DEPENSE ATTY B HAMBLIN AND SUPERIOR COURT	024	D	001
05-29-2019 DISCLOSURE FILED FILED STATE'S INITIAL DISCLOSURE	024	D	001
06-12-2019 APPEARANCE	024	D	001



CASE HISTORY

J-0101-CR-0020190162

ST OF AZ VS MACLEOD

EVENT JUDGE: ALLEN PERKINS

DEFENDANT APPEARED IN PERSON WITH DEFENSE COUNSEL  
HAMBLIN PRESENT. PROSECUTOR MOORE PRESENT. TIME  
WAIVED. PRE TRIAL SERVICES LEVEL #1 MUST COMPLY  
PRELIM SET 07.17.19 AT 9

06-12-2019 CONTINUANCE REQUESTED 024 D 001  
EVENT JUDGE: ALLEN PERKINS

06-12-2019 CAL: PRELIMINARY HEARING 024 D 001  
EVENT JUDGE: ALLEN PERKINS

PRELIMINARY HEARING SET IN SUPERIOR COURT ON 07.17.19 AT  
9 AM. MINUTE ENTRY HANDED TO ALL PARTIES.

07-17-2019 APPEARANCE 024 D 001  
EVENT JUDGE: ALLEN PERKINS

DEFENDANT APPEARED IN PERSON WITH DEFENSE COUNSEL  
B HAMBLIN PRESENT. PROSECUTOR ALANE MOORE PRESENT  
FOR PRELIMINARY HEARING. TIME WAIVED PRELIM SET  
08.21.19 AT 9 AM

07-17-2019 CONTINUANCE REQUESTED 024 D 001  
EVENT JUDGE: ALLEN PERKINS

07-17-2019 CAL: PRELIMINARY HEARING 024 D 001  
EVENT JUDGE: ALLEN PERKINS

PRELIMINARY HEARING SET IN SUPERIOR COURT ON  
08.21.19 AT 9 AM. MINUTE ENTRY HANDED TO  
DEFENSE COUNSEL, DEFENDANT, PROSECUTOR.

08-21-2019 APPEARANCE 024 D 001  
EVENT JUDGE: ALLEN PERKINS

DEFENDANT APPEARED IN PERSON WITH DEFENSE COUNSEL  
BRYCE HAMBLIN PRESENT. TIME WAIVED. CONTESTED  
PRELIMINARY HEARING SET 09.18.19 AT 3:00 PM

08-21-2019 CONTINUANCE REQUESTED 024 D 001  
EVENT JUDGE: ALLEN PERKINS

08-21-2019 CAL: PRELIMINARY HEARING 024 D 001



CASE HISTORY

J-0101-CR-0020190162

ST OF AZ VS MACLEOD

EVENT JUDGE: ALLEN PERKINS

CONTESTED PRELIMINARY HEARING SET IN SUPERIOR COURT O  
ON 09.18.19 AT 3:00. MINUTE ENTRY HANDED TO ALL PARTIES.

09-18-2019 FELONY PRELIM HEARING HELD

024

D 001

EVENT JUDGE: ALLEN PERKINS

DEFENDANT APPEARED IN PERSON WITH DEFENSE COUNSEL  
BRYCE HAMBLIN PRESENT. PROSECUTOR ALANE MOORE  
ROBERTSON PRESENT FOR CONTESTED PRELIMINARY  
HEARING. WAIVER OF PRELIMINARY HEARING FILED  
ARRAIGNMENT, CHANGE OF PLEA, AND SENTENCING  
SET IN SUPERIOR COURT ON 10.7.19 AT 9:30 AM  
MINUTE ENTRY HANDED TO ALL PARTIES.

09-18-2019 DEFNDNT BOUND OVER TO SUPR CRT 024

D 001

RECEIVED WAIVER OF PRELIMINARY HEARING. TRANSMITTAL  
CERTIFICATE AND ORDER HOLDING DEFENDANT TO ANSWER BEFORE  
SUPERIOR COURT FILED. TRANSFERRED TO APACHE COUNTY SUPERIOR  
COURT.

MARSHA A. GREGORY  
JUSTICE OF THE PEACE  
ROUND VALLEY PRECINCT

09-18-2019 TRANS SUPERIOR CRT (11,RCrP) 024

D 001

09-18-2019 ORIG. FILE TO SUPERIOR COURT 024

D 001

09-18-2019 COMPLETED ONBASE BACK SCAN 024

D 001

CHARGE DISPOSITION AND SENTENCING

\*\* PARTY STATUS \*\*

CASE TRANSFERRED/REMA09-18-2019

D 1

MACLEOD VANESSA MARIE

COUNT 1 -1 I 13-1204A1

AGG ASLT-SERIOUS PHY INJ

PLEA:

DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019



CASE HISTORY

-----  
J-0101-CR-0020190162 ST OF AZ VS MACLEOD  
SENTENCE:  
COUNT 2 -1 I 13-1204A3 AGG ASLT-TEMP SBSTL DISFG  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 3 -1 I 13-2904A1 DISORDERLY CONDUCT-FIGHTING  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 4 -1 I 13-1203A1 ASSAULT-INTENT/RECKLESS/INJURE  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 5 -1 I 13-1203A2 ASLT-CAUSE FEAR PHYS INJ  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 6 -1 I 13-1203A3 ASSAULT-TOUCHED TO INJURE  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 7 -1 I 13-1203A1 ASSAULT-INTENT/RECKLESS/INJURE  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 8 -1 I 13-1203A2 ASLT-CAUSE FEAR PHYS INJ  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:  
COUNT 9 -1 I 13-1203A3 ASSAULT-TOUCHED TO INJURE  
PLEA:  
DISPOSITION: BOUND OVER TO SUPERIOR COURT 09-18-2019  
SENTENCE:





STATE OF ARIZONA, JUSTICE COURT  
IN AND FOR APACHE COUNTY

Chinle    St. Johns    Puerco    Round Valley   Justice Court, Apache County, Arizona

State of Arizona <i>Plaintiff</i>		<b>MINUTE ENTRY and ORDER</b>
VS VANESSA M. MACLEOD <i>Defendant</i>	<u>J-0101-CR2019-0162</u> Case Number	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic

Charge(s): AGG. ASSAULT, A C3F; AGG. ASSAULT, A C4F; DISORDERLY CONDUCT, A C1M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M.

IN OPEN COURT ON: WEDNESDAY, SEPTEMBER 18, 2019 AT 3:00PM

Set for: CONTESTED PRELIMINARY HEARING

Defendant:  In Person    In Custody    Appeared By Counsel    Telephonically    Failed to Appear  
 Defense Attorney waives Defendants presence and avows to the authenticity of Defendants signature

Defense Attorney: HAMBLIN, BRYCE    Present    Not Present

Prosecutor: MOORE, ALANE / Robertson, Celerte    Present    Not Present

Interpreter: \_\_\_\_\_    Present    Not Present

At Defendant's request, enter a plea of:    No Contest    Not Guilty/Not Responsible    Guilty/Responsible

At Defendant's request:  Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:  Not Guilty/Not Responsible    Guilty/Responsible    Probable Cause/Bound Over to Superior Court

Case Dismissed at request of \_\_\_\_\_    With Prejudice    Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

IT IS ORDERED:

<input type="checkbox"/> Issue OSC	<input type="checkbox"/> Time Waived	<input type="checkbox"/> Release from Custody
<input type="checkbox"/> Issue Summons	<input type="checkbox"/> Exonerate Bond \$ _____	<input type="checkbox"/> Release Conditions Modified
<input type="checkbox"/> Issue Warrant. Bond \$ _____	<input type="checkbox"/> Forfeit Bond \$ _____	<input type="checkbox"/> Assigned to Judge:
<input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> _____

SCHEDULE:

<input checked="" type="checkbox"/> Arraignment	<input type="checkbox"/> Oral Arguments	<input checked="" type="checkbox"/> Sentencing
<input checked="" type="checkbox"/> Change of Plea	<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Status Conference
<input type="checkbox"/> Civil TR Hearing	<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Interpreter: _____
<input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury		

On: (day) Monday ; (date) 10.7.2019 ; (time) 9:30 (a.m.) p.m.

**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

Date of Order: 9/18/19

Signature of Judge or Magistrate

Copies Forwarded On: **SEPTEMBER 18, 2019**

To:                      Via:

Defendant    Mail    Hand delivered

Defense Atty.    Mail    Hand delivered

To:                      Via:

Prosecutor    Mail    Hand delivered

Officer/Jail    Mail    Hand delivered

FOR QUESTIONS REGARDING YOUR CASE, PLEASE CONTACT THE:

Round Valley Justice Court (928)333-4613



**IN THE SUPERIOR COURT  
COUNTY OF APACHE, STATE OF ARIZONA**

State of Arizona, Plaintiff vs. Vanessa Marie Macleod, Defendant	Case No. RVJC#CR2019- 0162	Waiver Of Preliminary Hearing
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**Instructions:** You are entitled to a preliminary hearing on the charges against you. This form explains the rights you will be giving up by waiving a preliminary hearing, some of the potential benefits of not waiving a preliminary hearing and allows you to waive those rights if you so choose. Read the entire form carefully before signing it.

**I understand** that I am charged with the Counts listed in the Complaint in this case. I have read that Complaint and am aware of all of the charges against me. I understand that the charges against me include one or more felony offenses in violation of Arizona law and that if I am found guilty I can be given a severe punishment, including jail, prison, a fine, probation, or other penalties.

**I understand** that under the Arizona Constitution I have a right to a probable cause determination which may include a preliminary hearing before a magistrate. Without making any determination of my guilt or innocence, the magistrate will decide whether there is sufficient evidence against me to establish probable cause to try me on these charges.

**I understand** that I have a right to an attorney at the preliminary hearing, and that if I am unable to obtain the services of an attorney without incurring substantial hardship to myself or to my family, one will be furnished for me free of charge.

**I understand** that the prosecutor would be required to present witnesses and evidence against me to demonstrate probable cause to believe that a crime or crimes were committed and probable cause that I committed the crime(s) and that I would have the right to cross-examine such witnesses and to make an offer of proof of my own innocence, which may result in my being permitted to present evidence of my own innocence.

**I understand** that if the prosecutor failed to show probable cause to try me, the charges against me would be dismissed, although the prosecutor may choose to refile the charges.

**I understand** that giving up my right to a preliminary hearing gives the state the right to try me for the offenses charged without any determination of probable cause by a magistrate.

**I understand** that, if I am waiving my rights after receiving an initial plea offer with a deadline, I am waiving my rights under Rule 15.8 to object to the presentation of evidence disclosed to me less than thirty days before that deadline.

**CERTIFICATION AND WAIVER**

I certify that I have read and understand all of the above, and I hereby waive my right to a preliminary hearing in this case.

**DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.**

**DO NOT SIGN THIS FORM IF YOU WANT A PRELIMINARY HEARING.**

DATED: 9-18-19  
\_\_\_\_\_  
 Defendant

I have explained the significance of the preliminary hearing to the defendant and I consent to a waiver of a preliminary hearing in this case.

DATED: 9/18/19  
\_\_\_\_\_  
 Defense Counsel

I consent to waiver of a preliminary hearing in this case.

DATED: 09.18.2019  
\_\_\_\_\_  
 Prosecutor

**NOTICE OF APPEARANCE**

*Change of Plea + Sentencing*  
 Arraignment will be held in the Superior Court as follows:  
 Date: Oct 7, 2019 Time:  9:30a.m. (Bryce Hamblin)  10:30a.m. (Jon Saline)  2:00p.m. (Ben Brewer)  3:30p.m. (D. Bryce Patterson)  
 Location: Apache County Superior Court, St. Johns, AZ. Non-Contract Attorneys:  9:00a.m.  3:00p.m.

The Superior Court will notify you regarding the time and date of your arraignment.

**DEFENDANT AGREES TO BE, AND MUST BE, PRESENT FOR ARRAIGNMENT.** Defendant



STATE OF ARIZONA, JUSTICE COURT  
IN AND FOR APACHE COUNTY

Chinle  St. Johns  Puerco  Round Valley Justice Court, Apache County, Arizona

State of Arizona <i>Plaintiff</i>		<b>MINUTE ENTRY and ORDER</b>
VS VANESSA M. MACLEOD <i>Defendant</i>	J-0101-CR2019-0162 Case Number	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic

Charge(s): AGG. ASSAULT, A C3F; AGG. ASSAULT, A C4F; DISORDERLY CONDUCT, A C1M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M.

IN OPEN COURT ON: WEDNESDAY, AUGUST 21, 2019 AT 9:00AM

Set for: PRELIMINARY HEARING

Defendant:  In Person  In Custody  Appeared By Counsel  Telephonically  Failed to Appear  
 Defense Attorney waives Defendants presence and avows to the authenticity of Defendants signature

Defense Attorney: HAMBLIN, BRYCE  Present  Not Present

Prosecutor: MOORE, ALANE  Present  Not Present

Interpreter: \_\_\_\_\_  Present  Not Present

At Defendant's request, enter a plea of:  No Contest  Not Guilty/Not Responsible  Guilty/Responsible

At Defendant's request:  Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:  Not Guilty/Not Responsible  Guilty/Responsible  Probable Cause/Bound Over to Superior Court

Case Dismissed at request of \_\_\_\_\_  With Prejudice  Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

IT IS ORDERED:

<input type="checkbox"/> Issue OSC	<input checked="" type="checkbox"/> Time Waived	<input type="checkbox"/> Release from Custody
<input type="checkbox"/> Issue Summons	<input type="checkbox"/> Exonerate Bond \$ _____	<input type="checkbox"/> Release Conditions Modified
<input type="checkbox"/> Issue Warrant. Bond \$ _____	<input type="checkbox"/> Forfeit Bond \$ _____	<input type="checkbox"/> Assigned to Judge: _____
<input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> _____

SCHEDULE:

<input type="checkbox"/> Arraignment	<input type="checkbox"/> Oral Arguments	<input type="checkbox"/> Sentencing
<input type="checkbox"/> Change of Plea	<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Status Conference
<input type="checkbox"/> Civil TR Hearing	<input checked="" type="checkbox"/> Preliminary Hearing <i>contested</i>	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Pre-Trial Conference	_____
<input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury		<input type="checkbox"/> Interpreter: _____

On: (day) Wed. ; (date) 9.18.2019 ; (time) 3:00 a.m. / (p.m.)

**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

Date of Order: 8/21/19

Signature of Judge or Magistrate

Copies Forwarded On: **AUGUST 21, 2019**

To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered

To:  Prosecutor  Mail  Hand delivered  
 Officer/Jail  Mail  Hand delivered

Via:  Hand delivered

FOR QUESTIONS REGARDING YOUR CASE, PLEASE CONTACT THE:

Round Valley Justice Court (928)333-4613



STATE OF ARIZONA, JUSTICE COURT  
IN AND FOR APACHE COUNTY

Chinle  St. Johns  Puerco  Round Valley Justice Court, Apache County, Arizona

State of Arizona <i>Plaintiff</i>		<b>MINUTE ENTRY and ORDER</b>
VS VANESSA M. MACLEOD <i>Defendant</i>	J-0101-CR2019-0162 Case Number	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic

Charge(s): AGG. ASSAULT, A C3F; AGG. ASSAULT, A C4F; DISORDERLY CONDUCT, A C1M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M.

IN OPEN COURT ON: WEDNESDAY, JULY 17, 2019 AT 9:00AM

Set for: STATUS CONFERENCE

Defendant:  In Person  In Custody  Appeared By Counsel  Telephonically  Failed to Appear  
 Defense Attorney waives Defendants presence and avows to the authenticity of Defendants signature

Defense Attorney: Hamblin, Bryce  Present  Not Present

Prosecutor: MOORE, ALANE  Present  Not Present

Interpreter:  Present  Not Present

At Defendant's request, enter a plea of:  No Contest  Not Guilty/Not Responsible  Guilty/Responsible

At Defendant's request:  Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:  Not Guilty/Not Responsible  Guilty/Responsible  Probable Cause/Bound Over to Superior Court

Case Dismissed at request of  With Prejudice  Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

IT IS ORDERED:

<input type="checkbox"/> Issue OSC	<input checked="" type="checkbox"/> Time Waived	<input type="checkbox"/> Release from Custody
<input type="checkbox"/> Issue Summons	<input type="checkbox"/> Exonerate Bond \$ _____	<input type="checkbox"/> Release Conditions Modified
<input type="checkbox"/> Issue Warrant. Bond \$ _____	<input type="checkbox"/> Forfeit Bond \$ _____	<input type="checkbox"/> Assigned to Judge:
<input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> _____

SCHEDULE:

<input type="checkbox"/> Arraignment	<input type="checkbox"/> Oral Arguments	<input type="checkbox"/> Sentencing
<input type="checkbox"/> Change of Plea	<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Status Conference
<input type="checkbox"/> Civil TR Hearing	<input checked="" type="checkbox"/> Preliminary Hearing	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Interpreter: _____
<input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury		

On: (day) Wed. ; (date) 8-21-2019 ; (time) 9:00 (a.m.) p.m.

**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

Date of Order: 7/17/19

Signature of Judge or Magistrate

Copies Forwarded On: JULY 17, 2019

To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered

To:  Prosecutor  Mail  Hand delivered  
 Officer/Jail  Mail  Hand delivered

FOR QUESTIONS REGARDING YOUR CASE, PLEASE CONTACT THE:

Round Valley Justice Court (928)333-4613



**STATE OF ARIZONA, JUSTICE COURT  
IN AND FOR APACHE COUNTY**

Chinle    St. Johns    Puerco    Round Valley   Justice Court, Apache County, Arizona

State of Arizona <i>Plaintiff</i>	J-0101-CR2019-0162 Case Number	<b>MINUTE ENTRY and ORDER</b>
VS VANESSA M. MACLEOD <i>Defendant</i>		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic

**Charge(s):** AGG. ASSAULT, A C3F; AGG. ASSAULT, A C4F; DISORDERLY CONDUCT, A C1M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M; ASSAULT, A C1M; ASSAULT, A C2M; ASSAULT, A C3M.

**IN OPEN COURT ON:** Wednesday, JUNE 13, 2019 AT 9:00AM

**Set for: PRELIMINARY HEARING**

**Defendant:**    Appeared in Person    Appeared in Custody    Appeared by Counsel    Failed to Appear  
 Defense Attorney waives Defendants presence and avows to the authenticity of Defendants signature

**Defense Attorney:** HAMBLIN, BRYCE    Present    Not Present  
 Present    Not Present

**Prosecutor:** MOORE ALANE    Present    Not Present  
 Present    Not Present

**Interpreter:** \_\_\_\_\_

At Defendant's request, enter a plea of:    No Contest    Not Guilty/Not Responsible    Guilty/Responsible

At Defendant's request:    Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:    Not Guilty/Not Responsible    Guilty/Responsible    Probable Cause/Bound Over to Superior Court

Case Dismissed at request of \_\_\_\_\_    With Prejudice    Without Prejudice

**Signature of Requesting Person:** \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC <input type="checkbox"/> Issue Summons <input type="checkbox"/> Issue Warrant. Bond \$ _____ <input type="checkbox"/> Quash Warrant	<input checked="" type="checkbox"/> Time Waived <input type="checkbox"/> Exonerate Bond \$ _____ <input type="checkbox"/> Forfeit Bond \$ _____ <input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> Release from Custody <input type="checkbox"/> Release Conditions Modified <input type="checkbox"/> Assigned to Judge: <input type="checkbox"/> _____
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Pre: Trial Services level #1, must comply

**SCHEDULE:**

<input type="checkbox"/> Arraignment <input type="checkbox"/> Change of Plea <input type="checkbox"/> Civil TR Hearing <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Oral Arguments <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Sentencing <input type="checkbox"/> Status Conference <input type="checkbox"/> Other: _____ <input type="checkbox"/> Interpreter: _____
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On: (day) Wed. ; (date) 7.17.2019 ; (time) 9:00 a.m. / p.m.  
**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

Date of Order: 6/12/19

\_\_\_\_\_  
Signature of Judge or Magistrate

Copies Forwarded On: **JUNE 13, 2019**

To:    Defendant    Mail    Hand delivered  
 Defense Atty.    Mail    Hand delivered

To:    Prosecutor    Mail    Hand delivered  
 Officer/Jail    Mail    Hand delivered

**FOR QUESTIONS REGARDING YOUR CASE, PLEASE CONTACT THE:**  
 Round Valley Justice Court (928)333-4613



MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY  
Alane M. Moore  
Deputy County Attorney  
Bar ID #: 032700  
Apache County Attorney's Office  
P.O. Box 637  
St. Johns, AZ 85936  
Telephone: (928) 337-7560  
groupmail@apachelaw.net

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
VANESSA MARIE MACLEOD,  
Defendant.

Case No.: RVJC#CR2019-0162

STATE'S SUPPLEMENTAL  
DISCLOSURE

In supplement to the State's initial disclosure pursuant to Rule 15.1(a) and first supplemental disclosure pursuant to Rule 15.1(b), the State discloses the following pursuant to Rule 15.6(a) and the rule cited to below:



FILED

ON: 6/18/19

BY:

fax filed on 6/13/19

15.1(b)(3) **LEA REPORTS:**

Original and/or supplemental reports prepared by a law enforcement agency in conjunction with the crime(s) of which the defendant herein stands accused which have not been previously disclosed

Exist and are attached hereto or were delivered separately and consist of media; **One Disk containing Body Camera footage.**

Respectfully submitted June 13, 2019.

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY

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Alane M. Moore  
Deputy County Attorney



cc: Round Valley Justice Court  
P.O. Box 1356  
Springerville AZ, 85938

Bryce Hamblin  
P.O. Box 488  
Eagar, AZ 85925  
Attorney for Defendant





MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY  
Alane M. Moore  
Deputy County Attorney  
Bar ID #: 032700  
Apache County Attorney's Office  
P.O. Box 637  
St. Johns, AZ 85936  
Telephone: (928) 337-7560  
groupmail@apachelaw.net

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
VANESSA MARIE MACLEOD,  
Defendant.

Case No.: RVJC#CR2019-0162

STATE'S SUPPLEMENTAL  
DISCLOSURE

In supplement to the State's initial disclosure pursuant to Rule 15.1(a) and first supplemental disclosure pursuant to Rule 15.1(b), the State discloses the following pursuant to Rule 15.6(a) and the rule cited to below:

15.1(b)(1) WITNESSES:  
Kamron Scott Aragon



FILED

ON: 6/11/19

BY: *SR*

Kelly Faye Callicoa  
C/o Apache County Attorney's Office  
245 W. 1<sup>st</sup> South  
St. Johns AZ, 85936

Star Ellis  
C/o Apache County Attorney's Office  
245 W. 1<sup>st</sup> South  
St. Johns AZ, 85936

Krissee Aragon

Michael Oneil Macleod

Kyron David Aragon

Silas Page  
C/o Apache County Attorney's Office  
245 W. 1<sup>st</sup> South  
St. Johns AZ, 85936

Daniel Carhel  
Springerville Police Department  
418 E. Main Street  
Springerville, AZ 85938  
Badge: 105

Written or recorded statements of the above-named witnesses which are not  
contained in the departmental reports previously disclosed or disclosed herewith

Are not known to exist.



15.1(b)(3) **LEA REPORTS:**

Original and/or supplemental reports prepared by a law enforcement agency in conjunction with the crime(s) of which the defendant herein stands accused which have not been previously disclosed

Exist and are attached hereto or were delivered separately and consist of media and Bates Stamped pages 000023 through 000031 of discoverable materials.

**1. REDACTED SPD DR19-0220-S.E. Medical Records:**

**Bates #000023-000031.**

**2. One Disk containing Assault Photos.**

Respectfully submitted June 06, 2019.

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY

\_\_\_\_\_  
Alane M. Moore  
Deputy County Attorney



cc: Round Valley Justice Court  
P.O. Box 1356  
Springerville AZ, 85938

Bryce Hamblin  
P.O. Box 488  
Eagar, AZ 85925  
Attorney for Defendant



MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY  
Alane M. Moore  
Deputy County Attorney  
Bar ID #: 032700  
Apache County Attorney's Office  
P.O. Box 637  
St. Johns, AZ 85936  
Telephone: (928) 337-7560  
groupmail@apachelaw.net

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
VANESSA MARIE MACLEOD,  
Defendant.

Case No.: RVJC#CR2019-0162

STATE'S INITIAL  
DISCLOSURE

The State, pursuant to Rule 15.1(a), Arizona Rules of Criminal Procedure,  
caused to be delivered by

- Electronic mail
- United States Postal Service
- Personal service

all original and supplemental reports prepared by a law enforcement agency in  
connection with the crime(s) of which the defendant stands accused in the above-  
captioned case and the names and addresses of experts, if any, who had personally  
examined the defendant or any evidence supporting the crime(s) of which the  
defendant stands accused in the above-captioned case, together with the results of



FILED  
ON: 6/4/19  
BY: [Signature]  
Pavod S. S. & Co. 10

physical examinations and of scientific tests, experiments or comparisons which have been completed **which were in the possession of the attorney filing the charge at the time of the filing** consisting of pages 000001 through 000022 of discoverable materials.

**1. Redacted SPD DR19-0220 Initial Report-Supplemental Narratives-Medical Records: Bates #000001-000022.**

Respectfully submitted May 29, 2019.

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY

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Alane M. Moore  
Deputy County Attorney

cc: Round Valley Justice Court  
P.O. Box 1356  
Springerville AZ, 85938

Bryce Hamblin  
P.O. Box 488  
Eagar, AZ85925  
Attorney for Defendant

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State of Arizona <i>Plaintiff</i>  VS  Vanessa M. Macleod <i>Defendant</i>	<u>CR-2019-0162</u> Case Number	<b>MINUTE ENTRY and ORDER</b>  <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense <input type="checkbox"/> Game & Fish
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Charge(s): A.R.S. 13-1204A1 Aggravated Assault – Physical Injury, C3F; A.R.S. 13-1204A3 Aggravated Assault – Enter Residence, C4F; A.R.S. 13-2904A1 Disorderly Conduct – Fighting, C1M; A.R.S. 13-1203A1 Assault – Intent/Reckless/Injury (2 Counts), C1M; A.R.S. 13-1203A2 Assault – Fear of Injury (2 Counts), C2M; A.R.S. 13-1203A3 Assault – Touched to Injure (2 Counts), C3M

**IN OPEN COURT ON: Tuesday May 28, 2019 at 10:00 AM**  
**Set For: Initial Appearance**

Defendant:  In Person     Juvenile     In Custody     Telephonically     Appeared by Counsel     Failed to Appear

Defense Attorney: \_\_\_\_\_  Present       Not Present

Prosecutor: \_\_\_\_\_  Present       Not Present

Officer: \_\_\_\_\_  Present       Not Present

Interpreter: \_\_\_\_\_  Present       Not Present

At Defendant's request, enter a plea of:     No Contest     Not Guilty/Not Responsible     Guilty/Responsible

At Defendant's request:     Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant:     Not Guilty/Not Responsible     Guilty/Responsible     Probable Cause/Bound Over to Superior Court

Case Dismissed at request of \_\_\_\_\_  With Prejudice     Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC <input type="checkbox"/> Issue Summons <input type="checkbox"/> Issue Warrant. Bond \$ _____ <input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Suspend License <input type="checkbox"/> Exonerate Bond \$ _____ <input type="checkbox"/> Forfeit Bond \$ _____ <input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> Release from Custody <input type="checkbox"/> Release Conditions Modified <input type="checkbox"/> Other: _____
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**SCHEDULE:**

<input type="checkbox"/> Arraignment <input type="checkbox"/> Change of Plea <input type="checkbox"/> Civil TR Hearing <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Oral Arguments <input type="checkbox"/> Order to Show Cause <input checked="" type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Sentencing <input type="checkbox"/> Status Conference <input type="checkbox"/> Other: _____ <input type="checkbox"/> Report and Reasons (Juvenile)
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On: (day) Wednesday ; (date) June 12 ; (time) 9:00 AM/PM  
**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

**DEFENDANT IS SENTENCED TO:**

<input type="checkbox"/> Pay Fine of \$ _____ <input type="checkbox"/> plus time payment fee of \$20.00 <input type="checkbox"/> Perform _____ hours of CWS	<input type="checkbox"/> Attend screening/counseling <input type="checkbox"/> Placed on probation for _____ Months	<input type="checkbox"/> Be incarcerated at ACSO for _____ days <input type="checkbox"/> Other: _____
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Date of Order: 28 May 2019

Copies Forwarded On: 5.28.19

To: \_\_\_\_\_ Via: \_\_\_\_\_

Defendant     Mail     Hand delivered     E-mailed

Defense Atty.     Mail     Hand delivered     E-mailed

To: \_\_\_\_\_ Via: \_\_\_\_\_

Prosecutor     Mail     Hand delivered     E-mailed

Officer     Mail     Hand delivered     E-mailed



PLAINTIFF  STATE OF ARIZONA  vs.	DEFENDANT  Vanessa M. Macleod	CASE NO.  CR-2019-0162  MOTION FOR APPOINTMENT OF COUNSEL AND ORDER
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**MOTION FOR APPOINTMENT OF COUNSEL**

Defendant moves for the appointment of Counsel and declares that Defendant's financial circumstances will not allow the hiring of a private attorney in this case.

Signature Vanessa Macleod Date 5-28-19 Phone No. \_\_\_\_\_  
 Address \_\_\_\_\_

**ORDER**

**A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED,**

Motion for court appointed attorney is denied or Defendant retained  
 It is ordered that Bryce Hamblin Attorney Name  
Box 488 Eagar Az 85925 Attorney Address  
928-333-0000 Phone No.

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

Defendant has financial resources which may offset all or part of the cost of legal services.  
 It is therefore ordered that Defendant pay to the clerk of the Round Valley Justice Court the amount of \$ \_\_\_\_\_, payable:

- By this date \_\_\_\_\_
- At the time of judgment.
- In installments of \$ \_\_\_\_\_ every \_\_\_\_\_ beginning \_\_\_\_\_
- Said amount to be determined at the time of judgment.

**NOTICE IS HEREBY GIVEN THAT THE ABOVE-ENTITLED ACTION IS SET FOR**

- Preliminary Hearing
  - Pretrial Conference
- in the Apache County Superior Court (for RVJC) in St. Johns, Arizona, on the

12 day of June, 2019, at 9:00 a.m.

Dated \_\_\_\_\_ Judge/Magistrate \_\_\_\_\_

Copies Forwarded On: \_\_\_\_\_

To:  Defendant  Mail  Hand delivered  
 Defense Atty.  Mail  Hand delivered

To:  Prosecutor  Mail  Hand delivered  Emailed  
 Officer  Mail  Hand delivered  Emailed





**ROUND VALLEY JUSTICE COURT ◊ APACHE COUNTY, ARIZONA**  
**RINGERVILLE MAGISTRATE RT**  
 130 South Mountain Avenue ◊ P.O. Box 1356 Springerville, AZ 85938 ◊ (928) 333-4613

PLAINTIFF  STATE OF ARIZONA  vs.	DEFENDANT  Vanessa M. Macleod	CASE NO.  CR-2019-0161  <b>RULE 17.2 ADVISORY</b>
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**RULE 17.2 ADVISORY**

**NOTE: If you are not a citizen of the United States, pleading guilty or no contest to a crime or being found guilty of a crime, whether by submission or by trial, may affect your immigration status. Admitting guilt or being found guilty may result in deportation even if the charge is later dismissed. Your plea or admission of guilt or being found guilty could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.**

**AVISO: Si no es ciudadano de los Estados Unidos, declararse culpable o no lo contenderé a un delito o ser determinado culpable, de un delito, sea por admisión o por juicio, puede afectar su estatus migratorio. Reconocer culpabilidad o ser determinado culpable puede resultar en deportación aun así si el cargo es destituido. Su declaración o reconocimiento de culpabilidad o el ser determinado culpable puede resultar en su deportación o extracción, puede prevenir que usted logre un estatus legal dentro de los Estados Unidos, o puede prevenir que usted obtenga la ciudadanía de los Estados Unidos.**

- I hereby acknowledge that the above advisory was read to me by the Court.**  
 Por este medio doy a conocer que el juez me leyó el aviso impreso arriba.
- I hereby acknowledge that the Court offered to read the above advisory to me and that I waived the reading of the advisory.**  
 Por este medio doy a conocer que el juez ofreció leerme el aviso impreso arriba y que yo prescindi de la lectura del aviso.

**I hereby certify that I have received a copy of this notification.**  
 Doy fe que que he recibido una copia de este aviso.

5-28-19

Today's Date (Fecha de hoy)

5-28-19

Date (Fecha)

Defendant's Signature (Firma del acusado)



Justice of the Peace (Juez de la Paz)

STATE OF ARIZONA Plaintiff

-vs-

Vanessa M. Macleod

CR-2019-0161

Defendant (FIRST, MI, LAST)

Booking Number

Date of Birth

RELEASE ORDER

LINE #	COMPLAINT NO.	VIOLATION CODE	NF	ORR	PSR	3P	BOND	BA	UB	DB	SB	CB	NB
1	Long Form	13-1204A1			✓		\$						
2	Long Form	13-1204A3			✓		\$						
3	Long Form	13-2904A1			✓		\$						
4	Long Form	13-1203A1			✓		\$						
5	Long Form	13-1203A2			✓		\$						
6	Long Form	13-1203A3			✓		\$						
7	Long Form	13-1203A1			✓		\$						
8	Long Form	13-1203A2			✓		\$						
9	Long Form	13-1203A3			✓		\$						

(NF=Charge not filed; ORR=Own recognizance release; PSR=Pretrial supervision release; 3P=Third party custody; Bond=Amount of bond; BA=Bond applies; UB=Unsecured bond; DB=Deposit bond; SB=Secured bond; CB=Cash bond; NB=Non-bailable)

If you are released from jail, you must follow all release conditions and appear at court as indicated below:

**MANDATORY AND STANDARD CONDITIONS OF YOUR RELEASE:**

[X] 1. Appear at Consolidated court on: 6-12-19 at 9:00 (a.m. / p.m.), Courtroom: \_\_\_\_\_  
(Court name and address) (Date) (Time)  
 for Preliminary Hearing and attend all future court hearings.

[X] 2. Violate no federal, state or local criminal laws.

[X] 3. Not leave the state of Arizona without written permission from the court.  
 [ ] Defendant may leave the state of Arizona provided defendant returns for court dates.

[X] 4. Diligently pursue any appeal if released from custody after judgment and sentence have been imposed.

[ ] 5. Maintain contact with your attorney.

[ ] 6. Provide a current address and phone number to the court and to your attorney and immediately notify both of any changes.

[X] 7. Not threaten or initiate any type of contact with the alleged victim(s).

[ ] 8. Not drive a motor vehicle without a valid driver's license in your possession.

[ ] 9. Not threaten or initiate any type of contact with any person as specified here: \_\_\_\_\_

[ ] 10. Not possess weapons as specified here: \_\_\_\_\_

[ ] 11. Not consume any alcoholic beverages.

[ ] 12. Not go to scene of the alleged crime.

[ ] 13. Not go to locations as specified here: \_\_\_\_\_

[ ] 14. Comply with 3rd party custody release conditions as specified here: \_\_\_\_\_

[ ] 15. Contact probation or parole officer.

[ ] 16. Electronic monitoring, if available, (mandatory if charged with a felony offense under Chapters 14 or 35.1 of Title 13)

[ ] 17. Other: \_\_\_\_\_



(See 3rd party obligations in AOC CR41FORM6)

**ADDITIONAL CONDITIONS FOR YOUR PRETRIAL SUPERVISION RELEASE (PSR):**

[X] 18. Comply with the assigned pretrial supervision program as specified here: Level 4

**IF YOU VIOLATE THIS ORDER:** You have the right to be present at your trial and at all other proceedings in your case. **IF YOU FAIL TO APPEAR THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND/OR HOLD THE TRIAL OR PROCEEDING IN YOUR ABSENCE. IF CONVICTED, YOU WILL BE REQUIRED TO APPEAR FOR SENTENCING. IF YOU FAIL TO APPEAR, YOU MAY LOSE YOUR RIGHT TO A DIRECT APPEAL.**

19. Provide a current address and phone number to Pretrial Services immediately and notify of any changes.

**FINANCIAL CONDITIONS OF RELEASE:** If you cannot post an appearance bond of \$ \_\_\_\_\_ you will remain in custody until your next court hearing on \_\_\_\_\_.

If you violate any condition of a bond, the court may order the bond and any related security deposit forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of any violation of the conditions of release. After a hearing, if the court finds that you have not complied with the release conditions, the court may modify the conditions or revoke the release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be imposable for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

**ACKNOWLEDGEMENT:** I fully understand and will comply with all release conditions indicated above and further understand the consequences should I violate any part of this order.

\_\_\_\_\_  
Current Address where you live

\_\_\_\_\_  
Apt. No.

\_\_\_\_\_  
Address where you receive mail if different from current address

\_\_\_\_\_  
Phone No.

( ) \_\_\_\_\_  
Phone No.

X \_\_\_\_\_  
Defendant Signature

5-28-19  
Date

X \_\_\_\_\_  
Judicial Officer

5-28-19  
Date



### THIRD PARTY OBLIGATIONS

**YOU MUST** comply with the following obligations if the defendant has been placed in your custody while the case is pending in court.

- A. Supervise the defendant in accordance with all of the release conditions.
- B. Make every effort to assure that the defendant is present for all scheduled court hearings.
- C. Make every effort to assure that the defendant will contact Indigent Defense Services to determine indigency status.
- D. Notify the court immediately in the event the defendant violates any conditions of release or disappears.

As Third Party Custodian appointed by the Court, I understand and accept these obligations.

\_\_\_\_\_  
Third Party Custodian

\_\_\_\_\_  
Date

( ) \_\_\_\_\_  
Phone No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State Zip

### WARNING

**IF YOU WILLFULLY VIOLATE ANY OF THESE OBLIGATIONS, THE COURT MAY HOLD YOU IN CONTEMPT AND IMPOSE A JAIL SENTENCE, FINE, OR BOTH, AND YOU MAY LOSE YOUR RIGHT TO APPEAL.**



STATE OF ARIZONA Plaintiff  
 -vs-  
**Vanessa M. Macleod**  
 Defendant (FIRST, MI, LAST)  
 Alias(es) \_\_\_\_\_

[CASE/COMPLAINT NO.]  
 CR-2019-0161  
 Booking No. \_\_\_\_\_

**RELEASE QUESTIONNAIRE**  
 (To be completed by Defendant)

The following information is for the purpose of determining the conditions under which you may be released at this time. You are not required to answer any question if you feel the answer might be harmful to you. The answers you give to the following questions will be used by the court for the purpose of determining the conditions of your release. However, your answers will be checked against the information supplied by the police, and with the references you yourself give on the form. Any discrepancies may result in higher bail or harsher conditions of release. **Any information you give may be used against you in this or any other matter.**

**1. Background and Residence**

Full Name: Vanessa Marie Macleod  
 Sex \_\_\_\_\_ Race \_\_\_\_\_ Date of Birth \_\_\_\_\_  
 Place of Birth [city, state, county] 7  
 Present Citizenship \_\_\_\_\_  
 If you are not a United States of America citizen. how long have you been in this country? \_\_\_\_\_  
 Present Address \_\_\_\_\_  
 How long have you lived at the above address? 4 yrs  
 Telephone No. ( ) \_\_\_\_\_ Cell No. \_\_\_\_\_  
 Where else have you lived in the past year and for how long? \_\_\_\_\_  
 Where will you go if released today? \_\_\_\_\_

**2. Family**

Are you married/partnered?  Yes  No If so, are you living with your spouse/partner?  Yes  No  
 Are you living with someone? Relationship: \_\_\_\_\_  
 How many other persons (including your children) are living with you? 6  
 How much do you contribute to their support? im my childrears full time care taker  
 Do you have regular contact with any other relatives?  Yes  No  
 Explain \_\_\_\_\_

**3. Employment**

Are you presently employed?  Yes  No If not, what is your principal means of support?  
 Explain: my husband work and i stay home to take care of my Kids  
 Employer's Name \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No. ( ) \_\_\_\_\_  
 What is the nature of your job? \_\_\_\_\_  
 How long have you worked there? \_\_\_\_\_

**4. Criminal Record**

Do you have any previous criminal record?  Yes  No  
 Explain \_\_\_\_\_

**5. Record of Appearance**

Have you ever been released on bail or other conditions pending trial?  Yes  No  
 Did you ever fail to appear as required?  Yes  No  
 Explain \_\_\_\_\_



6. **Supervision**

Is there any organization or any person who might agree to supervise you and be responsible for your return to court as required? [] Yes [ ] No

Organization or person to contact \_\_\_\_\_

Address City State Zip Telephone 70

7. **Other Circumstances**

Are there any other matters (such as your health or illness in your family) which you feel the court should consider in making its decision? \_\_\_\_\_

8. **Verification**

Is there any other friend, relative, neighbor or other person who can be called as a reference to this information?

\_\_\_\_\_  
Name Address City State Zip Telephone ( )

\_\_\_\_\_  
Name Address City State Zip Telephone ( )

\_\_\_\_\_  
Name Address City State Zip Telephone ( )

I certify, under penalty of perjury, that the information presented is true and correct to the best of my knowledge.

5-28-19  
Date

\_\_\_\_\_  
Defendant Signature  
Contact Telephone No. \_\_\_\_\_



STATE OF ARIZONA Plaintiff  
 -vs-  
Vanessa M. Macleod  
 Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.]  
 CR-2019-0162

**DEFENDANT'S  
 FINANCIAL  
 STATEMENT**  
 (Confidential)

**INSTRUCTIONS TO THE DEFENDANT:** You are to answer the following questions so the Judge can decide whether to appoint an attorney to represent you and/or, if a bond is required, how much it should be, or any other matter relating to indigence. Use care in filling in your answers. If you need more space for any answer, note such and write on the back of the page. If you knowingly give false or misleading information, you may be punished for contempt of court or subjected to prosecution for fraud or perjury.

1. Full name: Vanessa Macleod
2. Check the appropriate box:  Single  Married, living w/ spouse  Married but separated  Divorced  Widowed  Partnered
3. In addition to yourself, how many other adults do you support? \_\_\_\_\_ How many children? 6

**INCOME:**

4. List below in Column 1 the money that you are paid or receive each month. If you are married and are living with your spouse, list below in Column 2 the money that your spouse is paid or receives each month. If you are separated, divorced, widowed, partnered or single, leave Column 2 blank.

	Column 1 Amount paid to <b>Me</b> Monthly	Column 2 Amount paid to <b>Spouse</b> Monthly
a. Wages, Salaries, Self Employment Income	\$ _____	\$ _____
b. Payroll deductions	\$ _____	\$ _____
c. Unemployment compensation	\$ _____	\$ _____
d. Welfare benefits	\$ <u>1000 Food stamps 240 cash</u>	\$ _____
e. Disability benefits	\$ _____	\$ _____
f. Veteran's benefits	\$ _____	\$ _____
g. Social Security benefits	\$ _____	\$ _____
h. Worker's compensation	\$ _____	\$ _____
i. Accident benefits	\$ _____	\$ _____
j. Retirement benefits	\$ _____	\$ _____
k. Allotment checks	\$ _____	\$ _____
l. Interest	\$ _____	\$ _____
m. Dividends	\$ _____	\$ _____
n. Child support received	\$ _____	\$ _____
o. Alimony or maintenance received	\$ _____	\$ _____
p. Total of any other income received	\$ <u>240</u>	\$ _____
Source: <u>State</u>		
<b>TOTAL MONTHLY INCOME:</b>	\$ <u>240</u>	\$ _____

**ASSETS:**

5. **Cash:** List below the amounts of cash held or value of:
  - a. Cash on you, your spouse, or in your jail property, and at home
  - b. Cash in banks, credit unions, and elsewhere
  - c. Cash owed to you or to your spouse by others

\$ 20  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_



d. Stocks and bonds; insurance policy cash values \$ \_\_\_\_\_  
 e. Beneficial interest in a trust \$ \_\_\_\_\_

6. **Personal Property:** List below any valuable personal property you own and have not listed above which is not needed by you or your family for day-to-day living.

a. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
c. Description _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)

7. **Auto:** Complete the following information about any motor vehicles (e.g.: cars, trucks, trailers, boats, airplanes, motorcycles) that you are buying, that you own, or in which you claim to have an interest.

a. Make, Year and Model <u>2006 Chev Town &amp; country</u>	\$ <u>2,000.00</u>	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Make, Year and Model <u>1991 Dodge</u>	\$ <u>1,000.00</u>	\$ _____	\$ _____
	(value)	(owed)	(net value)

8. **Real Estate:** Complete the following information about any real property (your home, other land, or buildings) that you are buying, that you own, or in which you claim to have an interest.

a. Location _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)
b. Location _____	\$ _____	\$ _____	\$ _____
	(value)	(owed)	(net value)

**TOTAL AVAILABLE ASSETS:** \$ \_\_\_\_\_

**EXPENSES:**

9. List below all monthly expenses <b>not already deducted</b> from your pay.	
a. Rent or house payment	\$ <u>550</u>
b. Total cost of utilities (water, electric, gas, telephone, trash)	\$ <u>375</u>
c. Food	\$ <u>1000</u>
d. Credit card payments	\$ _____
e. Installment loan payments	\$ <u>200</u>
f. Charge account payments	\$ _____
g. Motor vehicle payments	\$ _____
h. Union dues	\$ _____
i. Medical care costs (doctors, dentists, medicine)	\$ _____
j. Child support and alimony	\$ _____
k. Cost of baby-sitter	\$ _____
l. Motor vehicle insurance, maintenance and gas	\$ <u>210</u>

10. Do you have any expenses (monthly or otherwise) not shown above? If yes, please list below.

a. <u>Tr</u>	<u>monthly</u>	\$ <u>130</u>
	(how often paid)	(how much)
b. <u>life ins.</u>	<u>monthly</u>	\$ <u>86</u>
	(how often paid)	(how much)
c. _____	_____	\$ _____
	(how often paid)	(how much)

**TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_





# ROUND VALLEY JUSTICE COURT

P.O. Box 1356 ♦ 130 N. South Mountain Street ♦ Springerville, Arizona 85938 ♦ (928) 333-4613 FAX (928) 333-4205

**Honorable Marsha A. Gregory**  
Justice of the Peace

S. LLAMAS  
Clerk

State of Arizona  
Plaintiff

Case No. CR-2019-0162

vs.

Vanessa M. Macleod  
Defendant(s)

## SUMMONS

A Complaint, Indictment or Information has been filed in this Court against you Vanessa M. Macleod, the Defendant herein charging that in Round Valley Precinct, Apache County, Arizona,

- Count 1: Aggravated Assault in violation of A.R.S. §13-1204A1 a class 3 Felony
- Count 2: Aggravated Assault in violation of A.R.S. §13-1204A3 a class 4 Felony
- Count 3: Disorderly Conduct in violation of A.R.S. §13-2904A1 a class 1 Misdemeanor
- Count 4: Assault in violation of A.R.S. §13-1203A1 a class 1 Misdemeanor
- Count 5: Assault in violation of A.R.S. §13-1203A2 a class 2 Misdemeanor
- Count 6: Assault in violation of A.R.S. §13-1203A3 a class 3 Misdemeanor
- Count 7: Assault in violation of A.R.S. §13-1203A1 a class 1 Misdemeanor
- Count 8: Assault in violation of A.R.S. §13-1203A2 a class 2 Misdemeanor
- Count 9: Assault in violation of A.R.S. §13-1203A3 a class 3 Misdemeanor

**YOU ARE HEREBY SUMMONED** to appear before this Court on **May 28<sup>th</sup> 2019**, at **10:00 a.m.**

**YOU ARE FURTHER ORDERED** to appear at the Apache County Sheriff's Office 370 S. Washington St. Johns, Arizona on or before May 28<sup>th</sup> 2019, and submit to the process of being fingerprinted, photographed, booked and released. **You must take a copy of Summons and Complaint with you for processing.**

**IF YOU FAIL TO APPEAR AS REQUIRED HEREIN, A WARRANT WILL BE ISSUED FOR YOUR ARREST**

Date: 4-25-19

*Marsha A. Gregory*  
Justice of the Peace



### OFFICER'S RETURN

I certify that I personally served this Summons on VANESSA MACLEOD at 2:51  
(am / pm) on 4/25, 2019 at 44 ALDRIDGE BURK #1 SA Arizona.  
By: Royal Cantor  
CONSTABLE 0920

11. Are any of your expenses past due? If yes, please list below.

- a. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- b. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)
- c. \_\_\_\_\_ (how often paid) \$ \_\_\_\_\_ (how much)

12. Do you have an attorney to help you with this case?  Yes  No

If yes, what is his/her name: Bryce Hamblin If no, are you planning to hire your own attorney?  Yes  No

13. Do you want the Court to appoint an attorney (public defender) to help you with this case?  Yes  No

- a. How much can you pay as a down payment for attorney fees? \$ \_\_\_\_\_
- b. How much can you pay each month for attorney fees? \$ \_\_\_\_\_

14. **Oath under penalty of perjury:** I have truthfully and completely given the information in this statement. I have not knowingly concealed, or in any way misrepresented, my financial resources. I am aware that I may be held in contempt of court, or prosecuted for perjury if I have made any false statements or misrepresentation, or concealment, or if I continue to accept the services of a court appointed attorney after my financial condition has materially changed without notifying my court appointed attorney. In any such case, I understand that this application may be used against me.

I hereby make these representations under **PENALTY OF PERJURY:**

Date: 5-28-19 Defendant Signature: \_\_\_\_\_

Witnessed by: \_\_\_\_\_ Social Security No.: \_\_\_\_\_



MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY  
Alane M. Moore  
Deputy County Attorney  
Bar ID #: 032700  
Apache County Attorney's Office  
P.O. Box 637  
St. Johns, AZ 85936  
Telephone: (928) 337-7560  
groupmail@apachelaw.net

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
VANESSA MARIE MACLEOD,  
Defendant.

Case No.: CR-2019-0162

COMPLAINT

THE APACHE COUNTY ATTORNEY accuses VANESSA MARIE MACLEOD, charging that in the jurisdiction of the Round Valley Justice Court in Apache County, Arizona:

**COUNT 1: (13-1204A1) AGGRAVATED ASSAULT, A CLASS 3 FELONY**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally, knowingly or recklessly did cause a serious physical injury to Star Ellis, in violation of A.R.S. §§ 13-1203, 13-1204, 13-701, 13-702, and 13-801.

**COUNT 2: (13-1204A3) AGGRAVATED ASSAULT, A CLASS 4 FELONY**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally, knowingly or recklessly did cause injury to Star Ellis by any means of force, which caused a temporary but substantial loss or impairment of any body organ or part, to Star Ellis, in violation of A.R.S. §§ 13-1203, 13-1204, 13-701, 13-702, and 13-801.



**COUNT 3: (13-2904A1) DISORDERLY CONDUCT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally or knowingly did disturb the peace or quiet of a neighborhood, family, or person, by engaging in fighting, violent or seriously disruptive behavior, in violation of A.R.S. §§ 13-2904, 13-707, and 13-802.

**COUNT 4: (13-1203A1) ASSAULT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, recklessly did cause physical injury to Star Ellis, in violation of A.R.S. §§ 13-1203(A)(1),(B), 13-707, and 13-802.

**COUNT 5: (13-1203A2) ASSAULT, A CLASS 2 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally did place Star Ellis in reasonable apprehension of imminent physical injury, in violation of A.R.S. §§ 13-1203(A)(2),(B), 13-707, and 13-802.

**COUNT 6: (13-1203A3) ASSAULT, A CLASS 3 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, knowingly did touch Star Ellis, with the intent to injure, insult, or provoke her, in violation of A.R.S. §§ 13-1203(A)(3),(B), 13-707, 13-802, and 13-812.

**COUNT 7: (13-1203A1) ASSAULT, A CLASS 1 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, recklessly did cause physical injury to Kelly Faye Calliccoat, in violation of A.R.S. §§ 13-1203(A)(1),(B), 13-707, and 13-802.

**COUNT 8: (13-1203A2) ASSAULT, A CLASS 2 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, intentionally did place Kelly Faye Calliccoat in reasonable apprehension of imminent physical injury, in violation of A.R.S. §§ 13-1203(A)(2),(B), 13-707, and 13-802.



# Full Case Display

File Number: 001-037136

04/18/2019 5:02PM

Person Information					
<u>Defendant's Name</u> Vanessa Marie Macleod			<u>Alias Name</u>		
<u>Defendant's Address</u>					
<u>DOB</u>	<u>Y</u>	<u>Height</u>	<u>SSN</u>	<u>Race</u>	<u>Weight</u>
<u>OLN</u>	<u>Hair</u>	<u>Eyes</u>	<u>Prior Offender Status</u>	<u>SID#</u>	<u>FBI#</u>

## Case Information

<u>PA File Number</u> 001-037136	<u>Submitting Agency</u> Springerville Police Department	<u>Agency Report #</u> 18-0220	<u>Arrest LE DSN Name</u> Daniel Carthel		
<u>1st Offense Date</u> 03/15/2019		<u>2nd Offense Date</u> 03/15/2019		<u>Court Number</u>	
<u>Jurisdiction</u> Apache					
<u>Co-Defendants and Defense Attorney</u>					
<u>File Location</u>		<u>Issued By</u>	<u>Next Docket</u>	<u>Division</u> ROUNDVALLEY	<u>Judge</u> Gregory, Marsha
<u>Last Activity</u> Complaint Created					
<u>Case Type</u> Victim					

<u>Attorney Assigned</u> Alane M. Moore			<u>Defense Attorney</u>		
<u>Prosecuting Attorney's Address</u> Apache County Attorney's Office P.O. Box 637			<u>Attorney's Address</u>		
<u>Prosecuting Attorney's City, State &amp; Zip</u> Saint Johns, AZ 85936			<u>Attorney's City, State &amp; Zip</u>		
<u>Bar Number</u> 032700	<u>Phone Number</u> (928)337-7560	<u>Fax Number</u>	<u>Bar Number</u>	<u>Phone Number</u>	<u>Fax Number</u>



**COUNT 9: (13-1203A3) ASSAULT, A CLASS 3 MISDEMEANOR**

VANESSA MARIE MACLEOD, on or about March 15, 2019, knowingly did touch Kelly Faye Callicoat, with the intent to injure, insult, or provoke her, in violation of A.R.S. §§ 13-1203(A)(3),(B), 13-707, 13-802, and 13-812.

Law Enforcement Agency: SPRINGERVILLE POLICE DEPARTMENT

Respectfully submitted April 18, 2019.

MICHAEL B. WHITING  
APACHE COUNTY ATTORNEY

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Alane M. Moore  
Deputy County Attorney

A copy of the foregoing mailed/delivered  
04/18/2019, to:

Round Valley Justice Court  
130 S. Mountain Ave.  
Springerville, AZ, 85938

By: \_\_\_\_\_

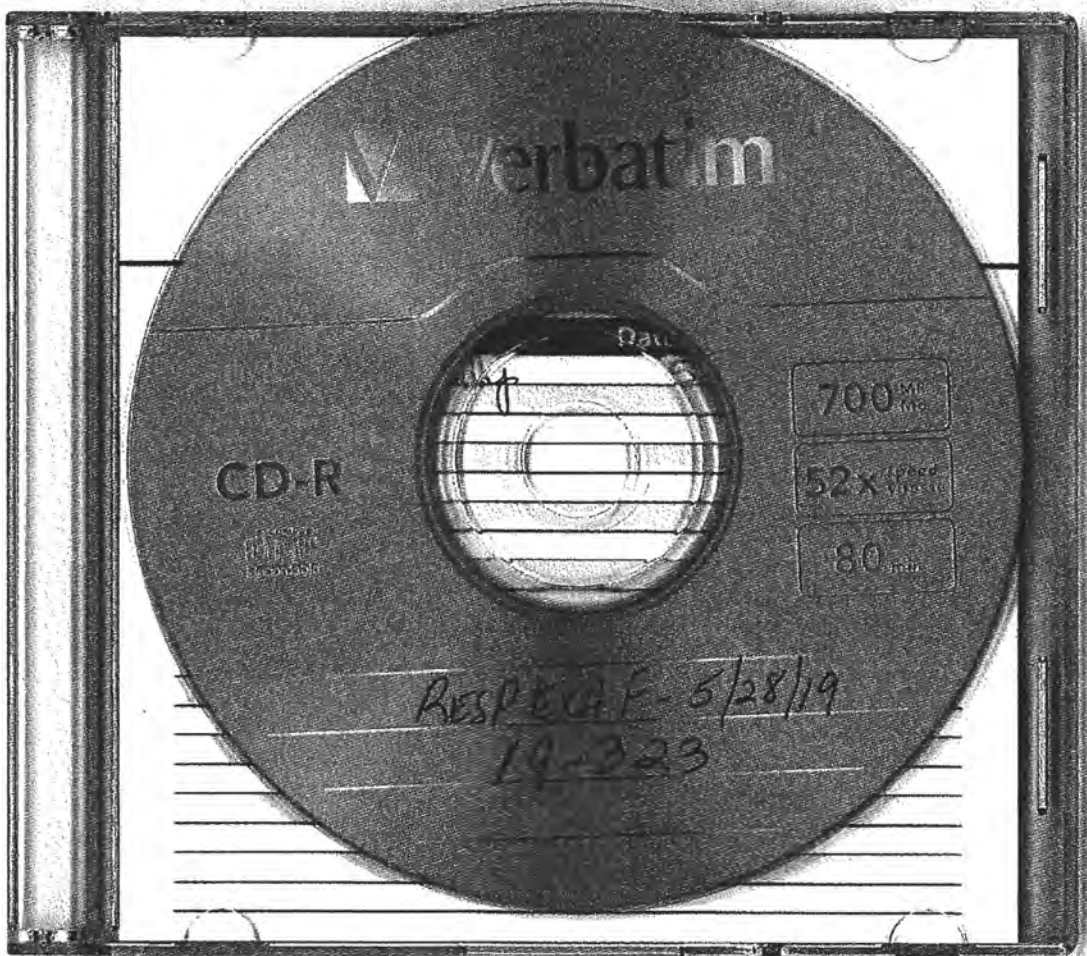


# EXHIBIT F

RESP EXH F -  
5/28/19

2019-323

DEC 19 2019





# EXHIBIT G

**APACHE COUNTY INDIGENT DEFENSE  
APPOINTMENT REPORT**

MAY 2019

Please follow the following instructions: (1) All contract indigent defense appointments must be recorded on the Report each month; (2) the Report must be submitted to the Court Administrator, Superior Court, on the last work day of each month; (3) any non-contract appointment must be recorded with explanation for why a non-contract attorney was appointed instead of a contract attorney; (4) if the "Lead Charge" is **Murder, Sexual Assault, Sexual Conduct with a Minor under 15, Molestation of a child under 15** - THEN, cross the Contract Attorney's name off of ordered list **THREE ADDITIONAL TIMES** to offset nature of serious offense.

<u>CONTRACT ATTORNEY</u>	<u>DATE OF APPOINT.</u>	<u>DEFENDANT'S FULL NAME</u>	<u>LEAD CHARGE</u>	<u>Pre-App</u>
Hamblin				
LeGate				
Patterson				
Brewer	5-7-19	Chickie N. Medich's	PCDD	✓
Hamblin	5-8-19	Nathan Carberry	Agg Assault	
LeGate				
Patterson	5-14-19	Ronald Scavuzze	PCDD	
Brewer	5-14-19	Tierney Heganson	PCDP	
Hamblin	5-20-19	Robert Lamberton	Agg Harassment	
LeGate				
Patterson	5-15-19	Nicholas Valenzuela	PCND	
Brewer	5-24-19	Jennifer Mike	Prob. Viol / Agg DUI	
Hamblin	5-25-19	Lena Martinez-Mendez	MIP	
LeGate	5-27-19	Travis Tom	EPA - Extreme DUI	✓
Patterson	5-20-19	Christopher Nunez	Probation Viol.	✓
Brewer	5-26-19	Michaela Jacamillo	Child Abuse	
Hamblin	5-26-19	Kevin Jacamillo	Child Abuse	
LeGate				
Patterson	5-27-19	Xavier Lee	DUI	
Brewer	5-27-19	Jordan Friend	Theft of Means	
Hamblin	5-28-19	Destiny James Billy	Agg Assault	
LeGate				
Patterson				
Brewer	5-25-19	Brian P. Little	Unlawful Flight	
Hamblin	5-28-19	Jorian Berger	PCM	
LeGate				
Patterson				
Brewer	5-28-19	Audrianna Stephens	Burglary 2d degree	
Hamblin	5-28-19	Ronald Beauchat	Burglary 2d degree	
LeGate				
Patterson				
Brewer	5-28-19	Gordon Beall	Burglary 3d degree	
Hamblin				
LeGate				
Patterson				
Brewer				

JUSTICE OF THE PEACE or MAGISTRATE JUDGE

June 10, 2019  
DATE

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO 1480  
 DESTINATION TEL # 3377586  
 DESTINATION ID SUPERIOR CT  
 ST. TIME 06/10 14:33  
 TIME USE 00'38  
 PAGES SENT 1  
 RESULT OK

APACHE COUNTY INDIGENT DEFENSE  
 APPOINTMENT REPORT

MAY 2019

Please follow the following instructions: (1) All contract indigent defense appointments must be recorded on the Report each month; (2) the Report must be submitted to the Court Administrator, Superior Court, on the last work day of each month; (3) any non-contract appointment must be recorded with explanation for why a non-contract attorney was appointed instead of a contract attorney; (4) if the "Lead Charge" is Murder, Sexual Assault, Sexual Conduct with a Minor under 15, Molestation of a child under 15 - THEN, cross the Contract Attorney's name off of ordered list THREE ADDITIONAL TIMES to offset nature of serious offense.

CONTRACT ATTORNEY	DATE OF APPOINT.	DEFENDANT'S FULL NAME	LEAD CHARGE	Pre Ap
Hamblin				
LeGate				
Patterson				
Brewer	5-7-19	Chelsea N. McNichols	PODD	
Hamblin	5-8-19	Nathan Carberry	Agg Assault	✓
LeGate				
Patterson	5-14-19	Ronald Scavuzzo	PODD	
Brewer	5-14-19	Tierney Hogganson	PODP	
Hamblin	5-20-19	Robert Cimbarton	Agg Harassment	
LeGate				
Patterson	5-15-19	Nicholas Valenzuela	PODD	
Brewer	5-24-19	Jonathan Mike	Prob. Viol / Agg DWI	
Hamblin	5-25-19	Luna Martinez-Mendoza	VMP	
LeGate	5-27-19	Travis Tom	FTA - Extreme Del	✓
Patterson	5-20-19	Christopher Nunez	Probation Viol.	✓
Brewer	5-26-19	Michaela Jaramillo	Child Abuse	
Hamblin	5-26-19	Kevin Jaramillo	Child Abuse	
LeGate				
Patterson	5-27-19	Xavier Joe	DWI	
Brewer	5-27-19	Jordan Friend	Theft of means	
Hamblin	5-28-19	Destiny James Billy	Agg Assault	
LeGate				
Patterson				
Brewer	5-28-19	Brian P. Little	Unlawful Flight	
Hamblin	5-28-19	Jorian Berger	PDM	
LeGate				

# EXHIBIT H



APACHE COUNTY ADULT DETENTION FACILITY  
PRE-BOOKING SHEET

BOOKING# \_\_\_\_\_

NCIC: NEGATIVE \_\_\_\_\_ POSTIVE \_\_\_\_\_

BY: \_\_\_\_\_

NAME: KUENEMAN SHEILA RANAE  
LAST FIRST MIDDLE

ADDRESS: \_\_\_\_\_  
NUMBER STREET CITY STATE ZIP

TELEPHONE: \_\_\_\_\_  
DAY NIGHT

SOCIAL SECURITY NUMBER: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ HAIR: \_\_\_\_\_ EYES: \_\_\_\_\_

MOUSTACHE: Y N BEARD: Y N GLASSES: Y N COMPLEXION \_\_\_\_\_ BUILD \_\_\_\_\_

PERSONAL DESCRIPTORS: Scars, Marks, Tattoos or other. Describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALIASES (AKA'S): \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

ARRESTING AGENCY: SPRINGERVILLE POLICE DEPT D.R. #: 18-1115

ARRESTING OFFICER: MCCUE BADGE: 120

PLACE OF ARREST: \_\_\_\_\_ DATE/TIME: 10/20/18//1539

NEXT OF KIN: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CHARGES

CLASS	LITERAL	STATUTE	
M	Use of an electronic communication to harass	13-2916.A.3	
M	HARASSMENT	13-2921.A.1	
M	Use of an electronic communication to harass	13-2916.A.1	
F	Interfere w/Transmission of Public Safety	13-2922.A	

RVJC/Consolidated COURT ST. JOHNS AZ

STATE OF ARIZONA  
VS  
CASE NO  
ORDER OF APPOINTMENT OF COUNSEL

DEFENDANT  
SHIELA KUENEMAN

A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED

It is ordered that counsel not be appointed  
 It is ordered that BEN BREWER  
Phone No 928-537-3262  
911 E. DENCE OF CLUB STHW LOW AZ 85901

in the capacity of Private Attorney to be paid by County funds be appointed to represent the defendant

Defendant has financial resources which may offset all or part of the cost of legal services  
It is therefore ordered that Defendant pay to the clerk of the  
Court the amount of \$ \_\_\_\_\_, payable.  
By this date \_\_\_\_\_  
At the time of Judgment  
In installments of \_\_\_\_\_ every \_\_\_\_\_  
beginning \_\_\_\_\_  
EA Said amount to be determined at the time of Judgment

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ACTION IS SET FOR

PRELIMINARY HEG IN THE CONSOLIDATED  
COURT, IN ST. JOHNS, ARIZONA, ON THE 24 TH DAY  
OF OCTOBER, 2018, AT 9:06 M

DATED 10/20/18

JUDGE OR  
INITIAL APPEARANCE SPECIAL MASTER

White Copy/Court • Yellow/County Attorney • Pink/Defense Attorney • Gold/Defendant

State of Arizona <i>Plaintiff</i>  VS  SHEILA KUENEMAN <i>Defendant</i>	IA-2018-0106 Case Number 32244 Booking Number	<b>MINUTE ENTRY and ORDER</b>  <input type="checkbox"/> Felony <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense <input type="checkbox"/> Game & Fish
---	--	--

Charge(s): NO COMPLAINT FILED

**IN OPEN COURT ON: October 29, 2018 at 10:00 a.m.**

Set for:

Defendant:  In Person    Juvenile    In Custody    Telephonically    Appeared by Counsel    Failed to Appear  
 Defense Attorney: \_\_\_\_\_  Present             Not Present  
 Prosecutor: \_\_\_\_\_  Present             Not Present  
 Officer: \_\_\_\_\_  Present             Not Present  
 Interpreter: \_\_\_\_\_  Present             Not Present

At Defendant's request, enter a plea of:    No Contest    Not Guilty/Not Responsible    Guilty/Responsible  
 At Defendant's request:    Waive Preliminary Hearing and transmit to Apache County Superior Court  
 Court finds Defendant:    Not Guilty/Not Responsible    Guilty/Responsible    Probable Cause/Bound Over to Superior Court  
 Case Dismissed at request of \_\_\_\_\_  With Prejudice    Without Prejudice

Signature of Requesting Person: \_\_\_\_\_

**IT IS ORDERED:**

<input type="checkbox"/> Issue OSC <input type="checkbox"/> Issue Summons <input type="checkbox"/> Issue Warrant. Bond \$ _____ <input type="checkbox"/> Quash Warrant	<input type="checkbox"/> Suspend License <input type="checkbox"/> Exonerate Bond \$ _____ <input type="checkbox"/> Forfeit Bond \$ _____ <input type="checkbox"/> Refund Bond \$ _____	<input type="checkbox"/> Release from Custody <input type="checkbox"/> Release Conditions Modified <input checked="" type="checkbox"/> Other: VACATE PRELIMINARY HEARING (SET ON 10/24/18) AS NO COMPLAINT FILED.
---	---	---

**SCHEDULE:**

<input type="checkbox"/> Arraignment <input type="checkbox"/> Change of Plea <input type="checkbox"/> Civil TR Hearing <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury	<input type="checkbox"/> Oral Arguments <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Pre-Trial Conference	<input type="checkbox"/> Sentencing <input type="checkbox"/> Status Conference <input type="checkbox"/> Other: _____ <input type="checkbox"/> Report and Reasons (Juvenile)
--	--	--

On: (day) \_\_\_\_\_ ; (date) \_\_\_\_\_ ; (time) \_\_\_\_\_ a.m. / p.m.

**CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES**

**DEFENDANT IS SENTENCED TO:**

<input type="checkbox"/> Pay Fine of \$ _____ <input type="checkbox"/> plus time payment fee of \$20.00 <input type="checkbox"/> Perform _____ hours of CWS	<input type="checkbox"/> Attend screening/counseling <input type="checkbox"/> Placed on probation for _____ Months	<input type="checkbox"/> Be incarcerated at ACSO for _____ days <input type="checkbox"/> Other: _____
---	--	--

Date of Order: 29 October 2018

Copies Forwarded On: 10/29/18 SL

To:  Defendant    Mail    Hand delivered    E-mailed  
 Defense Atty.    Mail    Hand delivered    E-mailed

08-23-2018

\_\_\_\_\_  
 Signature of Judge or Magistrate

To:  Prosecutor    Mail    Hand delivered    E-mailed  
 Officer    Mail    Hand delivered    E-mailed

ROUND VALLEY JUSTICE COURT

P.O. Box 1356 ♦ 130 N. South Mountain Street ♦ Springerville, Arizona 85938 ♦ (928) 333-4613 FAX (928) 333-4205

Honorable Marsha A. Gregory
Justice of the Peace

M. Hanson
Clerk

State of Arizona
Plaintiff

Case No. CR-2019-0118

vs.

Sheila Ranae Kueneman
Defendant(s)

SUMMONS

A Complaint, Indictment or Information has been filed in this Court against you Sheila R. Kueneman, the Defendant herein charging that in Round Valley Precinct, Apache County, Arizona

- Count 1: False Reporting to Law Enforcement in violation of A.R.S. §13-2907.01A, a Class 1 Misdemeanor
Count 2: Harassment by Communication in violation of A.R.S. §13-2921A1, a Class 1 Misdemeanor
Count 3: Harassment- Repeated Acts in violation of A.R.S. §13-2921A3, a Class 1 Misdemeanor
Count 4: Harassment- False Reports in violation of A.R.S. 13-2921A5, a class 1 Misdemeanor

YOU ARE HEREBY SUMMONED to appear before this Court Tuesday May 14, 2019 at 10:00 AM

IF YOU FAIL TO APPEAR AS REQUIRED HEREIN, A WARRANT WILL BE ISSUED FOR YOUR ARREST.

Date: 4-10-19

Justice of the Peace

OFFICER'S RETURN

I certify that I personally served this Summons on SHEILA R. KUENEMAN at 11:05 (am / pm) on 4/10, 2019 at Arizona.

By: CONSTABLE
Deputy Sheriff/Officer Signature
Agency
Badge/ID No. 0920



Springerville Magistrate COURT Apache Co. AZ.

STATE OF ARIZONA  
VS.  
DEFENDANT

CASE NO.  
CR-19-0118

ORDER OF  
APPOINTMENT  
OF COUNSEL

Sheila R. Kueneman

A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED.

It is ordered that counsel not be appointed.

It is ordered that Jon Saline  
Phone No 928-247-6227  
Box 2556 Snowflake AZ 85937

in the capacity of \_\_\_\_\_ Public Defender  Private Attorney be appointed to represent the defendant.

Defendant has financial resources which may offset all or part of the cost of legal services.

It is therefore ordered that Defendant pay to the clerk of the \_\_\_\_\_  
Court the amount of \$ \_\_\_\_\_, payable,

By this date, \_\_\_\_\_

At the time of Judgment.

In installments of \_\_\_\_\_ every \_\_\_\_\_,  
beginning \_\_\_\_\_.

Said amount to be determined at the time of Judgment.

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ACTION IS SET FOR

- Plea
- Trial
- Preliminary Hearing
- Justice
- City

Arraignment IN THE Springerville Magistrate  
COURT, IN Springerville, ARIZONA, ON THE 4th DAY  
OF June, 20 19, AT 10:00 A.M.

DATED 28 May 2019 \_\_\_\_\_ JUDGE \_\_\_\_\_

# EXHIBIT I

## **Sheila Kueneman Case CR-2019-0118**

On the date of June 18, 2019 at approximately 12:59 PM, Mr. Hamblin entered the Round Valley Justice Court, bypassing the sign-in sheet and ignoring the front window as usual. I was already at the window helping another individual when Mr. Hamblin walked into the building and proceeded into the courtroom. Mr. Hamblin quickly returned to the front window and asked why he had been appointed to represent Sheila Kueneman. I asked if Mr. Hamblin had received the documents sent to his office, including the letter from her mental health counselor questioning her competency. He replied that yes, he had received the documents, but he still didn't understand why he had been appointed as counsel. His tone and manner were disrespectful and rude. At that point Ms. S [redacted] came to the counter to help Mr. Hamblin, so I could finish with the other individual already at the counter.

When I finished with my customer, I walked back to my desk. Judge Gregory had just entered the open office area and was waiting by my desk. She asked what was going on. I explained that Mr. Hamblin was questioning why he had been appointed as counsel on the Sheila Kueneman case. Next, I heard Ms. L [redacted] ask Mr. Hamblin to enter the courtroom to put his objections on the record. Mr. Hamblin told Ms. L [redacted] that he had another appointment in a different court and wouldn't be able to be here for Ms. Kueneman's hearing. Again, Ms. L [redacted] asked him to enter the courtroom, so his statement could be recorded for the case record. Mr. Hamblin again refused, and shortly thereafter left the courthouse.

On July 2, 2019 I received an email from Katie, Mr. Hamblin's secretary, asking for the video footage from 6/18/2019, audio recordings from several cases including the Order to Show Cause hearing on 7/2/2019, lists of cases where Judge Gregory has issued OSC's for the attorneys, and lists of domestic violence cases where the defendants were not required to complete 26 domestic violence counseling classes.

In response to her email, I prepared audio recordings for all the requested cases. I believe two of the recordings were short enough that I emailed them to Katie that day. I prepared a cd with the longer recordings that Katie picked up later in the week. As to the requested video footage, the Chief Clerk, S [redacted] L [redacted] called the Chief Security Officer, Troy Czarnyszka, and left a message asking him to return her call. While I was waiting for court security to

approve the request to release video footage, Judge Gregory and I reviewed the security footage and made a detailed timeline of the events on 6/18/2019. That timeline was given to Mr. Hamblin's office at the same time the disks were picked up.

On July 25, 2019 I received another email from Katie asking for an estimate of when they could expect the video footage from 6/18/2019. Ms. L. made another call to Troy Czarnyszka, and again had to leave a message. A follow-up email was sent to Katie informing her that I would let her know as soon as I received approval from court security.

Mr. Czarnyszka never returned the calls regarding this case.

Then on August 27, 2019 another email was received from Mr. Hamblin's office asking for the security footage from 6/18/19. Ms. L. again called Mr. Czarnyszka as was informed that Mr. Hamblin had gone to Judge Latham, Chief Superior Court Judge, and received verbal approval for the security footage. Mr. Czarnyszka tried to pull the video footage based on Judge Latham's approval, but by then the 30-day window had expired, and the footage was no longer available. This information was relayed to Mr. Hamblin's office by email on 8/28/2019.

### **April Jones Case TR-2019-0207**

An additional and separate event regarding Mr. Hamblin and one of his clients, April Jones, occurred on July 30, 2019. Ms. Jones had an arraignment on that date, where Mr. Hamblin was representing her. Following her hearing, Ms. Jones came to the counter in a distressed state; Mr. Hamblin had already left the courthouse. Ms. Jones was upset the Mr. Hamblin had asked for a change of judge. She stated that she didn't want to go to St. Johns and didn't understand why her attorney had made the request. Ms. Jones said, "What if I don't want another Judge?" Ms. Jones was told that she could go back into the courtroom and speak with Judge Gregory if she wished. She then said, "but my lawyer says she's a real mean Judge." Ms. Jones then said she would talk it over further with her attorney.

## **Jon Saline Appointments**

On March 21, 2019 I received a call from Kelsi Rasmussen, Legal Assistant at Holland Saline & Lewis. Kelsi was calling to get information on a completely separate case for Kristen Regensburger a.k.a Batterton, CR-2016-0255. In that conversation, Kelsi said that Mr. Saline was in the hospital and having serious health issues. She was not sure when Mr. Saline might return to work. Not long after we received a notice from Superior Court stating that Mr. Saline should not be appointed to cases. I assumed that the two situations were related and relayed that information to Judge Gregory.

## **John Zerfas Case CR-2019-0298**

On the afternoon of October 29, 2019 Judge Gunnels came to hear some conflict cases in the Round Valley Justice Court. Both Judges went to lunch together. After returning, Judge Gunnels brought up a 10.1 motion filed in the Zerfas case while in the open office area. Judge Gregory was presented with the document that Mr. Hamblin had delivered to Judge Gunnels at that time. Judge Gunnels was trying to convince Judge Gregory to sign a document recusing herself from all of Mr. Hamblin's cases. Judge Gunnels kept trying to convince her that the situation was the same as one that he had faced earlier in his career. Judge Gregory kept patiently explaining why the situations were different, but Judge Gunnels would not accept her reasoning. Judge Gunnels said, "she should just kick him (Mr. Hamblin) the hell out of her court." Finally, in a frustrated manner Judge Gregory stabbed her finger into the countertop and said that she would not sign the document because it would be the same as agreeing that she did have a bias towards Mr. Hamblin and that his clients could not get a fair trial in her court. She went on to say he would have to file a 10.1 motion for each case because she would not agree that she had shown a bias against Mr. Hamblin.

M Hi  
Senior Court Clerk  
12/16/2019

# EXHIBIT J

06.18.19

Mr. Hamblin approached the window spoke with Ms. Hanson, asking why he was appointed counsel. A conversation took place between Mr. Hamblin and Ms. Hi. I approached the window and asked how I could help. He informed me that he should not have been appointed counsel, because it was not part of his contract I asked him if he received the document from Little Colorado, he said yes he received it by email from Ms. Hi. I asked Mr. Hamblin if he could go into the Court and put it on record with the Judge why he shouldn't be appointed; he did not respond. Mr. Hamblin informed me the defendant had been released from custody. I asked Mr. Hamblin if his defendant was aware her time was set a 1:00 pm. He was not sure if she was notified, and he did not know what time she would make it here at. I then asked Mr. Hamblin again if he could go into the court and put it on record with the Judge what he informed me of at the window. Mr. Hamblin said no, he had prior arraignments he had to attend to in Show Low at 2:00 pm, and could not be late. Mr. Hamblin left the courthouse.

07.02.19

Order to Show Cause Hearing

Judge Gregory, Mr. Hamblin & S L present for hearing. All parties testimony on record.

07.02.19

Telephone call to Troy Czarnyszka, Chief of Security asking for clarification of release of security footage, no answer. Left message to return call back needing clarification.

07.03.19

Telephone call to Troy Czarnyszka, Chief of Security asking for clarification of release of security footage, no answer. Left message to return call back needing clarification.

07.25.19

Telephone call to Troy Czarnyszka, Chief of Security asking for clarification of release of security footage, no answer. Left message to return call back needing clarification.

Thank you,



SI L

Justice Court Coordinator & Chief Clerk  
Round Valley Justice & Municipal Courts



# EXHIBIT K

December 16<sup>th</sup>, 2019

On July 30<sup>th</sup>, 2019 Mrs. April Jones came up to the window after her hearing. She asked "do I need to contact my lawyer. I am not sure why there is a change of Judge. I did not request that. My lawyer stated to me that she was a "mean" Judge. She seems very fair to me. I responded with "I am not sure why there was a request to change Judge. That she will need to keep in contact with her lawyer to be informed of the next court date and of the changes of Judge. "

R K

Round Valley Justice Court  
Court Clerk

# EXHIBIT L



RESP EXH L - 12/20/16

2019-323

DEC 19 2019

KESP Supp 1

2019-323

JAN 29 2020



## ROUND VALLEY JUSTICE COURT

130 S. MOUNTAIN AVE.

P.O. BOX 1356

SPRINGVILLE, ARIZONA 85938

PHONE: (928) 333-4613

FAX: (928) 333-4205

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January 27, 2020

April P. Elliott  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

Re: Case No. 19-323

Dear Ms. Elliott,

I am writing in response to your letter dated January 22, 2020.

1. December 2, 2019 Order issued by the Apache County Superior Court en banc in *State v. Zerfas II*, CR2019-0298, regarding the notice of change of judge for cause filed by Mr. Hamblin.

As I outlined in my response to the judicial complaint, when Mr. Hamblin falsely accused myself and my clerks of lying in his Motion for Change of Judge (*State v. April Jones* TR-2019-0207), I felt like I could not just let his false allegations go unchallenged. **See Exhibit #1.** That is when I contacted the Ethics Hotline and spoke with Mr. Palmateer who told me that in his opinion, Mr. Hamblin "hits all three elements of Rule 8.3 by showing a "pattern of conduct" that was a "potential risk to clients." As I stated, Mr. Palmateer told me that in his opinion, I was probably past the

discretionary stage and into the mandatory reporting stage. Only then did I file a bar complaint.

I don't know to whom I spoke, but my complaint was given verbally over the phone. Weeks later I was notified—also telephonically—that the Bar did not find “clear and convincing evidence of a violation of the Rules of Professional Conduct. I did not receive a copy of the letter provided to this Commission by Mr. Hamblin. Although I did not agree with the finding, I felt I had done the right thing by making the complaint, particularly after having spoken with Mr. Palmateer.

In a letter to Judge Butch Gunnels dated **September 24, 2019**, Mr. Hamblin speaks of my “retaliatory bar complaint” against him and asks Judge Gunnels to enter an order that any case in which he appears in the Round Valley Justice Court be automatically transferred to another judge. **See Exhibit #2.** Rather than just ruling on it, Judge Gunnels brought the letter to me and urged me to just “go along with it”; alternatively, to issue a statement barring Mr. Hamblin from my court due to his unethical behavior. I told him I would do neither. He kept up the pressure. I emphatically stated that going along with his advice would imply that I agreed with Mr. Hamblin in that he could not get a fair shake in my court, which I knew to be completely wrong. Judge Gunnels informed me that he was going to transfer it up to Judge Latham for a ruling because he didn't want to rule on it himself. Judge Gunnels then reported to Mr. Hamblin that I had become “enraged” and pounded my fist on the counter, demanding that I “wanted [Mr. Hamblin] in my court” each and every time. This is false, but I was never allowed to say so later in the *Zerfas* hearing. However, Judge Gunnels—who, interestingly enough, is now Eagar Magistrate—was allowed to be a witness to present “evidence” of my bias in the *Zerfas* hearing. Even more interesting is the fact that one of the judges sitting en banc—Judge Steve Williams—was at that time the Eagar Magistrate, having been previously appointed to that position by Mr. Hamblin. If that is not a conflict, I don't know what is.

On **October 29, 2019**, Mr. Hamblin filed a Notice of Change of Judge in *State v. John H. Zervas II*. **See Exhibit #3**. This Commission will note that **the allegations in Jones, in Zervas, and in the judicial complaint essentially mirror each other**. This is crucial, as it shows **a continuing willingness on Mr. Hamblin's part to lie and present false evidence to multiple courts and to this Commission**.

On **November 7, 2019**, Judge Latham set the Zervas matter for a **closed hearing** on November 21, 2019 where "evidence regarding the 10.1" was to be submitted. Judge Gunnels was named as having the "potential of being a witness." **See Exhibit #4**. When I received the Order, I sent a text message to Judge Latham. Our conversation, which is still in my cell phone, is as follows:

11/12/19 -- 11:29 a.m. Judge Gregory to Judge Latham:  
"Am I allowed to be at the 10.1 hearing on November 21<sup>st</sup>?"

11/12/19 -- 1:03 p.m. Judge Latham to Judge Gregory:  
"No. I've never been at any one of the 10.1 hearings filed on me. The State will obviously be there -- as a party."

11/12/19 -- 1:32 p.m. Judge Gregory to Judge Latham:  
"Seems weird to me because I feel I am being falsely accused and don't get to present my side. Especially for a 2 hour hearing! But okay. Thanks for getting back to me."

Judge Latham to Judge Gregory:  
"I've felt the same way when I've had them filed on me. Just have to let the system play itself out—given that we aren't parties to any case."

So the hearing went forward with only Mr. Hamblin's "evidence" and witnesses. As I show in my response, **he misled and outright lied to this Commission**, particularly by submitting a document he altered. As stated above, as the allegations in *Jones*, in *Zervas*, and in the judicial complaint essentially mirror each other, this can only lead to one logical conclusion:

Same allegations = same "evidence" = Mr. Hamblin **misled and outright lied to the Superior Court as well**. Unfortunately, I have no way of knowing exactly what happened, as I was not allowed to present evidence or even be present.

Had I been present, I would have refuted Judge Gunnels (the Presiding Justice of the Peace in Apache County) when he described how he had "approached" myself in "an attempt to mediate the rising conflict" I had with Mr. Hamblin. This is not at all what happened; rather, he called Mr. Hamblin a "prick" and a "son-of-a-bitch" and urged me to just throw him out of my court like he had done with Mr. Candelaria. I did later ask Judge Gunnels why he would tell Mr. Hamblin about our conversation. He should either have just ruled on it without bringing it to my attention. As it is, he made himself a witness and reported his own one-sided version of the events to Mr. Hamblin.

Moreover, I would have had a chance to refute "a local attorney relatively new to Apache County" who somehow "recognized that it was widely known" that I do not like Mr. Hamblin. How can you be relatively new and still recognize what is widely known? I believe this attorney to be Apache County Deputy Attorney Tyron Jenson (present at the Kueneman hearing), and I can only assume that he is hearing talk constantly circulated by Mr. Hamblin himself. And therein lies the problem with the whole ruling: the "extrajudicial sources" of bias/prejudice alleged are those raised by Mr. Hamblin alone. He gets to present his "evidence" and "witnesses" unchallenged; he gets to create the impression of bias/prejudice and then capitalize on his own creation. What was most astounding to me is the following finding of the court:

"...the trial judge's attempt to prove she was right rather acknowledge the appearance of bias/prejudice 'tend to lead to the conclusion that [the trial judge] still maintains some negative feelings toward [the trial counsel].'" **See**

**Exhibit #5.**



So if I believe I am being falsely accused—if I am prepared to show that Mr. Hamblin is lying to the court—and if I ask to be present to show I am right about showing no bias/prejudice—then that proves I have it!

On **December 2, 2019**, the Order was received by my court. I believe the ruling is flawed as it was based upon misrepresentation and outright lies, but I abide by it.

2. Supplemental material received from Mr. Hamblin, including disposition of the Bar complaint and information regarding Ms. Kueneman's case.

**This is the first time I have seen these police reports**, as I receive only the complaint. I address Mr. Hamblin's allegations as follows:

1. Sergeant Gregory the "victim" (false reporting)
  - Sgt. Gregory is NOT listed as a "victim"; however, the Apache County Sheriff's Office is listed as a victim for multiple harassing phone calls and was issued Victim's Rights.
2. Sergeant Gregory one of the investigating officers and the supervising officer
  - Informational Report 13-1113 shows Sgt. Gregory investigated the claims of harassment. However, I was not aware of this until now, as my husband and I do not discuss cases and I do not get police reports.
  - I have no knowledge of Sgt. Gregory being the "supervising officer" as Springerville P.D. had two Sergeants at that time and I do not know who approved the reports.
3. Defendant waived an "unwaivable" conflict
  - Because the primary officer on this case was Quintin McCue (and because I was not aware of Sgt. Gregory's involvement), I did give Ms. Kueneman an opportunity to get me off the case or waive any potential conflict. She did waive by initialing a slip of paper and circling 'Yes' in the box indicating she wished to waive (a procedure explained in my previously-filed Response to Judicial Complaint). **See Exhibit #6.**

4. Defendant "fit enough" to waive an "unwaivable" conflict

- Ms. Kueneman waived any potential conflict as to Springerville P.D. on **May 14, 2019**. **See Exhibit #7.**
- **On May 22, 2019**, Little Colorado Behavioral Health Centers submitted a letter to the court asking that Ms. Kueneman receive representation by a public defender. **See Exhibit #8.**
- Based upon the court's own observation of Ms. Kueneman's increasingly erratic behavior, as well as the letter submitted by LCBHC, Mr. Saline was appointed on **June 4, 2019**. **See Exhibit #9.**
- The court accepted Mr. Saline's Notice of Declination of Appointment and appointed Mr. Hamblin in his stead on **June 11, 2019**. **See Exhibit #10.**

When a court only has a few minutes during a hearing to witness a defendant's behavior, that defendant's state of mind is not always immediately clear. However, as Ms. Kueneman continued to appear at the window and call multiple times a day (even being upset that the charges had been changed from felonies to misdemeanors), and as her demeanor in court became increasingly more agitated, I became increasingly worried about her ability to understand what was happening to her, which is why I appointed Mr. Saline in the first place. Mr. Hamblin was not present at all during this time and now only offers conjecture as to what the court should have understood.

In closing, I understand that the Commission on Judicial Conduct and the State Bar of Arizona perform different roles and are limited in what they can share with each other. That being said, I believe that Mr. Hamblin should be reported to the State Bar for lying to this Commission (and, in all probability, to the Superior Court). Because I feel a complaint by me will be deemed "retaliatory," I am disinclined to file against him. But if this Commission finds he has lied, I would hope that he faces consequences so that he will not be so bold as to lie in the future.

Respectfully,

---

Marsha A. Gregory  
Justice of the Peace

# EXHIBIT #1

1 HAMBLIN LAW OFFICE, PLC  
2 367 N Main St., Ste. 3  
3 PO Box 488  
4 Eagar, AZ 85925  
5 928-333-0000  
6 Bryce M Hamblin - SBN 026959

7 IN THE ROUND VALLEY JUSTICE COURT  
8 COUNTY OF APACHE, STATE OF ARIZONA

9 STATE OF ARIZONA, )

10 Plaintiff, )

11 vs. )

12 APRIL JONES, )

13 Defendant. )  
14

Case No.: TR2019-0207

MOTION FOR CHANGE OF JUDGE  
(For Cause)

15  
16 COMES NOW, Bryce M. Hamblin, pursuant to Rule 10.1 of the Arizona Rules of Criminal  
17 Procedure and hereby moves for a change of judge of Judge Marsha Gregory. Counsel alleges as  
18 follows:

- 19 1. This Motion is timely;
- 20 2. Judge Marsha Gregory has an open and well-known hatred and contempt for counsel which  
21 requires him, pursuant to the rules of ethics, to move for a change of judge as counsel's clients  
22 cannot receive fair and impartial hearings or trials.
- 23 3. Judge Gregory has twice<sup>1</sup> issued an order to show cause, threatening to hold counsel in  
24 contempt, for failure to attend hearings which she KNOWS to be the fault of her court.

- 25 a. In CV2015-0070 counsel prepared an answer for Defendants that was filed with the  
26 Court that same date. The Court set a trial date by way of "Notice of Court Date" but  
27 sent the notice to the Defendant at his address and NOT to counsel. At the trial, the  
28 Defendant informed the Court that he had not been in contact with counsel (he had  
29 not paid the fee for services and was avoiding calls from counsel's office) and did not

30 <sup>1</sup> Judge Gregory is the only judge in Apache County that has issued an order to show cause for an attorney. She has done so twice and both times have been against Counsel.

FILED

ON: 7 / 30 / 19

BY: [Signature]

1 know if Counsel knew of the trial date. Judge Gregory informed the Defendant that  
2 counsel was aware of the trial date because the Court had notified him. On the record,  
3 Judge Gregory reiterated that Counsel was aware of the trial date. Judge Gregory  
4 issued an order to show cause for counsel's failure to appear at a hearing which he  
5 had been given no notice of. At the time of the hearing, it was clearly pointed out to  
6 Judge Gregory that even her own notice indicated that it was sent to Defendant at his  
7 address and not to counsel.

- 8 b. In CR2019-118, the defendant's counselor filed what amounts to a motion for  
9 appointment of counsel; clearly engaging in the unauthorized practice of law. Judge  
10 Gregory granted said improper motion and appointed Jon Saline as counsel. Mr.  
11 Saline notified the Court that he did not have adequate time to accept the appointment  
12 and the Court appointed Bryce Hamblin even though his contract with Apache  
13 County to provide indigent defense only extends to those individuals entitled to  
14 counsel as a matter of law. A hearing was set for June 18, 2019 @ 2:00 pm.  
15

16 On June 17, 2019, the Court called counsel's office and stated that it had need to  
17 change the time of the hearing from 2:00 pm to 1:00 pm. Counsel's secretary  
18 informed the Court that counsel could be available at 1:00 pm. On June 18, 2019,  
19 counsel appeared in the Round Valley Justice Court at 1:00 pm but nobody, including  
20 Judge Gregory, was in the courtroom. Counsel immediately called the prosecuting  
21 attorney, Tyron Jensen, and asked him where he was. Mr. Jensen informed counsel  
22 that he was in his office...in St. Johns. Counsel inquired about the hearing at 1:00 pm.  
23 Mr. Jensen replied that the hearing was at 2:00 pm. Counsel informed Mr. Jensen that  
24 the hearing had been changed to 1:00 pm. Mr. Jensen stated that he was unaware  
25 there had been a change.  
26

27 Counsel next went to the clerk's window and spoke to S a L (all the while  
28 Judge Gregory was sitting in a chair behind Mrs. L ; and listening to the  
29 conversation). Counsel inquired as to why nobody was present for the 1:00 pm  
30 hearing. Mrs. L replied that they initially needed to move the hearing due to

1 transport issues with the jail but later determined that it wasn't feasible. Mrs. L  
2 stated that the hearing would be held at 2:00 pm. Counsel informed Mrs. L that  
3 he could not be present at 2:00 pm because he had another obligation at that time.  
4 Counsel also informed Mrs. L that the Defendant was not entitled to  
5 appointment of counsel and that he should not have been appointed on the matter.  
6 Mrs. L referenced the motion filed by the Defendant's counselor as support for  
7 the appointment. Counsel informed Mrs. L that the counselor was not an  
8 attorney nor did her motion create the right to counsel. Mrs. L stated that  
9 counsel could come back at 2:00 pm and "put that on the record with the judge".  
10 Counsel again informed Mrs. L that it was not possible for him to be present at  
11 a 2:00 pm hearing. A hearing for the Defendant was conducted at the 2:00 pm at  
12 which time Judge Gregory issued an order to show cause for counsel.  
13

14 The following day, at a conference attended by Judge Gregory and numerous judges  
15 throughout the state, Judge Gregory discussed the matter with numerous other judges  
16 and displayed her contempt for counsel. What's more, her recitation of the events was  
17 grossly inaccurate and designed to portray counsel in a negative light.  
18

19 At the order to show cause hearing on July 2, 2019, Judge Gregory began by  
20 explaining why Counsel had been appointed in the case; clearly showing her hand  
21 that her real reason for being angry with Counsel was because he had pointed out the  
22 fact that the Defendant was not entitled to appointment of counsel. In her explanation,  
23 Judge Gregory stated that the matter was originally a Springerville Magistrate case in  
24 which Jon Saline was appointed. Subsequently, she alleges, Mr. Saline moved to  
25 withdraw due to "health issues". Judge Gregory states that "meanwhile it got filed as  
26 a Justice Court case" so Counsel was appointed. Upon review of the Arizona  
27 Supreme Court public access case lookup, the matter was never filed as a  
28 Springerville case. Jon Saline was appointed in CR2019-0118, a Round Valley  
29 Justice Court case. Mr. Saline filed his Notice of Declination of Appointment in that  
30 same justice court case and the order, prepared by him, states that the matter is in the

1 Round Valley Justice Court under case number CR2019-0118. What's more, Mr.  
2 Saline does not cite "health issues" as his reason<sup>2</sup> for withdrawal. This is significant  
3 because if Judge Gregory really felt that the Defendant was entitled to appointment of  
4 counsel, why did she first appoint an attorney outside the contract? Also, why is it  
5 that she feels inclined to fabricate facts regarding something so mundane?  
6

7 Judge Gregory then moved on to what she alleged was the reason for the Order to  
8 Show Cause. She alleged that Counsel had left the courthouse after telling Mrs.  
9 L that the appointment was not part of his contract and that he was not coming  
10 to the hearing. Judge Gregory claimed that she looked at the clock when Counsel left  
11 and that he had exited the courthouse at 12:55; just 5 minutes prior to the hearing  
12 beginning. Counsel advised Judge Gregory that her allegations were incorrect and  
13 that he was present at 1:00 pm but that he was the only individual in the courtroom.  
14 He stated that upon inquiry of Mrs. L , she advised him that the hearing had  
15 been changed back to 2:00 pm. Counsel explained the remainder of his conversation  
16 with Mrs. L . Judge Gregory insisted that Counsel was incorrect because she  
17 took the bench at "one minute after one" and "she wouldn't have told you that  
18 because we didn't move it to 2:00".  
19

20 Over the next several minutes Judge Gregory insisted that the hearing was at 1:00 pm  
21 and that Counsel had failed to show. Counsel insisted that not only was he present at  
22 1:00 pm but that he was the only one present. Counsel inquired as to why an order to  
23 show cause was not issued for the individuals that were not present at 1:00 pm. Judge  
24 Gregory insisted that they were. Counsel informed Judge Gregory that he had called  
25 the prosecutor at 1:00 pm from the courthouse inquiring as to why he wasn't there.  
26 Counsel informed Judge Gregory that the prosecutor was at his office in St. Johns at  
27 the time of the call so it was impossible for him to have appeared in her court at the  
28 same time.  
29

30 <sup>2</sup> Mr. Saline stated in his Notice that he does not have adequate time with his current caseload to represent the Defendant. Mr. Saline confirmed that reasoning when Council questioned him regarding the matter.

1  
2 Judge Gregory waived slightly and then doubled down. She enlisted her clerk to  
3 testify, falsely, as to her conversation with counsel that day. Judge Gregory even  
4 supported Mrs. L rendition by stating that her and the rest of the clerks heard  
5 the conversation. Ultimately, Judge Gregory insisted that what it comes down to is  
6 that Counsel is disrespectful to her court.

7  
8 Judge Gregory's hatred for Counsel is so deep that she and her clerk were willing to  
9 lie to support her attack against Counsel. A review of the security footage of that day  
10 shows that Counsel was in fact present at 1:00 pm for the hearing. The video shows  
11 Counsel enter the courthouse and go directly into the courtroom for the hearing;  
12 where he was the only individual present. What's more, the security footage, the  
13 minute entry, the prosecutor, and the Defendant all confirm that the hearing was held  
14 that day at 2:00 pm. Judge Gregory will likely state now that she was mistaken.  
15 However, the testimony of Mrs. L which Judge Gregory supported, clearly  
16 shows that they lied and were not simply mistaken.

- 17 c. Judge Gregory has violated counsel's right to due process as she has twice now  
18 presided over contempt hearings in which it was her very own sensitivities that were  
19 offended. Upon information and belief, Judge Gregory was notified that due process  
20 required that she not do the hearing herself yet she ignored said admonition and  
21 proceeded anyway.
- 22 d. Counsel is and has been the Mayor of the Town of Eagar since 2012. During that  
23 time, the Town has twice solicited and selected a town magistrate for which Judge  
24 Gregory has applied. Judge Gregory has been very vocal that she blames Counsel for  
25 not being selected as the Town's magistrate. During the most recent selection, Judge  
26 Gregory's then friend, Steve Williams was selected. Since that date, Judge Gregory  
27 has been hostile towards Judge Williams and refused to speak to her former friend.  
28 Considering the manner in which Judge Gregory has treated her former friend simply  
29 for being selected for a position she wanted; it puts into perspective her actions and  
30 bias towards Counsel; the individual she feels is responsible.



1 e. It is clear that Judge Gregory's interest and prejudice towards Counsel has and will  
2 continue to negatively impact his clients; thereby depriving them of a fair and  
3 impartial hearing or trial.  
4

5 WHEREFORE, Counsel hereby moves for a change of judge from Judge Marsha Gregory as  
6 voluminous cause exists.  
7


8 RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of July, 2019.  
9

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11  
12 Bryce M. Hamblin, Esq.  
13 Attorney for Defendant  
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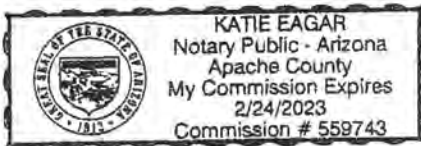
1  
2 VERIFICATION

3 STATE OF ARIZONA )  
4 ) ss.  
5 County of Apache )  
6

7 Bryce Hamblin, being first duly sworn upon his oath, deposes and says that: He is the attorney  
8 named in the foregoing Notice for Change of Judge; he has read the same and knows the contents thereof;  
9 the same is true, except as to those allegations made upon information and belief, and as to these he  
10 believes them to be true.  
11

12  
13  
14   
15 Bryce Hamblin  
16

17 Subscribed and sworn to before me on the 30<sup>th</sup> day of July, 2019.  
18



Notary Public

# EXHIBIT #2

367 NORTH MAIN STREET  
SUITE 3  
P.O. BOX 488  
EAGAR, ARIZONA 85925

## HAMBLIN LAW OFFICE, PLC

PHONE 928-333-0000  
FAX 928-333-0001  
EMAIL [Admin@hamblinlawoffice.com](mailto:Admin@hamblinlawoffice.com)  
WEBSITE [www.hamblinlawoffice.com](http://www.hamblinlawoffice.com)

---

September 24, 2019

Judge Butch Gunnels  
St. Johns Justice Court  
PO Box 308  
St. Johns, AZ 85936

Re: Reassignment of Cases

Via First Class Mail

Presiding Judge Gunnels:

The purpose of my letter is to request that cases in which I appear in the Round Valley Justice Court be reassigned from Judge Gregory to another judge. As indicated in my recent 10.1 Motion for Change of Judge, I do not believe that my clients can receive a fair and impartial hearing in front of Judge Gregory. Her recent retaliatory bar complaint against me is indicative of the fact that she does not intend to change her tactics.

In an effort to avoid having to file 10.1 motions in each case in which I appear, requiring I state the specific grounds therefore (thereby enflaming the matter perpetually), I would propose that your honor enter an order as Presiding Justice of the Peace requiring each matter in which I appear in the Round Valley Justice Court be automatically transferred to another judge. I truly believe that this will work best for Judge Gregory, myself, and most importantly, my clients. Thank you for your consideration.

Regards:

Bryce M. Hamblin, Esq.

# EXHIBIT #3

1 HAMBLIN LAW OFFICE, PLC  
2 367 N Main St., Ste. 3  
3 P.O. Box 488  
4 Eagar, AZ 85925  
5 928-333-0000  
6 Bryce M Hamblin - SBN 026959

7 IN THE ROUND VALLEY JUSTICE COURT  
8 COUNTY OF APACHE, STATE OF ARIZONA

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STATE OF ARIZONA,

Plaintiff,

vs.

JOHN H. ZERFAS II,

Defendant,

Case No. CR2019-0298

NOTICE OF CHANGE OF JUDGE

(Rule 10.1 – For Cause)

COMES NOW, Bryce M. Hamblin, pursuant to Rule 10.1 of the Arizona Rules of Criminal Procedure and hereby moves for a change of judge of Judge Marsha Gregory. Counsel alleges as follows:

1. This Motion is timely as counsel was only just retained and no trial or substantive hearing has begun;
2. Judge Marsha Gregory has an open and well-known hatred and contempt for counsel which requires him, pursuant to the rules of ethics, to move for a change of judge as counsel's clients cannot receive fair and impartial hearings or trials.
3. Counsel previously filed a Motion for Change of Judge for Cause in TR2019-207 alleging many of the same grounds. The Honorable Butch Gunnels found good cause to grant said motion.
4. Judge Gregory has twice<sup>1</sup> issued an order to show cause, threatening to hold counsel in contempt, for failure to attend hearings which she KNOWS to be the fault of her court.

<sup>1</sup> Judge Gregory is the only judge in Apache County that has issued an order to show cause for an attorney. She has done so twice and both times have been against Counsel.

FILED

ON: 10/29/19

BY: *SH*

- 1 a. In CV2015-0070 counsel prepared an answer for Defendants that was filed with the  
2 Court that same date. The Court set a trial date by way of "Notice of Court Date" but  
3 sent the notice to the Defendant at his address and NOT to counsel. At the trial, the  
4 Defendant informed the Court that he had not been in contact with counsel (he had  
5 not paid the fee for services and was avoiding calls from counsel's office) and did not  
6 know if Counsel knew of the trial date. Judge Gregory informed the Defendant that  
7 counsel was aware of the trial date because the Court had notified him. On the record,  
8 Judge Gregory reiterated that Counsel was aware of the trial date. Judge Gregory  
9 issued an order to show cause for counsel's failure to appear at a hearing which he  
10 had been given no notice of. At the time of the hearing, it was clearly pointed out to  
11 Judge Gregory that even her own notice indicated that it was sent to Defendant at his  
12 address and not to counsel.
- 13 b. In CR2019-118, the defendant's counselor filed what amounts to a motion for  
14 appointment of counsel; clearly engaging in the unauthorized practice of law. Judge  
15 Gregory granted said improper motion and appointed Jon Saline as counsel. Mr.  
16 Saline notified the Court that he did not have adequate time to accept the appointment  
17 and the Court appointed Bryce Hamblin even though his contract with Apache  
18 County to provide indigent defense only extends to those individuals entitled to  
19 counsel as a matter of law. A hearing was set for June 18, 2019 @ 2:00 pm.

20  
21 On June 17, 2019, the Court called counsel's office and stated that it had need to  
22 change the time of the hearing from 2:00 pm to 1:00 pm. Counsel's secretary  
23 informed the Court that counsel could be available at 1:00 pm. On June 18, 2019,  
24 counsel appeared in the Round Valley Justice Court at 1:00 pm but nobody, including  
25 Judge Gregory, was in the courtroom. Counsel immediately called the prosecuting  
26 attorney, Tyron Jensen, and asked him where he was. Mr. Jensen informed counsel  
27 that he was in his office...in St. Johns. Counsel inquired about the hearing at 1:00 pm.  
28 Mr. Jensen replied that the hearing was at 2:00 pm. Counsel informed Mr. Jensen that  
29 the hearing had been changed to 1:00 pm. Mr. Jensen stated that he was unaware  
30 there had been a change.

1  
2 Counsel next went to the clerk's window and spoke to S L (all the while  
3 Judge Gregory was sitting in a chair behind Mrs. L and listening to the  
4 conversation). Counsel inquired as to why nobody was present for the 1:00 pm  
5 hearing. Mrs. L replied that they initially needed to move the hearing due to  
6 transport issues with the jail but later determined that it wasn't feasible. Mrs. L  
7 stated that the hearing would be held at 2:00 pm. Counsel informed Mrs. L that  
8 he could not be present at 2:00 pm because he had another obligation at that time.  
9 Counsel also informed Mrs. L that the Defendant was not entitled to  
10 appointment of counsel and that he should not have been appointed on the matter.  
11 Mrs. L referenced the motion filed by the Defendant's counselor as support for  
12 the appointment. Counsel informed Mrs. L that the counselor was not an  
13 attorney nor did her motion create the right to counsel. Mrs. L stated that  
14 counsel could come back at 2:00 pm and "put that on the record with the judge".  
15 Counsel again informed Mrs. L that it was not possible for him to be present at  
16 a 2:00 pm hearing. A hearing for the Defendant was conducted at the 2:00 pm at  
17 which time Judge Gregory issued an order to show cause for counsel.

18  
19 The following day, at a conference attended by Judge Gregory and numerous judges  
20 throughout the state, Judge Gregory discussed the matter with numerous other judges  
21 and displayed her contempt for counsel. What's more, her recitation of the events was  
22 grossly inaccurate and designed to portray counsel in a negative light.

23  
24 At the order to show cause hearing on July 2, 2019, Judge Gregory began by  
25 explaining why Counsel had been appointed in the case; clearly showing her hand  
26 that her real reason for being angry with Counsel was because he had pointed out the  
27 fact that the Defendant was not entitled to appointment of counsel. In her explanation,  
28 Judge Gregory stated that the matter was originally a Springerville Magistrate case in  
29 which Jon Saline was appointed. Subsequently, she alleges, Mr. Saline moved to  
30 withdraw due to "health issues". Judge Gregory states that "meanwhile it got filed as



1 a Justice Court case” so Counsel was appointed. Upon review of the Arizona  
2 Supreme Court public access case lookup, the matter was never filed as a  
3 Springerville case. Jon Saline was appointed in CR2019-0118, a Round Valley  
4 Justice Court case. Mr. Saline filed his Notice of Declination of Appointment in that  
5 same justice court case and the order, prepared by him, states that the matter is in the  
6 Round Valley Justice Court under case number CR2019-0118. What’s more, Mr.  
7 Saline does not cite “health issues” as his reason<sup>2</sup> for withdrawal. This is significant  
8 because if Judge Gregory really felt that the Defendant was entitled to appointment of  
9 counsel, why did she first appoint an attorney outside the contract? Also, why is it  
10 that she feels inclined to fabricate facts regarding something so mundane?

11  
12 Judge Gregory then moved on to what she alleged was the reason for the Order to  
13 Show Cause. She alleged that Counsel had left the courthouse after telling Mrs.  
14 Llamas that the appointment was not part of his contract and that he was not coming  
15 to the hearing. Judge Gregory claimed that she looked at the clock when Counsel left  
16 and that he had exited the courthouse at 12:55; just 5 minutes prior to the hearing  
17 beginning. Counsel advised Judge Gregory that her allegations were incorrect and  
18 that he was present at 1:00 pm but that he was the only individual in the courtroom.  
19 He stated that upon inquiry of Mrs. L she advised him that the hearing had  
20 been changed back to 2:00 pm. Counsel explained the remainder of his conversation  
21 with Mrs. L Judge Gregory insisted that Counsel was incorrect because she  
22 took the bench at “one minute after one” and “she wouldn’t have told you that  
23 because we didn’t move it to 2:00”.

24  
25 Over the next several minutes Judge Gregory insisted that the hearing was at 1:00 pm  
26 and that Counsel had failed to show. Counsel insisted that not only was he present at  
27 1:00 pm but that he was the only one present. Counsel inquired as to why an order to  
28

29  
30 <sup>2</sup> Mr. Saline stated in his Notice that he does not have adequate time with his current caseload to  
represent the Defendant. Mr. Saline confirmed that reasoning when Council questioned him regarding  
the matter.

1 show cause was not issued for the individuals that were not present at 1:00 pm. Judge  
2 Gregory insisted that they were. Counsel informed Judge Gregory that he had called  
3 the prosecutor at 1:00 pm from the courthouse inquiring as to why he wasn't there.  
4 Counsel informed Judge Gregory that the prosecutor was at his office in St. Johns at  
5 the time of the call so it was impossible for him to have appeared in her court at the  
6 same time.

7  
8 Judge Gregory waived slightly and then doubled down. She enlisted her clerk to  
9 testify, falsely, as to her conversation with counsel that day. Judge Gregory even  
10 supported Mrs. L rendition by stating that her and the rest of the clerks heard  
11 the conversation. Ultimately, Judge Gregory insisted that what it comes down to is  
12 that Counsel is disrespectful to her court.

13  
14 Judge Gregory's hatred for Counsel is so deep that she and her clerk were willing to  
15 lie to support her attack against Counsel. A review of the security footage of that day  
16 shows that Counsel was in fact present at 1:00 pm for the hearing. The video shows  
17 Counsel enter the courthouse and go directly into the courtroom for the hearing;  
18 where he was the only individual present. What's more, the security footage, the  
19 minute entry, the prosecutor, and the Defendant all confirm that the hearing was held  
20 that day at 2:00 pm. Judge Gregory will likely state now that she was mistaken.  
21 However, the testimony of Mrs. L which Judge Gregory supported, clearly  
22 shows that they lied and were not simply mistaken.

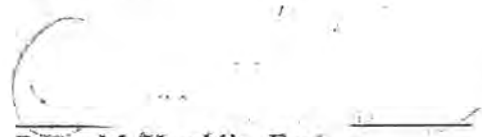
- 23 5. Judge Gregory's office failed to preserve evidence requested which would have proven his  
24 account of the hearing held on June 18, 2019. What's more, both Judge Gregory and her  
25 clerk avowed that they had requested permission to release said evidence on multiple  
26 occasions from Troy Czarnyszka. However, Mr. Czarnyszka denies that the requests were  
27 made.
- 28 6. Judge Gregory has violated counsel's right to due process as she has twice now presided over  
29 contempt hearings in which it was her very own sensitivities that were offended. Upon  
30

1 information and belief, Judge Gregory was notified that due process required that she not do  
2 the hearing herself yet she ignored said admonition and proceeded anyway.

- 3 7. After counsel filed a Motion for Change of Judge for Cause in TR2019-207, Judge Gregory  
4 retaliated by filing a bar complaint against counsel. The Arizona State Bar found no wrong  
5 doing on the part of counsel.
- 6 8. After consultation with the bar, the presiding justice of the peace, and the presiding superior  
7 court judge, counsel sent a letter to the presiding Justice of the Peace, Butch Gunnels, to  
8 request that any matter in which counsel appears before Judge Gregory be automatically  
9 reassigned to another judge. Even though counsel is confident that his 10.1 motions will  
10 continue to be granted, he was hopeful that he could avoid re-igniting that flame each time he  
11 entered an appearance. Judge Gunnels discussed the letter with Judge Gregory at lunch.  
12 Thereafter, Judge Gregory read the letter to her entire staff and became enraged demanding  
13 that counsel continue to appear in front of her. Upon information and belief, she pounded the  
14 counter stating "I want him in front of me!"
- 15 9. Counsel is one of four attorneys in Apache County that have a contract with the county to  
16 provide indigent defense. Beginning a couple years ago, Judge Gregory periodically  
17 appointed counsel to defendants that had already hired him. On May 28, 2019, two clients  
18 that had previously hired counsel came into his office and indicated that the judge had  
19 "appointed" him as counsel so they didn't need to hire him. Both indicated that they had  
20 informed Judge Gregory that they had hired counsel prior to said appointment. One of them  
21 specifically stated that Judge Gregory responded "Well I was already going to appoint him  
22 anyway". Counsel's office contacted the court and requested the financial statements for each  
23 Defendant. Each Defendant clearly indicates that they had already hired counsel on the form.  
24 Clearly, Judge Gregory is intentionally interfering with the attorney-client relationship and  
25 counsel's income.
- 26 10. It is clear that Judge Gregory's interest and prejudice towards Counsel has and will continue  
27 to negatively impact his clients; thereby depriving them of a fair and impartial hearing or  
28 trial.
- 29  
30

1           WHEREFORE, Counsel hereby moves for a change of judge from Judge Marsha Gregory as  
2 voluminous cause exists.

3  
4           RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of October, 2019.

5  
6  
7             
8           Bryce M. Hamblin, Esq.  
9           Attorney for Defendant  
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# EXHIBIT #4

IN THE ROUND VALLEY JUSTICE COURT  
COUNTY OF APACHE, STATE OF ARIZONA

By: Sueanne Czamyszka, Court Amin.

STATE OF ARIZONA, vs. JOHN H. ZERFAS, II,	Plaintiff,  Defendant	Case No(s): J-0101-CR2019-00298  Date: November 7, 2019
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**ORDER**

Before the Court is Defendant John H. Zerfas II's Notice of Change of Judge pursuant to Rule 10.1. Based on allegations made in the 10.1 Notice, Hon. Butch Gunnels -- Presiding Justice of Peace in Apache County, has the potential of being a witness in the 10.1 hearing. Therefore, the 10.1 Notice was sent to the Presiding Superior Court Judge.

Based on the procedural posture of the case and Rule 10.1, the Court hereby orders:

- A closed hearing on the 10.1 motion shall take place in the Superior Court in St. Johns, AZ, on **Thursday, November 21, 2019 from 9:00 a.m. to 11:00 a.m.** where evidence regarding the 10.1 shall be submitted;
- The current November 12, 2019 hearing in the RVJC is hereby vacated, and future hearing dates will be set after the 10.1 hearing has been heard and ruled upon;
- Due to the potential broad implications of this 10.1 motion, and pursuant to the authority granted to the Presiding Superior Court Judge (Supreme Court A.O. 96-32, Rule V-A(III)(A)) - Judge Williams, Judge Perkins, and Presiding Judge Latham will sit en banc for the hearing with Judge Latham serving as the presiding hearing judge.

Date: 11/7/19

Michael Latham  
Michael Latham, Presiding Judge  
Superior Court, Apache County

**Copies to:**

Hon. Steve Williams [em]  
Hon. C. Allan Perkins [em]  
Bryce Hamblin [em]

Apache County Attorney [em]  
Tanya Booth, Courtroom Clerk [em]

# EXHIBIT #5

Mr. Hamblin – merely whether there are factual grounds giving rise to the appearance of bias and/or prejudice necessitating a grant of the Notice.

The key points of evidence were the ones addressing the “extrajudicial sources” of potential bias and/or prejudice that the Court heard. A local attorney relatively new to Apache County recognized that it was widely known that the trial judge does not like Mr. Hamblin and views him negatively. In addition, the Presiding Justice of Peace in Apache County described how he had approached the trial judge in an attempt to mediate the rising conflict the trial judge had with Mr. Hamblin. During those discussions, the Presiding Justice of the Peace observed the trial judge’s mannerisms expressed anger and hostility in regard to Mr. Hamblin in front of her court staff and the Presiding Justice of the Peace – including stabbing her finger into the counter and demanding “I want him [Mr. Hamblin] in my court!” over and over again. When the Presiding Justice of the Peace informed Mr. Hamblin of the failed mediation efforts and the incident was noted in the Notice – the trial judge expressed anger at the Presiding Justice of the Peace for revealing her reaction to Mr. Hamblin. Finally, on multiple occasions the trial judge has expressed the opinion that she blames Mr. Hamblin (directly or indirectly) for allegedly talking bad about her to others, she blames him (directly or indirectly) for her not being appointed to fill the Round Valley Justice of the Peace position when the former RVJP passed away mid-term, she blames him (directly or indirectly) for the Eagar Magistrate position not being given to her after she was eventually elected to the position of the Round Valley Justice of the Peace, and she blames him (directly or indirectly) for his secretary running against her in the last election. Evidence was presented that the trial judge mentioned many of these same things to the Arizona State Bar when she filed a Bar Complaint against Mr. Hamblin shortly after a previous 10.1 Notice filed by Mr. Hamblin in another case.

The vast majority of the evidence the Court heard related to specific instances Mr. Hamblin believed were evidence that the trial judge had exhibited bias or prejudice against him. The Court chooses not to address each of those instances because many of them fall within the realm of “judicial” decisions rather than “extrajudicial.” In every factual scenario the trial judge may have had a justifiable explanation completely independent of the theory of bias and/or prejudice presented by Mr. Hamblin. In fact, as noted on the record, the trial judge wanted to be at the 10.1 hearing to present her side of such allegations. Although it is reasonable for a person to want to refute allegations he/she feels are inaccurate, judges are not parties to cases they preside over and are held to a different standard than attorneys or members of the public. Similar to the Alabama Supreme Court in the Ex Parte Rollins case, the trial judge’s attempt to prove she was right rather acknowledge the appearance of bias/prejudice “tend to lead to the conclusion that [the trial judge] still maintains some negative feelings toward [the trial counsel].” Further, the trial judge’s expressed frustration with the Presiding Justice of the Peace for notifying Mr. Hamblin about her angry reaction to being asked to recuse herself is evidence of continued strong feelings on the issue.

Finally, although the instances of “judicial” decisions are not directly related to the Court’s bias/prejudice determination, these instances are relevant, because they symbolize the very reason judges’ possible bias and/or prejudice is so highly guarded against. The



# EXHIBIT #6

J-0101-C TYPE: CRIM DATE FILED:	<input checked="" type="checkbox"/> In person	Waiver Conflict re: Springfield Police Dept Yes No	Waiver of Counsel Yes No	Rule 17.2 Advisory Yes No	Fingerprinted Yes No
	<input type="checkbox"/> In Custody				
	<input type="checkbox"/> By Counsel				
	<input type="checkbox"/> Telephonic				
	Financial Statement Yes No	Release Questionnaire Yes No	Release Order Yes No	Appointment of Counsel Yes No	Appointed to:

--- JUDGES ---  
INITIAL ASSIGNMENT 04-10-2019 MARSHA GREGORY

-----ATTORNEYS-----  
*Jon Saine*

DOB:  
ADDRESS:  
KUENEMAN SHEILA RANAE

LIC:

*also mailing address*

D 001 KUENEMAN SHEILA RANAE  
AKA: KUENEMAN SHEILA RANAE

CHARGE 1: FALSE REPORT TO LAW ENFORCE	13-2907.01A	ALIAS
CHARGE 2: HARASS BY COMMUNICATION	13-2921A1	CASENUM
CHARGE 3: HARASS-REPEATED ACTS	13-2921A3	CASENUM
CHARGE 4: HARASSMENT - FALSE RPTS	13-2921A5	CASENUM

FILING DATE	EVENT	PROCEEDINGS ENTRY	RESULT	PARTY
04-10-2019	COMPLAINT FILED-PROSECUTOR	022		D 001
	COMPLAINT FILED BY T. JENSEN (ACAO PROSECUTOR)			
04-10-2019	SUMM ISSUED CR, SR, TR, DR, MR, FR	022		D 001
	SUMMONS ISSUED - DEF TO APPEAR ON 5/14/2019 AT 10:00 AM			

CHARGE DISPOSITION AND SENTENCING

\*\* PARTY STATUS \*\*

D 1 KUENEMAN SHEILA RANAE

*11/19 summons to be served by Constable Curtis - Def to appear on 5/14/19 at 10:00 AM. MH*

*Def. appeared at the counter upset - said these charges were dismissed. Tried to explain to Def. that the ACAO did not file a complaint previously, but they have now. Told Def. she should appear on 5/14/19 as stated in summons. MH*

*Def. walked back 10 minutes later saying the same thing and received the same answer. MH*

# EXHIBIT #7

11/10/19 Warrants returned by Constable Curtis Jeff served  
at 4/10/19, 11:05 AM. MH

1/25/19 Def called in to check if her charges were criminal or civil. Was told they were misdemeanor and they are criminal. Def also verified date for court. Def asked if Council would be appointed, was told would need to speak to the judge with any questions. <sup>rk</sup>

5-14-19 In/Arr A in person Waiver re SPD. Yes.  
A MTC granted. Continued Arr 6-4-19.  
Copy of M.E. to A (M)

5.28.19 Def provides letter from Little Woods Behavioral Health Center. TO Judge Gregory for review. <sup>BW</sup>

Per Judge Gregory - Jon Saline appointed.  
order of appointment of counsel mailed to Def - Emailed and mailed to defense counsel Jon Saline. <sup>BW</sup>

6-4-19 Cont Arr A in person J Saline not present  
Court entering plea of not guilty for A - Set  
PTC 6-13 @ 1:00 Copy of M.E. to A - Sent  
to TT and A atty (M)

6/4/19 PTC inadvertently set for incorrect day. Order Rescheduling mailed to Def, emailed to Def. Atty and A CAO. Def: reset for 6/18/19 at 2:00 PM. <sup>MH</sup>

6/15/19 M.E. / Order emailed to Def. Atty and A CAO. M.E. mailed to Def. <sup>MH</sup>

6/10/19 Received request for copy of appointment of counsel from Jon Saline's Office - sent. <sup>MH</sup>

6/10/19 Received Notice of Reclamation of Appt. from Jon Saline Motion granted - Bryce Hamblin appointed. Order emailed to J. Saline's Office, Complaints, M.E., and Appt. of Counsel emailed to B. Hamblin office. <sup>MH</sup>  
Order mailed to Def. in custody in AC Jail. <sup>MH</sup>

# EXHIBIT #8



Little Colorado  
Behavioral Health Centers

P.O. Box 699  
Springerville, AZ 85938

05/22/19

Apache County Justice Court; Judge Gregory

Mrs. Sheila Kueneman has been a client at Little Colorado Behavioral Health Centers since 10/18/2010. It is the consensus of the clinical team that Mrs. Kueneman does not have the emotional, mental, or physical ability to effectively represent herself in court proceedings. This belief comes from Mrs. Kueneman's long history of trauma, and a serious mental illness, which makes it difficult to regulate and maintain appropriate emotional behaviors. Mrs. Kueneman can also be triggered by various events, people, stress, or environments. It is our belief that without proper representation that Mrs. Kueneman will not receive a fair court proceeding, trial, or sentence. It is the request of the client and clinical team that Mrs. Kueneman receive representation by a public defender in order to provide Mrs. Kueneman with a fair trial and sentencing.

Sincerely,

Jamie Benson MA, MFT, M.Ed, BHT

Mental Health Therapist

= MA, MFT, M. Ed, BHT

RECEIVED MAY 28 2019

# EXHIBIT #9

Springerville Magistrate COURT Apache Co. AZ.

STATE OF ARIZONA  
VS.  
DEFENDANT

CASE NO.  
CR-19-0118

ORDER OF  
APPOINTMENT  
OF COUNSEL

Sheila R. Kueneman

A PETITION FOR APPOINTMENT OF COUNSEL HAVING BEEN FILED.

       It is ordered that counsel not be appointed.

It is ordered that Jon Saline

Phone No 928-247-6227  
Box 2556 Snowflake AZ 85937

in the capacity of        Public Defender  Private Attorney be appointed to represent the defendant.

       Defendant has financial resources which may offset all or part of the cost of legal services.

It is therefore ordered that Defendant pay to the clerk of the       

Court the amount of \$       , payable,

       By this date.       

       At the time of Judgment.

       In installments of        every       ,  
beginning       .

       Said amount to be determined at the time of Judgment.

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ACTION IS SET FOR

- Plea
- Trial
- Preliminary Hearing
- Justice
- City

Arraignment IN THE Springerville Magistrate  
COURT, IN Springerville, ARIZONA, ON THE 14th DAY  
OF June, 20 19, AT 10:00 A.M.

DATED 28 May 2019

JUDGE



# EXHIBIT #10

IN THE ROUND VALLEY JUSTICE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF APACHE

STATE OF ARIZONA,  
Plaintiff,  
v.  
SHEILA R. KUENEMAN,  
Defendant.

Case No. CR2019-0118

**ORDER RE: NOTICE OF DECLINATION  
OF APPOINTMENT**

GOOD CAUSE APPEARING, IT IS ORDERED:

<sup>GRANTING</sup> GRATING Counsel's Motion to withdraw and appointing  
Bryce Hamblin  
PO Box 488 Eagar AZ 85925  
928-333 0000

DENYING the motion.

IT IS FURTHER ORDERED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed in Chambers this 11 day of June 2019.

  
Judge

Apache County Attorney's Office  
PO Box 637  
St Johns, AZ 85936

Jon Saline

HOLLAND SALINE & LEWIS  
970 SOUTH MAIN STREET  
SNOWFLAKE, ARIZONA 85937  
(928) 526-3001

**From:** Gregory, Marsha  
**Sent:** Tuesday, February 25, 2020 12:59 PM  
**To:** Elliott, April <@courts.az.gov>  
**Subject:** RE: CJC Case No. 19-323

Good afternoon,

In response to your questions:

1. I would not know at the initial stage if Sgt. Gregory has any involvement in the case. If I later learn he had anything to do with the case, I then recuse myself. This has happened only a couple times.
2. In my disclosure statement, I did not mention my son's involvement as town prosecutor, because the majority of cases just pled guilty/responsible.
3. You are correct. Each and every time a defendant entered a plea of not guilty, I just set the matter for PTC on the day Springerville held court (once a month) and notified Judge Gunnels who then came over and covered from that point. Not once did I appear with my son as a prosecutor, and Judge Gunnels and I never spoke about the cases. One of my clerks specifically designated for Springerville cases worked directly with Judge Gunnels.
4. I must have spoken with the JEAC, but it would have been some time in 2014, so I cannot remember to whom I spoke. I believe my son also spoke with them, but I do not remember whether a formal opinion was written. I will speak with my son as soon as possible and see if he remembers one and get back to you with his response. However, I do remember being told that in a small area such as ours, it is inevitable that we will run into situations of potential conflict, but that doesn't necessarily mean we cannot do the job; rather, we just have to put as much protection in place as possible. That is what I have gone to great lengths to do, and I have never had a problem before.

Thank you,

Judge Gregory

**From:** Elliott, April  
**Sent:** Friday, February 21, 2020 3:26 PM  
**To:** Gregory, Marsha <  
**Subject:** CJC Case No. 19-323

Hi Judge Gregory:

Thank you for your supplemental response dated January 22, 2020. After reviewing everything, I am seeking clarification from you regarding the allegation of a conflict of interest with your husband serving on the Springerville Police Department and your son previously serving as the prosecutor for the Town of Springerville.

1. In your initial response, you listed the speech that you give to defendants disclosing your husband's employment with Springerville Police Department. In that speech, there appear to be contradictory statements – "I know these are not his cases – I wouldn't touch his cases with a 10' pole, and I don't know if he has any involvement in these cases because I don't get police reports." How do you know which cases your husband has had involvement with at the initial appearance stage? If a defendant waives the more general conflict at the initial appearance stage and you later learn your husband would be a witness, do you then recuse?
2. Your disclosure statement only mentions your husband. When your son was serving as the town prosecutor, did your disclosure statement mention his relationship to you?
3. Your initial response seemed to indicate that if a defendant pled not guilty, then a pretrial conference would be set with the town prosecutor, your son, and then you recused from the case. If I read that statement correctly, you recused from any matter in which a defendant pled not guilty while your son was serving as town prosecutor and then those matters were heard by Judge Gunnels. Is that correct?
4. You also indicated that you spoke to the Commission on Judicial Conduct about these conflicts of interest. The Commission itself does not give ethics advice on a judge's prospective conduct. I suspect you may have conferred either telephonically or by email with the Commission's executive director who also staffed the Judicial Ethics Advisory Committee (JEAC). The JEAC is the entity that offers confidential ethical advice to judges regarding their prospective conduct. Because any advice that you would have received would be confidential, neither I nor the members of the Commission would have any access to that advice unless you waive the confidentiality. If you are willing to waive confidentiality, please provide details regarding who you spoke to about this conflict of interest issue, approximately when this conversation took place, and as at least the current and immediate former executive director preferred that all inquiries be in writing, please provide copies of any advice that you received. Pursuant to Rule 82(h), Rules of the Supreme Court Judicial Ethics Advisory Committee, reliance on a formal advisory opinion may be raised as a defense in any disciplinary proceeding. I don't believe a formal opinion was issued, but the Commission has considered reliance on informal advice from the JEAC as a defense in other disciplinary proceedings.

The Commission's next meeting is . I would like to put this matter on the agenda for that meeting. In order to do so, I need your responses to my inquiries as soon as possible, but preferably no later than . You can simply respond to this email, rather than submitting a formal letter. If you are unable to get the responses to me by then, then this matter will need to go on the agenda for the Commission's next meeting in . Thank you for your attention to this matter. I look forward to hearing from you soon.

April P. Elliott  
Disciplinary Counsel  
Arizona Commission on Judicial Conduct  
1501 W. Washington, Suite 229  
Phoenix, AZ 85007  
602-452-3200 (Main)

**From:** Gregory, Marsha  
**Sent:** Tuesday, February 25, 2020 1:25 PM  
**To:** Elliott, April <@courts.az.gov>  
**Subject:** RE: CJC Case No. 19-323

Ms. Elliot,

I am re-reading your earlier questions, and I think I need to clarify #1 a little more. Specifically, when the cases come into our court, they are listed under the name of the officer who signed the citation and that officer's name goes on the file folder. Thus, my statement: "I know these are not his cases." And, because I don't get police reports, I don't know if Sgt. Gregory has any involvement, but because the defendant who was on the scene might know, I add "...I don't know if he has any involvement" and give the defendant a chance to tell me.

Does this help?

Judge Gregory

**From:** Gregory, Marsha  
**Sent:** Tuesday, February 25, 2020 1:43 PM  
**To:** Elliott, April <[redacted]@courts.az.gov>  
**Subject:** RE: CJC Case No. 19-323

Ms. Elliott,

One more thing: I am more than happen to waive confidentiality for you to speak to anyone

Thank you,

Judge Gregory

