

for The Defense

Training Newsletter of the Maricopa County Public Defender's Office

James J. Haas, Maricopa County Public Defender

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*Delivering America's
Promise of Justice for All*

for The Defense

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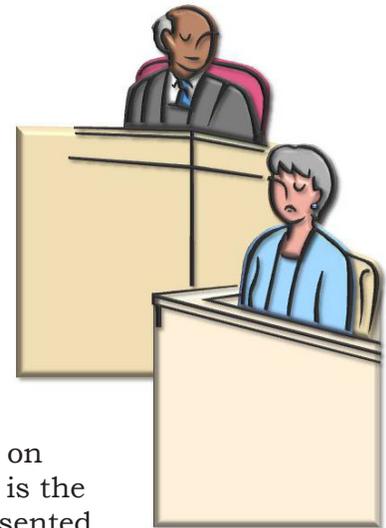
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Taking a Stand on Taking the Stand: Should the Defendant Testify?

By John Taradash, Defender Attorney

The decision on whether the defendant should testify is often critical to the outcome of the trial. For a myriad of reasons the defendant may benefit from telling his side of the story. But taking the stand may open the client to a Pandora's Box of problems.



Ultimately the decision should turn on whether your client's testimony will materially help or harm his case, which turns on several interconnected factors: (1) How strong is the State's case? (2) Is the defense going to be presented another way? (3) Is your client prepared to take the stand? (4) How is his jury appeal? (5) How is opposing counsel expected to do on cross examination? (6) Does your client have prior felony convictions? A review of these factors with your client will help him understand this weighing process and be more prepared for the challenges of testifying.

How strong is the State's case?

One of the biggest considerations in determining whether the defendant should take the stand is a fair assessment of the relative strength and weaknesses of the State's case. If the State's case is weak or marginal, this may weigh heavily toward advising the client to exercise his right to remain silent. Simply put, you may not want to take additional risks of having your client subject to cross examination.

Unfortunately, there is no way to unequivocally measure when the jurors are ready to acquit based on reasonable doubt. So carefully weigh the evidentiary strength of the State's case, consider the remaining factors, pay attention to the jurors' demeanor and listen to your gut instincts.

Is the defense going to be presented another way?

Another factor weighing strongly on whether the client should testify is whether evidence of the defense will be sufficiently presented to the jury without the defendant testifying. Once facts supportive of the defense theory are before the jury, additional testimony may be unnecessary.

A client's defense may be brought out through witness testimony, inferences from the physical evidence and the defendant's prior statements to the police. If your client is expected to do poorly on the stand, make every ethical attempt to bring in the defendant's story through one or more of these avenues. For example, if the prosecutor introduces part of the defendant's statements, argue strenuously for the admission of the remaining portion to complete the story.

During closing, argue the facts supportive of the defense theory to the jury. If the defendant's exculpatory statements came in through police testimony, highlight them.

You heard from my client when he was interviewed by the police. The detective questioned him for nearly thirty minutes about what happened. My client told the officer, "I shot the man because he was lunging at me. He had a knife and was about to stab my chest." This supports the defense....

This method may eliminate the need for the defendant to testify. Of course every trial is different and sometimes the defendant may need to testify in order to present a viable defense or present material facts to the jury.

Is your client prepared to take the Stand?

Another factor bearing on whether your client should take the stand is whether he is prepared to testify. Often the attorney may need to spend several hours preparing him.

Ideally the attorney should review the client's direct and cross examination two or more times in advance. This should include having an experienced attorney prepare the client by challenging him with a hard-driving cross examination. This overall approach is invaluable for the client to understand the difficulties and risks of taking the stand.

Even when your client indicates he does not want to testify, consider exploring his version of events early on in the representation. Surprisingly often this leads to learning key information about a defense.

How is his jury appeal?

Another factor bearing on whether your client should take the stand is his jury appeal. As experienced courtroom observers know, inconsistent, combative, stubborn or arrogant witnesses are perceived by the jury as untrustworthy. Conversely, modest, straight-forward witnesses are generally found to be more credible.

Often this difference will be critical to juror perception of your client. So if your client is willing, work on their deficiencies.

How is opposing counsel on cross?

In advising the client on whether to take the stand you may wish to consider opposing counsel's ability to cross examine witnesses. This might be gleaned through observations of counsel during court appearances or by talking with your colleagues.

Does your client have prior felony convictions?

An important consideration in determining whether your client should take the stand is whether she has any admissible prior felony convictions under Rule 609. A recent study published in 2009 on the effect of a prior criminal record on trial outcomes, which actually covered 382 felony jury trials in four large cities including Maricopa County Superior Court (Phoenix), is worth considering.¹

The authors of the study concluded jurors were significantly more likely to convict in weak or marginal cases when defendants with criminal records took the stand.

[J]uries appear to rely on criminal records to convict when other evidence in the case normally would not support conviction....The effect in otherwise weak cases is substantial and can increase the probability of conviction to over 50% when the probability of conviction in similar cases without criminal records is 20%.²

Therefore, in cases with weak evidence the decision to testify should be carefully weighed. After hearing evidence of the defendant's felony record, jurors tend to have a more jaded perspective of the defendant's case and may be more willing to convict on less powerful evidence of guilt.

Evidence that seems inconclusive against a defendant with no record of wrongdoing may appear to be more damning when jurors learn of the defendant's criminal past....[T]he threshold for conviction, or the subjective burden of proof, may differ for defendants with and without criminal records. Jurors may be willing to convict on less evidence if the defendant has a criminal past.³

Remember, this is an analysis from one study and should be tempered with common sense and experience. In the event your client elects to testify, make sure she is well prepared to offset the impression the jury will receive concerning prior convictions.

Parting Shot

When discussing the decision to testify with your client, explain how she should consider these several interrelated factors. Of course the client will make the final decision, which eventually will have to be made after the State's case-in-chief. Once these factors are carefully considered, the client will be empowered to make an informed decision.

(Endnotes)

1. Theodore Eisenberg & Valerie Hans, *Taking a Stand on Taking the Stand: The Effect of a Prior Criminal Records on the Decision to Testify and on Trial Outcomes*, 94 Cornell L. Rev. 1353 (2009) (The authors also wrote a related law journal article, bearing the same name (see footnote 2)).
2. Theodore Eisenberg & Valerie Hans, *Taking a Stand on Taking the Stand: The Effect of a Prior Criminal Records on the Decision to Testify and on Trial Outcomes*, Cornell University Journal (2009) (<http://legalworkshop.org/2009/09/14/taking-a-stand-on-taking-the-stand-the-effect-of-a-prior-criminal-record-on-the-decision-to-testify-and-on-trial-outcomes>).
3. Theodore Eisenberg & Valerie Hans, *Taking a Stand on Taking the Stand: The Effect of a Prior Criminal Records on the Decision to Testify and on Trial Outcomes*, 94 Cornell L. Rev. at 1358 (2009).





Ninth Annual APDA Conference

By Jim Haas, Maricopa County Public Defender

The Ninth Annual Arizona Public Defender Association Statewide Conference was held June 22 - 24 at the Tempe Mission Palms Hotel.

Over 1,300 people attended the three-day conference, which offered 133 classes taught by over 220 presenters. The conference offered more than 18 CLE hours, including over 13 ethics hours. APDA again took over the entire Mission Palms and most of Mill Avenue.

The conference was preceded by a showing of the movie "Conviction", which tells the inspiring story of Betty Anne Waters, a Massachusetts woman who went to college and law school for the sole purpose of exonerating her brother from a wrongful murder conviction. Ms. Waters then made a presentation and answered questions at the opening plenary session of the conference.

At the awards luncheon, State Representative (and former MCPD Attorney) Cecil Ash spoke about his ongoing efforts to reform Arizona's draconian sentencing laws. On Friday, the conference hosted a meeting between Representative Ash and a group of stakeholders from across the state to discuss potential reform legislation for the next legislative session.

Also at the luncheon, public defender staff and attorneys from around the state were recognized for their accomplishments and dedication to indigent representation over the past year. The honorees were:

Outstanding Administrative Professional – Raquel Romero, Executive Assistant, Yuma County PD; Elaine Hudson, Legal Secretary, Mohave County PD; Thomas Gaskill, Records Processor, Maricopa County PD

Outstanding Paraprofessional – Kevin Hamilton, Lead Investigator, Pima County PD; Alberta Porter, Maricopa County Juvenile PD

Outstanding Performance – Walter L. Palser, Pima County PD

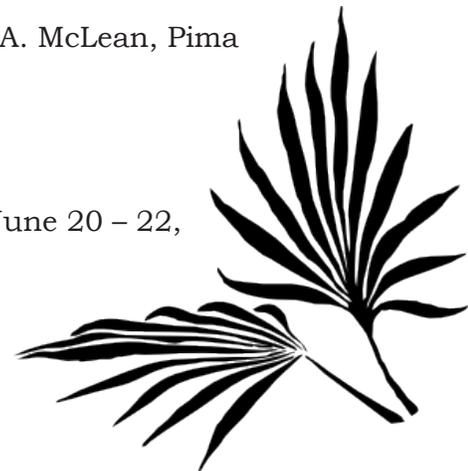
Outstanding Attorney – Janet R. Sorrell, La Paz County PD; Jeff Kirchler, Maricopa County PD; William W. Owsley, Maricopa County OLA

"Rising Star" – Joel Feinman, Pima County PD; Barshaunda Robinson, Mohave County PD; Emily Kathryn Hart, Yuma County LD

Lifetime Achievement – Lucy Lopez-Goss, Maricopa County LD; Rebecca A. McLean, Pima County PD

Gideon – Arizona Attorneys for Criminal Justice

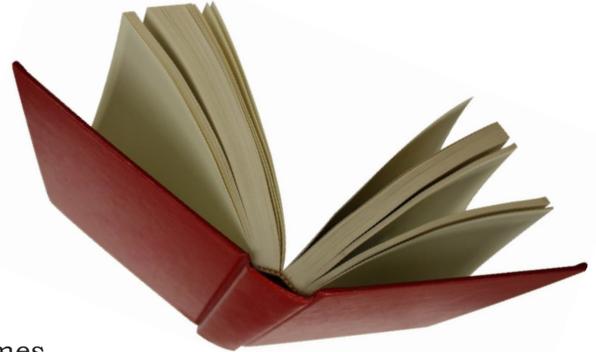
The Tenth Annual APDA Statewide Conference is already scheduled for June 20 – 22, 2012. Mark your calendars!



Book Review – Inside the Criminal Mind, by Stanton Samenow, PhD.

By Beth Houck, Defender Attorney

Sentencing reform has become a prevalent topic in recent years, with many conservative groups recognizing that being “smart on crime” may very well require modifying the “lock them up” mentality that has permeated our criminal justice system for the past several decades (see, e.g., RightonCrime.com) . Despite this, many Arizona prosecutors and legislators continue to refer to “criminals” as though speaking of a separate species, oftentimes referring to Dr. Stanton Samenow’s book, Inside the Criminal Mind, as a basis for many of their views.



Dr. Samenow’s thesis is that the cause of criminality lies in the criminal’s thinking. Samenow has spent thirty years as a researcher and clinician, evaluating and treating repeat offenders. “[C]riminals choose to commit crimes. Crime resides within the person and is ‘caused’ by the way he thinks, not by his environment. Criminals think differently from ‘responsible’ people.” p. xxi. Dr. Samenow rejects the premise that any of our clients are victims of poverty, racism, dysfunctional families, addiction, peer pressure, low intelligence, unemployment, lack of self control, mental illness, or violence in the media. Rather, in his mind, they are victimizers who have freely chosen their way of life. He contends that research into external factors has simply given criminals more excuses for their behavior, conveniently (for the criminal) shifting the blame to society.

According to Samenow, criminals come from a wide variety of social, economic, geographic, religious, and educational backgrounds. But they have one thing in common – they view the world as a chessboard and other people as pawns.

The criminal seeks excitement by doing the forbidden at the expense of others. Living a life that requires effort to overcome adversity, considering the impact of one’s own behavior on others, and listening to one’s conscience are totally alien to him. The criminal perpetually maneuvers to prop up an ever-precarious image of himself as unique and powerful. In his ongoing attempts at self-aggrandizement, he cares not whom he hurts. To him, the world and its people are to be controlled like pawns on his own personal chessboard. Although he envies the trappings of success, he rejects taking a responsible path to earn them. pp. xvi-xvii.

The first several chapters read like one long rebuttal to a mitigation report (not surprisingly, Dr. Samenow has testified as an expert for the prosecution). Chapter Two is titled “Parents Don’t Turn Children into Criminals.” Here he notes the criminal child’s patterns begin to show as early as preschool; the future criminal has an iron will, a voracious appetite for adventure, and an expectation that others will do what he wants them to do. Other children in the same family are perfectly normal; therefore it cannot be the parenting that is to blame. Chapter Three is titled “Peer Pressure: No Excuse for Crime.” The criminal child, just like everyone else, chooses his friends. The criminal child chooses friends who are just like him. “No criminal I have evaluated or counseled was forced into crime. He chose to associate with risk-taking youngsters who were doing what was forbidden.” p. 40.

There is of course a chapter on alcohol and drug addiction, which claims that criminals turn to these high risk anti-social behaviors because they are already anti-social thrill-seekers to begin with. Drugs and alcohol, the author claims, only intensify what is already there in person; they do not transform a responsible person into a criminal. Also, “[c]riminals are quick to pick up on the disease concept and invoke it as a convenient rationalization.” p. 120. They believe that instead of incarceration, society *owes* them an opportunity for treatment. Even when an addicted criminal remains clean for a long time, it does not take care of the main problem – the “uncompromising, controlling personality of a destructive individual.” p. 121.

The chapter on mental illness and its contribution to criminality is of particular importance, because it, and substance abuse, are probably the two main areas where intervention by the corrections system is somewhat available. This chapter is titled “Getting Over on the Shrinks.” A few excerpts:

Never for a minute does the criminal really believe he is mentally ill. In fact, he is offended if anyone calls him crazy. However, he is willing to be called just about anything if he can beat a charge. He is a pro at examining people, having an uncanny knack for finding out what they want to hear and then feeding it to them. p.137.

The antisocial person shifts from unbridled optimism and a sense of invulnerability to unmitigated pessimism and despair. His changes in outlook and demeanor may be visible to others. The oscillation does not signal the presence of a mental illness, such as “bipolar disorder.” The highs and lows stem from the criminal’s reactions to living in a world that neither corroborates his inflated sense of his own importance nor fulfills his unrealistic expectations. P. 138.

Playing the psychiatric game is exciting. Just like a crime, it offers a criminal opportunity to outwit the system and make fools of everyone. p. 139.

Several paragraphs are devoted to faking an insanity defense, which, according to the author, is a rational and deliberate act, just like the commission the underlying crime.

The final chapter addresses a program for changing criminals. It was originally developed by Dr. Samuel Yochelson, working with criminals in a hospital in Washington, D.C. in the 1970’s. He chose a hospital because it was a more therapeutic environment than a prison. The program is based on the belief that the only way to change the behavior of criminals is to change their thinking. His patients came to a therapy group every single day and reported their thoughts, so that these could be monitored and the errors pointed out. Of course only a criminal who is highly motivated to change will tolerate this. Samenow believes this is what corrections institutions should be doing for those who want to change (and apparently nothing for the rest of them).

An experienced criminal defense attorney has probably had a few clients come to mind when reading Samenow’s descriptions. Personally, most of the clients I have known that best fit his model are the ones who have been in or through the criminal justice system the most, and I assumed they had adapted their behavior to survive in that environment. He would say they were already like that, and that’s why they ended up in prison.

Dr. Samenow’s methodology for ruling out environmental (as opposed to genetic) causes of crime is extremely simplistic. If not all the kids in a gang-infested neighborhood become gang members, then we can rule out the neighborhood as a cause. If three children in a family grow up to be law-abiding and one a criminal, then we can rule out the family as a cause. There may be a

disproportionate number of poor and minorities in jails and prisons, but most poor people are not criminals. Some wealthy people are criminals and certainly most minorities are not criminals. Therefore, being poor or a minority can be ruled out as the cause. (He never offers an explanation for the disproportionate representation.) These syllogisms imply that causation is mono-factorial. Ruling them out one by one overlooks the enormous complexity of human behavior.

Dr. Samenow never comes right out and says the cause of criminality is genetic -- that criminals are born, not made. But there is little explanation left after he rules everything else out. He says that a biological cause of criminality has not been determined yet. His bottom line is that criminals are criminals because of the choices they make; they choose to be criminals because it excites them.

Appallingly lacking from the entire book, especially if criminality is likely biological, is an ounce of compassion for the poor soul who is born that way, or any recognition that it could happen in one's own family, or any sentiment such as, "But for the grace of God, there go I." Criminals truly are viewed as a different species. That makes it easier to keep them in cages.

SAVE THE DATES...

ADVANCED TRIAL COLLEGE

November 16 & 17, 2011

**Presented by
Ira Mickenberg**

DEATH PENALTY 2011

December 7, 8 & 9, 2011

Phoenix, AZ

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
Group 1					
3/4/2011	Smith Sain Baker	Hannah	2010-124713-001 Forgery, F4	1	Jury Trial-Guilty As Charged
3/4/2011	Barnes Sain	Hoffman	2010-130905-001 Attempt to Commit Theft-Means of Transportation, F4	1	Jury Trial-Guilty As Charged
3/8/2011	Agnick Sain	Svoboda	2010-126808-001 Obscene Matl-Public Display, F6	1	Court Trial-Not Guilty
3/17/2011	Reece Rankin Christiansen Lopez	Jones	2009-159870-001 Kidnap, F2 Aggravated Assault, F3 Murder 2nd Degree, F1	1 1 1	Jury Trial-Guilty As Charged
4/7/2011	Hann	Vandenberg	2010-006471-001 Dangerous Drug Violation, F4 Drug Paraphernalia Violation, F6	1 1	Jury Trial-Guilty As Charged
4/21/2011	Reece Rankin Christiansen	Hannah	2010-154809-001 Aggravated Assault, F3 Burglary 1st Degree, F2	1 1	Jury Trial-Guilty Lesser/Fewer
5/5/2011	Hann Sain	Hoffman	2010-140307-001 Burglary Tools Possession, F6 Burglary 3rd Degree, F4	1 1	Jury Trial-Guilty Lesser/Fewer
Group 2					
3/4/2011	Godley Munoz	Blomo	2010-134930-001 Resisting Arrest, F6	1	Jury Trial-Guilty As Charged
3/11/2011	Traher Munoz Cowart	Brodman	2010-134929-001 Burglary 2nd Degree, F3 Assault-Intent/Reckless/Injure, M1	1 1	Jury Trial-Guilty Lesser/Fewer

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
3/22/2011	Godley <i>Munoz</i>	Spencer	2010-128123-001 Dangerous Drug Violation, F4	1	Jury Trial-Not Guilty
3/25/2011	Traher <i>Munoz</i>	Flores	2010-135326-001 Burglary 2nd Degree, F3	1	Jury Trial-Guilty As Charged
4/1/2011	Turley <i>Sain</i>	Burke	2009-122690-001 Forgery, F4 Taking Identity of Another, F4 Theft Crdt Crd Obt Fraud Means, F5 Fraudulent Use of Credit Card, M1	1 1 1 1	Jury Trial-Guilty As Charged
4/4/2011	Farney <i>Brazinskas</i> <i>Keller</i> <i>Cowart</i>	Davis	2010-130523-001 Kidnap, F2 Indecent Exposure, F6 Molestation of Child, F2 Threat-Intimidate, M1	1 1 2 1	Jury Trial-Guilty Lesser/Fewer
4/12/2011	Farney <i>Rankin</i> <i>Cowart</i>	Roberts	2009-133502-001 Forgery, F4 Taking Identity of Another, F4	1 1	Jury Trial-Guilty Lesser/Fewer
4/15/2011	Covil <i>Munoz</i> <i>Browne</i>	Svoboda	2010-007630-001 Assault-Intent/Reckless/Injure, M1 Crim Tresp 1st Deg-Res Struct, F6	1 1	Court Trial-Guilty Lesser/Fewer
4/27/2011	Fridde <i>Munoz</i> <i>Keller</i>	O'Connor	2010-150932-001 Aggravated Assault, F4	1	Jury Trial-Guilty As Charged
4/28/2011	Traher <i>Munoz</i>	Blomo	2010-165524-001 Resisting Arrest, F6 Aggravated Assault, F4	1 1	Jury Trial-Not Guilty
4/29/2011	Farney <i>Brazinskas</i> <i>Cowart</i> <i>Shaw</i>	Warner	2010-140327-001 Aggravated Assault, F4 Aggravated Assault, F3	1 1	Jury Trial-Guilty As Charged

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
5/24/2011	Farney <i>Brazinskas</i> <i>Hales</i> <i>Ralston</i>	Stephens	2007-180091-001 Murder 2nd Degree, F1 Child/Vul Adult-Physical Abuse, F2	1 1	Jury Trial-Guilty Lesser/Fewer
5/26/2011	Walker <i>Brazinskas</i>	Spencer	2010-137017-001 Theft Crdt Crd Obt Fraud Means, F5	1	Jury Trial-Guilty As Charged
Group 3					
3/23/2011	Parker <i>Hagler</i> <i>Farley</i>	Roberts	2010-030546-001 Animal Cruelty/Work Animal, F6	1	Court Trial-Guilty Lesser/Fewer
5/13/2011	Quesada <i>Salvato</i> <i>Delrio</i>	Hannah	2010-136679-001 Burglary 3rd Degree, F4	1	Jury Trial-Guilty As Charged
5/20/2011	Colson Bublik <i>Salvato</i> <i>Delrio</i>	Brodman	2010-116040-001 Aggravated Assault, F6 Resisting Arrest, F6	1 1	Jury Trial-Guilty Lesser/Fewer
Group 4					
3/3/2011	Wallace <i>Meginnis</i>	Vandenberg	2010-119954-001 Drug Paraphernalia-Possess/Use, F6 Marijuana-Produce, F5 Marijuana-Possess/Use, F6	1 1 1	Jury Trial-Guilty Lesser/Fewer
3/16/2011	Warner Schreck <i>Meginnis</i> <i>Kunz</i>	Rummage	2006-126459-001 Criminal Damage, F5	1	Court Trial-Not Guilty
3/17/2011	Finsterwalder <i>Flannagan</i>	Brodman	2010-116953-001 Theft, F5	2	Jury Trial-Guilty Lesser/Fewer

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
3/30/2011	Becker	Davis	2010-143749-001 Misconduct Involving Weapons, F4 Aggravated Assault, F3	1 1	Jury Trial-Guilty As Charged
4/8/2011	Wallace Schreck	French	2010-153059-001 Organized Retail Theft, F4 Shoplifting, F4	1 1	Jury Trial-Guilty As Charged
4/26/2011	Kalman Flannagan	Barton	2010-065403-001 Animal Cruelty/Work Animal, M1	16	Court Trial-Guilty Lesser/Fewer
5/9/2011	Becker Flannagan	Hoffman	2010-152552-001 Aggravated Assault, F2 Dangerous Drug Violation, F4 Resisting Arrest, F6	2 1 1	Jury Trial-Guilty As Charged
5/12/2011	Stanford Curtis	Verdin	2010-154961-001 Disorderly Conduct, M1 Aggravated Assault, F5	1 1	Jury Trial-Not Guilty
5/12/2011	Warner Meginnis	Stephens	2010-160654-001 Organized Retail Theft, F4 Shoplifting, F4	2 2	Jury Trial-Guilty Lesser/Fewer
Group 5					
3/8/2011	Alagha	Rummage	2010-112274-001 Aggravated Assault, F6 Disorderly Conduct, M1	2 1	Jury Trial-Guilty Lesser/Fewer
3/9/2011	Alagha	Davis	2010-122582-001 Agg Taking Id-Person/Entity, F3 Forgery, F4	1 2	Jury Trial-Not Guilty
3/15/2011	Jackson O'Farrell	Hoffman	2010-126678-001 Aggravated Assault, F3	1	Jury Trial-Not Guilty

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
Group 6					
3/8/2011	Delatorre	Martin	2010-150285-001 Drug Paraphernalia Violation, F6 Theft-Means of Transportation, F3 Dangerous Drug Violation, F4	1 1 1	Jury Trial-Not Guilty
3/17/2011	Dapkus Godinez	Davis	2010-121695-001 Crim Tresp 1st Deg-Res Struct, F6	1	Court Trial-Not Guilty
3/17/2011	Steinfeld Springer	Warner	2010-147592-001 Aggravated Assault, F3 Attempt to Commit Armed Robbery, F3 Dschg Firearm At A Structure, F2	2 1 1	Jury Trial-Not Guilty
3/30/2011	Chiang Godinez	Hoffman	2010-135084-001 Theft-Means of Transportation, F3	1	Jury Trial-Guilty As Charged
4/1/2011	Teel	Kemp	2010-144194-001 Marijuana Violation, F6	1	Court Trial-Guilty Lesser/Fewer
4/4/2011	Dapkus Godinez	Kemp	2011-005659-001 Kidnap, F2 Aggravated Assault, F3 Robbery, F4	1 1 1	Jury Trial-Not Guilty
4/7/2011	Ramos Farrell	O'Connor	2010-130789-001 Arson of Occupied Structure, F2	1	Court Trial-Guilty But Insane
4/7/2011	Sheperd	Vandenberg	2010-140591-001 Burglary 3rd Degree, F4	1	Jury Trial-Guilty As Charged
4/8/2011	Sheperd	Anderson	2010-135089-001 Misconduct Involving Weapons, F4	2	Jury Trial-Guilty As Charged
4/11/2011	Steinfeld Godinez	Roberts	2007-173718-001 Unlaw Flight From Law Enf Veh, F5	1	Jury Trial-Guilty As Charged

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
4/13/2011	Sheperd <i>Souther</i>	Newell	2010-148889-001 Burglary 3rd Degree, F4 Burglary Tools Possession, F6	1 1	Jury Trial-Guilty Lesser/Fewer
4/15/2011	Kirchler Mullins <i>O'Farrell</i> <i>Springer</i> <i>Stodola</i>	Steinle	2009-007938-001 Leave Accident w/Death/Injury, F3 Attempt to Commit Murder 1st Degree, F2 Aggravated Assault, F3 Murder 1st Degree, F1	2 1 1 1	Jury Trial-Guilty Lesser/Fewer
5/12/2011	Teel	Verdin	2010-141986-001 Burglary 2nd Degree, F3	1	Jury Trial-Guilty As Charged
RCC					
3/25/2011	Antonson	Contes	2004-043214-001 Marijuana-Possess/Use, F6 Drug Paraphernalia-Possess/Use, F1 Drive w/Lic Susp/Revoked/Canc, M1	1 1 1	Court Trial-Guilty Lesser/Fewer
3/31/2011	Braaksma	Cahill	2010-127595-001 Drive w/Lic Susp/Revoke/Canc, M1	1	Court Trial-Guilty As Charged
4/4/2011	Braaksma <i>Trimble</i>	Cahill	2010-065398-001 DUI-Liquor/Drugs/Vapors/Combo, M1 Extreme DUI-Bac .15 -.20, M1 DUI w/Bac of .08 or More, M1	1 1 1	Jury Trial-Guilty As Charged
4/14/2011	Braaksma	Cahill	2010-152416-001 Assault-Intent/Reckless/Injure, M1	1	Court Trial-Guilty As Charged
4/20/2011	Primack	Reagan	2011-113095-001 DUI-Liquor/Drugs/Vapors/Combo, M1 DUI/Drugs/Metabolite, M1	1 1	Court Trial-Guilty Lesser/Fewer
4/27/2011	Braaksma <i>Jarrell</i>	Goodman	2010-136017-001 Fail To Comply-Court Order, M1 Disorderly Conduct, M1	1 1	Court Trial-Guilty As Charged

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(s)	Counts	Result
4/27/2011	Goodman	Sarkis	2011-108855-001 DUI-Liquor/Drugs/Vapors/Combo, M1	1	Court Trial-Guilty Lesser/Fewer
5/2/2011	Goodman	Guzman	2011-104243-001 DUI w/Bac of .08 or More, M1 DUI-Liquor/Drugs/Vapors/Combo, M1	1 1	Court Trial-Guilty Lesser/Fewer
5/4/2011	Primack	Jayne	2011-115957-001 Extreme DUI-Bac .15 -.20, M1 DUI-Liquor/Drugs/Vapors/Combo, M1 DUI w/Bac of .08 or More, M1	1 1 1	Court Trial-Guilty Lesser/Fewer
5/5/2011	Braaksma Jarrell	Goodman	2010-135683-001 Assault-Intent/Reckless/Injure, M1 Disorderly Conduct-Fighting, M1	1 1	Court Trial-Guilty As Charged
5/11/2011	Primack	Jayne	2011-115192-001 Extreme DUI-Bac .15 -.20, M1 DUI w/Bac of .08 or More, M1 DUI-Liquor/Drugs/Vapors/Combo, M1 Extreme DUI-Bac > .20, M1	1 1 1 1	Court Trial-Guilty Lesser/Fewer
Vehicular					
3/29/2011	Black Moss Renning	Svoboda	2010-115411-001 Agg DUI-Lic Susp/Rev for DUI, F4	2	Jury Trial-Guilty Lesser/Fewer
5/16/2011	Iniguez Renning	Svoboda	2010-139130-001 Aggravated DUI, F4	2	Jury Trial-Guilty As Charged
5/19/2011	Conter	Passamonte	2010-106007-001 Drug Paraphernalia Violation, F6 Aggravated DUI - Interlock, F4 Dangerous Drug Violation, F4	1 2 1	Jury Trial-Guilty As Charged
5/19/2011	Black Moss Renning	Svoboda	2010-129452-001 Agg DUI-Lic Susp/Rev for DUI, F4	2	Jury Trial-Guilty As Charged

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

Jury and Bench Trial Results

March 2011 – May 2011

Public Defender's Office – Trial Division

Closed Date*	Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i>	Judge	CR Number and Charge(s)	Counts	Result
5/25/2011	Rodak <i>Jarrell</i>	Hoffman	2010-139327-001 Misconduct Involving Weapons, F4	1	Jury Trial-Guilty As Charged
5/26/2011	Brink <i>Moss</i>	Passamonte	2009-171896-002 Agg DUI-Lic Susp/Rev for DUI, F4	2	Jury Trial-Guilty As Charged
Criminal Mental Health					
4/1/2011	Wray <i>Jarrell</i>	Kemp	2010-116261-001 Aggravated Assault, F3	1	Court Trial-Guilty But Insane



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

Jury and Bench Trial Results

March 2011 – May 2011

Legal Defender's Office – Trial Division

Closed Date*	Attorney Investigator Paralegal Mitigation	Judge	CR Number and Charge(S)	Counts	Result
3/17/2011	Beck <i>Carson</i>	Brnovich	2010-142512-001 Trafficking in Stolen Property, F3 Theft, F3	1 1	Jury Trial-Guilty As Charged
3/9/2011	Navazo Sinclair <i>Warner</i>	Harrison	2009-007778-002 Aggravated Assault, F6 Resisting Arrest, F6 Threat-Intimidate, M1	1 1 1	Jury Trial-Guilty Lesser/Fewer
3/11/2011	Crocker <i>Marino</i>	Contes	2007-172851-001 Murder 2nd Degree, F1	1	Jury Trial-Guilty As Charged
4/8/2011	Rothschild <i>De Santiago</i> <i>Marino</i>	Jones	2007-178640-001 Murder 1st Degree, F1 Attempt to Commit Murder 1st Degree, F2 Attempt to Commit Murder 1st Degree, F3 Misconduct Involving Weapons, F4	1 1 1 2	Jury Trial-Guilty Lesser/Fewer
3/25/2011	Jakobe <i>Haimovitz</i> <i>Carrillo</i>	Kemp	2010-138837-002 Armed Robbery, F2 Aggravated Assault, F3 Misconduct Involving Weapons, F4	2 2 1	Jury Trial-Guilty As Charged
4/5/2011	Collins	Harrison	2008-173996-001 Trafficking In Stolen Property, F3	1	Jury Trial-Guilty As Charged
4/18/2011	Shannon	Lynch	2010-158018-001 Burglary 3rd Degree, F4	1	Jury Trial-Not Guilty
5/4/2011	Franklin	Lynch	2010-134106-002 Marijuana Violation, F6 Drug Paraphernalia Violation, F6	1 1	Court Trial-Guilty Lesser/Fewer
5/31/2011	Storrs	Blomo	2010-102905-001 Dangerous Drug Violation, F4 Marijuana Violation, F6	1 1	Jury Trial-Guilty As Charged

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Jury and Bench Trial Results

March 2011 – May 2011

Legal Defender's Office – Dependency

Last Day of Trial	Attorney Case Manager	Judge	Case Number and Type	Result	Bench Or Jury Trial
3/24/2011	Sanders	Blakey	JD19233 Dependency Trial	Dependency Dismissed	Bench
3/1/2011	Ross	Sinclair	JD18810 Severance Trial	Severance Granted	Bench
3/3/2011	Villanueva	Bergin	JD19655 Dependency Trial	Dependency Found	Bench
3/4/2011	Ross	Hicks	JD18778 Severance Trial	Severance Dismissed	Bench
3/7/2011	Sanders	Brain	JD19698 Dependency Trial	Dependency Dismissed	Bench
3/25/2011	Ross	Sinclair	JD16162 Severance Trial	Severance Granted	Bench
3/28/2011	Anderson	Bergin	JD12346 Severance Trial	Severance Granted	Bench
3/29/2011	Anderson	Bergin	JD19635 Dependency Trial	Dependency Found	Bench
4/13/2011	Sandler	Gentry- Lewis	JD17685 Severance Trial	Severance Granted	Bench
4/25/2011	Sanders	Blakey	JD14446 Severance Trial	Severance Granted	Bench

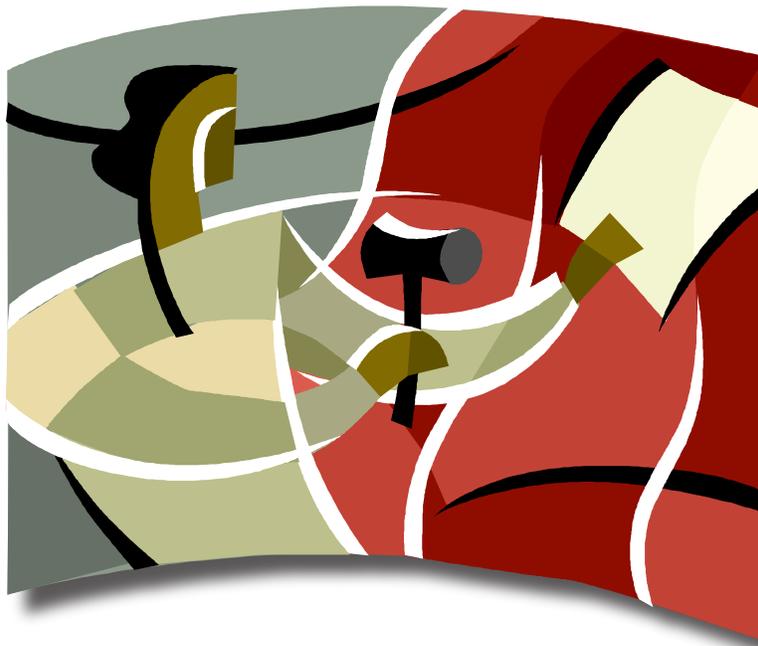


Jury and Bench Trial Results

March 2011 – May 2011

Legal Advocate's Office – Trial Division

Closed Date*	Attorney <i>Investigator</i> <i>Paralegal</i> <i>Mitigation</i>	Judge	CR Number and Charge(S)	Counts	Result
4/26/2011	Jones	McMurdie	2008-155341-001 Molestation of Child, F2 Sexual Conduct with Minor, F2	5 4	Jury Trial-Guilty Lesser/Fewer
5/16/2011	Burns Glow <i>Susorney</i>	Anderson	2007-135527-001 Murder 1st Degree, F1	1	Jury Trial-Guilty As Charged (Sentenced to Death)
5/20/2011	Glow	Contes	2008-171400-002 Murder 1st Degree, F1 Aggravated Assault, F3	1 4	Jury Trial-Guilty Lesser/Fewer
5/25/2011	Pena-Lynch Whiteside	Brodman	2010-101722-001 Aggravated Assault, F2 Aggravated Assault, F5 Resisting Arrest, F6	1 3 1	Jury Trial-Guilty As Charged



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Jury and Bench Trial Results

March 2011 – May 2011

Legal Advocate's Office – Dependency

Last Day of Trial	Attorney <i>CWS</i>	Judge	Case Number and Type	Result	Bench Or Jury Trial
3/30/2011	Rich <i>Toczek</i>	Brain	JD18200 Dependency	Severance Granted	Bench
4/1/2011	Konkol <i>Nations</i>	McNally	JD12878S Severance	Severance Granted	Bench
4/7/2011	Konkol <i>Nations</i>	Sinclair	JD119420S Dependency	Dependency Granted	Bench
4/8/2011	Todd <i>Stocker</i>	Ishikawa	JD508085 Severance	Severance Granted	Bench
4/18/2011	Todd <i>Stocker</i>	Lee	JD508026 Severance	Severance Granted	Bench
4/21/2011	Rich <i>Toczek</i>	Norris	JD18309 Severance	Dependency Granted	Bench
4/25/2011	Smith <i>Contreras</i>	Davis	JD17860 Termination	Termination Granted	Bench
4/25/2011	Smith <i>Contreras</i>	Blakey	JD17860 Termination	Termination Granted	Bench
5/5/2011	Smith <i>Contreras</i>	Coury	JD18007 & 18007 Supp	Severance Granted	Bench
5/25/2011	Todd <i>Stocker</i>	Aceto	JD507858 Severance	Severance Granted	Bench





New Attorney Training

Maricopa County Public Defender's Office
Downtown Justice Center, 620 West Jackson

Case Management Skills
Week of 8/29/2011

Trial Skills
Week of 9/6/2011

If you would like to register or if you have questions,
please contact Celeste Cogley
Phone: (602) 506-7711, ext. 37569
Email: cogleyc@mail.maricopa.gov



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for The Defense

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