

# Coconino County Attorney's Office

Fiscal Year Report 2016



*We serve the public by advocating for justice.*

# Coconino County Attorney's Office



## Fiscal Year Report 2016

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# Coconino County Attorney's Office



## Fiscal Year Report 2016

**David W. Rozema**  
**Coconino County Attorney**



Dear Citizens;

It's been another busy, productive year at the County Attorney's Office. Thank you for taking the time to read this Report!

Our felony and misdemeanor prosecution caseloads remain steady from previous years and we continue to work with the elementary schools in the areas of truancy reduction and drug prevention. We have continued to support the various Specialty Courts (e.g. Drug Court, Veteran's Court, Mental Health Court) and the success rates for those who are placed in these programs remains very high. This Report highlights these things along with some of the other accomplishments of our various Teams during the past year.

Our office culture emphasizes teamwork, collegiality and experiencing joy as we serve the public. We do our very best to treat all citizens with respect and dignity and provide them with the highest level of professionalism and legal services. For us, this work is a professional calling and we are honored to serve you.

As I am retiring at the end of this year, I want to take this opportunity to THANK YOU for the privilege of serving as your County Attorney for the past eight years. It has been an incredible experience and adventure for me. I am so grateful! Thank you and all the best to everyone in the years ahead.

Onward and Upward!

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# Coconino County Attorney's Office



## Fiscal Year Report 2016

### *About Coconino County*

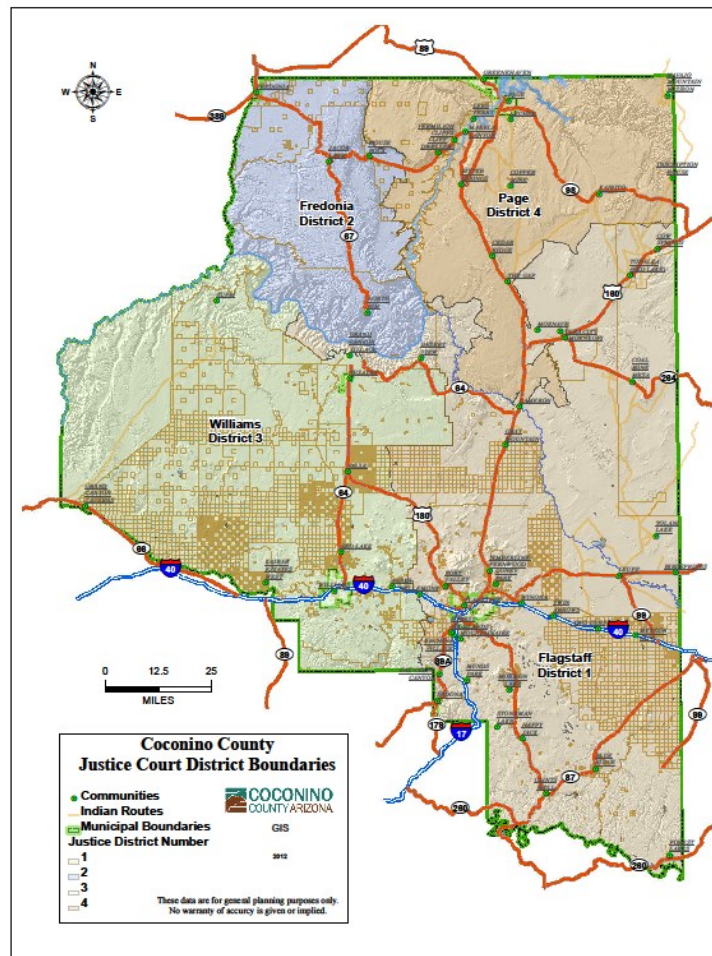
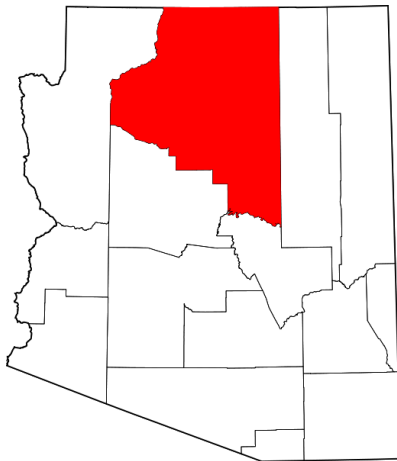
As the second largest geographic county in the United States, Coconino County is home to many diverse landscapes ranging from tall ponderosa pines to colorful deserts and everything in between. The employees and citizens who reside and work in our County are just as diverse. The name "Coconino" is derived from "Cohonino," the Hopi word for Havasupai and Yavapai. Our name represents more than one group of people, which is fitting since the different ideas and perspectives of our individuals make us so strong.

#### Quick Facts:

**Founded: 1891**

**Population: 134,511**

**18,618 square miles**



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## Fiscal Year Report 2016

### *Serving the County*

#### **Service Activities Continue to Western Navajo & Hopi**

The Western Navajo-Hopi Meth Task Force (WNHMTF) was started in April, 2006 by concerned professionals and citizens in the Tuba City area and the Coconino County Attorney's Office. Our focus is **Prevention-Education-Enforcement** on the Navajo and Hopi Nations in the areas of meth abuse and other drugs, as well as binge drinking by our youth. We look for ways to support the many fine Native professionals that are involved in this hard work on a daily basis in the fields of behavioral health, social services, education, medicine, religion and law enforcement, among others. Throughout the years our office has partnered with many groups and agencies to support a variety of prevention efforts on Western Navajo & Hopi:

Dine Boys & Girls Club ~ Meth/Suicide Prevention Initiative ~ Hopi Law & Order Committee  
Northwestern Navajo Coordinated Community Response Team  
Bodaway Gap Chapter ~ Cameron Chapter ~ Kaibeto Chapter ~ Leupp Chapter  
Upper Village of Moenkopi ~ Tuba City Local Governance Support Center

#### **County Collaborations**

During the past fiscal year, our attorneys and staff have collaborated with many agencies throughout the County. We appreciate these partnerships, both for the excellent work done by these agencies and for the opportunities we have to share important information with County citizens. Here are some of the organizations and agencies we have worked with over the past year:

Citizens Against Substance Abuse ~ Coconino County Alliance Against Drugs  
Coordinated Community Response Team to Domestic Violence & Sexual Assault (CCRT)  
Sex Assault Response Team (SART) ~ Family Advocacy Council  
Children of Incarcerated Parents ~ Domestic Violence Fatality Review Team  
Child Fatality Review Team ~ Multi-Disciplinary Team  
NAU Professor Kira Russo's Communications Course - Media and the Courts (Guest Teacher)  
Northern Arizona Center Against Sexual Assault (NACASA) ~ Northland Family Help Center  
Safechild ~ Victim/Witness Services for Coconino County

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## Fiscal Year Report 2016

### *Criminal Division*

#### **Charging**

The lawyers on the Felony Charging Team review police reports and evidence, and then decide whether to file felony charges in those cases. They conduct grand jury proceedings and route cases for preliminary hearings in the Justice Courts. Our Charging Team consists of two Deputy County Attorneys and four Legal Assistants. The lawyers in this group make charging decisions on all felony charging requests received from 17 law enforcement agencies in Coconino County. The Felony Charging Team consists of two Deputy County Attorneys, one Paralegal and four Legal Assistants.

During fiscal year 2016, the Felony Charging Team received 1812 felony charging requests. Of those, 1289 cases were charged with the remainder being referred to Justice Court or City Court, returned to Law Enforcement for further action, or declined for prosecution. The consistency and attention to detail by this team provides a solid footing for all of the felony cases that proceed through our Criminal Justice System.

#### **Felony Prosecution**

The Felony Prosecution Team provides successful prosecution of felony crime to support the safety and welfare of the citizens of Coconino County. The timely prosecution of cases assists in eliminating jail overpopulation and provides for offenders accountability. The effective administration of justice often can be accomplished with resolution of criminal matters without trial, through the voluntary acceptance of a plea agreement by a defendant or through diversion programs. Some cases require extensive litigation or trial to resolve appropriately. In fiscal year 2016, the Felony Team took ten cases to trial with excellent results: nine guilty verdicts and one acquittal. The Felony Prosecution Team consists of eight Deputy County Attorneys, one Paralegal and four Legal Assistants.



# Coconino County Attorney's Office



## Fiscal Year Report 2016

### *Criminal Division*

#### **Misdemeanor Prosecution**

The Misdemeanor Prosecution Team prosecutes misdemeanor citations issued by the Coconino Sheriff's Department, Game and Fish, Fredonia Marshalls Office, Northern Arizona University Police Department, Sedona Police Department, Arizona Parks Service, National Park Service, Coconino National Forest Service, Page Police Department, Williams Police Department, Department of Public Safety, Animal Control, Registrar of Contractors, and Arizona Liquor License and Control. Two Deputy County Attorneys and two Legal Assistants manage close to 3000 cases each year by moving these cases through the court system by offering a plea, going to trial or offering deferred prosecution programs. The Misdemeanor Attorneys appear in Flagstaff Justice Court, Page Justice Court, Fredonia Justice Court and Williams Justice Court.

#### **Juvenile Justice**

The primary goal of the juvenile system is rehabilitation. This concept encompasses not only a desire to decrease recidivism, but also to encourage the youth of our community to avoid criminal or delinquent behavior and become productive members of society. Implicit in all decisions is the ethical and professional consideration for public safety, upholding community values and standards and protecting the interests of victims. Our Juvenile Justice Team consists of two Deputy County Attorneys and one Legal Assistant.

Our truancy program, Project ATTEND, continues to be successful in reducing truancy among elementary school students. The program is designed to work with schools officials, students and parents to improve school attendance. Truancy is well known a precursor to criminal conduct later in life and regular attendance is one way to make success for each child a reality.





# Coconino County Attorney's Office



## Fiscal Year Report 2016

### *Victim Services*

#### **Victims' Rights**

In 1990, Arizona voters passed Proposition 104, a ballot initiative that amended the State Constitution, providing for a Victim's Bill of Rights. In 1991, the Arizona Legislature provided statutes to define and implement these rights which impact the victim at every stage of the criminal justice process.

#### **Victim Notification**

The County Attorney's Office is legally mandated to provide notification to crime victims of the various hearings in the criminal justice process in which they have the opportunity to exercise their constitutional rights as a crime victim. In FY16, the County Attorney's Victim Notification Legal Assistant provided services to 4862 victims and sent 41,637 notifications to victims.

#### **Victim Compensation**

The Coconino County Crime Victim Compensation Fund as administered for the County Attorney's Office by Victim/Witness Services provides compensation to crime victims for eligible expenses directly related to the victimization. Arizona crime victims may apply for financial assistance for specific out-of-pocket expenses: medical, mental health counseling, funeral, lost wages, and crime scene clean-up. In FY16, the Victim Compensation Program distributed \$131,386 to crime victims in Coconino County.

#### **Victim Advocacy**

The Coconino County Attorney's Office has contracted with Victim/Witness Services (VWS) to provide advocacy services to crime victims in Coconino County. VWS provides a variety of services for the benefit of victims, witnesses and survivors of crime and crisis including: crisis intervention, court updates for victims, education about the criminal justice process and victim rights, court escort, court appearances with the victim or on their behalf, training and community awareness relevant to crime intervention, prevention, and victim rights, victim compensation, safety planning, cell phones for victims of domestic violence, assistance with securing orders of protection, assistance with emergency shelter, transportation and other basic needs, DUI and DV Impact Panels and information and referral.

*For more information about Victims' Rights or Victim Services,  
go to our website and click on the Programs tab  
[www.coconino.az.gov/CountyAttorney](http://www.coconino.az.gov/CountyAttorney)*



# Coconino County Attorney's Office



## Fiscal Year Report 2016

### *Problem Solving Courts*

Problem Solving Courts seek specialized justice in that they address specific types of cases. But much more than that, they are one part of a larger collaboration designed to address important problems like domestic violence, homelessness, mental illness Veterans' issues and substance abuse. These courts are re-defining the roles of everyone involved in the prosecution of criminal cases, but especially the roles of judges and prosecutors. In Coconino County, we are very fortunate to work alongside many wonderful professionals and we have been able to move forward with some exciting collaborations, including:

**DUI/Drug Courts in Flagstaff and Page** - A voluntary court-supervised program for nonviolent offenders focused on substance abuse rehabilitation and community involvement. The target population is felony and misdemeanor offenders with charges involving alcohol and/or drug addictions. The goal of the Drug Court Program is to help participants achieve total abstinence from drugs and alcohol while decreasing crime and increasing public safety. The Flagstaff Drug Court is in its 14th year and the Page Drug Court just completed its third year with great success.

**Mental Health Court** - The goal of this court is to increase treatment and social services intervention for defendants with mental illnesses and to reduce the number of contacts such persons have with the criminal justice system. The court model is based in problem solving rather than punishment. The individual terms of participation for each defendant are tailored to that person's needs with the goal of successful completion of the program.

**Veteran's Court** - The mission of this court is to serve in a just manner those who have served us. The court provides assistance to our service members and veterans who find themselves in the criminal justice system and seeks to stop the cycle of arrests and jail. Many of these individuals are suffering from post-traumatic stress and other disorders. The goal of this court is to ensure a fair sentence, tempered with an understanding of the service and sacrifice that members of the military and veterans have given.

# Coconino County Attorney's Office



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### *Notable Cases*

#### **State v. Jesse Hoag**

This was a conflict case out of Mohave County wherein the defendant was a Sergeant in the Bullhead City Police Department. The victim in the case was a young Hispanic woman who had been a student of Hoag's at Mohave County Community College who was applying to be a police officer with Bullhead City. On the night of the offense, the defendant was off duty. He contacted the victim by text and coaxed her to go out with him for some drinks. She reluctantly acquiesced despite the fact that it was very late. They went across the river into Nevada to a bar where they both had some drinks. After they left the bar, she reluctantly engaged in sexual conduct with the defendant, but then thought better of it and withdrew consent to further sexual activity. She insisted that he take her home. He left the bar parking lot and headed towards her house. Along the way, and while in Bullhead City, he pulled over to the side of the road and forced himself upon her, engaging in sex without her consent. She continued to tell him to stop and take her home. After a while, he did stop and they did head towards her house until he again pulled to the side of the road and forced himself upon her. He later did take her home and apologized to her along the way. She reported the events later that day. He was convicted at trial of two counts of sexual assault and sentenced to 14 years in the Department of Corrections. The trial took place in the Mohave County Superior Court in January of 2016.

#### **State v. Ralph Edmonds**

Edmonds beat and strangled his wife to the point of unconsciousness multiple times. During the attack, the victim believed she was going to die. The victim was ultimately able to escape and run to a neighboring apartment for help. Police and medics arrived and she was taken to the hospital for treatment with obvious injuries to her face and body. Defendant was on parole at the time he committed these offenses. Defendant ultimately pled guilty to Aggravated Assault-Domestic Violence and Kidnapping-Domestic Violence and was sentenced to 17 years in prison.

#### **State v. George Azar**

Defendant Azar invited the victim over to his house, had him sit down on his living room couch, and then he shot the victim at point blank range through the head, killing him. The police quickly responded and found the defendant at the house, with the gun, and a safe full of marijuana and guns. They also found the victim still slumped over on the defendant's couch with a bullet wound to the head. The defendant claimed self-defense, saying the victim was trying to rob him. At trial, the defendant's wife testified and explained how the victim had actually owed the defendant money and was supposed to work it off, but had repeatedly flaked out, which infuriated the defendant. This was corroborated by a series of text messages and the testimony of the victim's widow. The jury convicted the defendant of 2<sup>nd</sup> Degree Murder and multiple counts of Misconduct Involving a Weapon—the defendant was a prohibited possessor because of a prior felony conviction—and Possession of Marijuana. He was sentenced to 22.5 years in prison.

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## Fiscal Year Report 2016

### *Civil Division*

#### **Civil Team Manages Many Significant Responsibilities**

Our Civil Team continues to provide top-notch, cost effective legal services to the Board of Supervisors, County Manager, County Departments and special districts, including representing the county in numerous types of litigation. Well-reasoned legal advice is the foundation for sound decision making and action taken by government. While some of our attorney's performance can be measured by the successful results obtained in claims and lawsuits brought against the county and in civil prosecutions, the greatest impact of our work is found in claims and lawsuits that do NOT happen as a result of advice given to prevent unnecessary liability exposure and to protect the county's interests in contracts and intergovernmental agreements. The Civil Team consists of four Deputy County attorneys, one Paralegal and one Legal Assistant.

On a day-to-day basis, members of the Civil Division respond to a wide variety of legal questions from elected officials, county departments, special district boards, and staff. Attendance and participation at staff and board meetings provides a contemporaneous opportunity to identify legal parameters during on-going discussions about policy issues, management issues, and board actions. Review of every contract and intergovernmental agreement ensures that the county's interests are protected; that the contracts will be enforceable and within the scope of the county or district's authority. Without County Attorney early involvement in an advisory role, the county would face the risk of greater liability exposure and the risk of financial loss.

In addition, there are several activity areas assigned by the Arizona Legislature to the County Attorney which generate a high volume of cases for the Civil Division: Petitions for Mental Health Treatment; Civil Commitments of Sexually Violent Persons; Adoptions; Petitions to Protect the Public Health; Petitions to Establish Guardianship and/or Conservatorships (on behalf of the Public Fiduciary). The County Attorney's representations in these matters helps to ensure community safety and welfare.

# Coconino County Attorney's Office



## Fiscal Year Report 2016

### *Accomplishments and Highlights*

#### **Arizona Prosecuting Attorneys' Advisory Council Spotlights**

The Arizona Prosecuting Attorneys' Advisory Council ("APAAC") is a body of individuals that provides professional development training to prosecutors throughout the state of Arizona. Each year the group recognizes nominations of employees excelling in offices throughout the state. In this past fiscal year, APAAC spotlighted four individuals from the Coconino County Attorney's Office.

Blaine Donovan, Deputy County Attorney, is the lead attorney in the Misdemeanor and Juvenile Units. In addition to the numerous cases he takes on, Blaine was recognized for his coaching and mentoring to new attorneys in the County Attorney's Office.

Melissa Fittipaldo, Senior Legal Assistant to the Felony Unit, was recognized for her high level work overseeing probation revocation court, supervising new assistants, overseeing the office's volunteer jail call program, and working homicide cases. Melissa's role in assisting the felony attorneys in trial preparation was noted as well.

Debby Floyd was recognized for her ability to provide excellent customer service to people both in person as well as on the telephone. Debby has been at the front desk of the County Attorney's Office for over 7 years.

Sandy Klotz, Victim Notification Legal Assistant, was recognized by APAAC for her patience, compassion, and knowledge in working with victims to help them understand the cases in which they are involved.

#### **National Public Service Awards**

The American Society for Public Administration (ASPA) and the National Academy of Public Administration proudly established the National Public Service Awards (NPSA) in 1983 to honor individuals who make outstanding contributions and whose accomplishments can be viewed as models of public service within and outside the work environment. On June 14, 2016, awards were presented to Brian Furuya, Deputy County Attorney, as a participant in the Special Taxing District Team, Deputy County Attorneys Nick Buzan and Daniel Garcia, Page and Fredonia DUI Drug Court Team, and Robin Boldizar, Elissa Gonzalez-Olson and Francine Honanie for their work with the Electronic Charging Request Team.



# Coconino County Attorney's Office



## Annual Report 2016

### *Community Outreach*

#### **Citizen Prosecutor Academy**

We continue to conduct our Citizen Prosecutor Academies throughout the year. These one-day events provide citizens with the opportunity to “come into the office” and learn more about how we serve the public. In addition to the Citizen Prosecutor Academy, in the past we have conducted Advanced Academies which provide more in-depth coverage of topics not included the day-long academy. Visit our website for more information and upcoming dates.

[www.coconino.az.gov/CountyAttorney](http://www.coconino.az.gov/CountyAttorney)

#### **Volunteer Program**

In 2016, the County Attorney's Office welcomed volunteers into the office. Last year the volunteers logged over 715 hours working on several different projects. When asked why she gives her time, one volunteer stated, “I volunteer at the County Attorney's Office because of the dedicated staff of professional people who are hard-working and passionate about what they do. The work that I do enables the attorneys and legal assistants to focus on higher-leveraged work I am not qualified to do.”

#### **County Attorney's Annual Live Drug Free Poster Contest**

The contest, held each fall in conjunction with the anti-drug campaign “Red Ribbon Week”, is open to all Coconino County sixth graders. In October 2015, students from all over the county submitted close to 400 posters. The County Attorney's Office assembled a selection committee, consisting of police officers, scholars and prominent community members. The selection committee had a difficult time narrowing the field, but was eventually able to select the winning posters, as well winners from each school that participated. The winning posters are depicted on a colorful 2016 wall calendar, along with a list of the names of the winners from each participating school. The wall calendar is available free at the County Attorney's Office or can be viewed at [www.coconino.az.gov/CountyAttorney](http://www.coconino.az.gov/CountyAttorney)



Grand Prize Winner  
Loren Talayumptewa  
Tuba City Junior High  
School



Second Prize Winner  
Sara Fowler  
Page Middle School



Third Prize Winner  
Ellie Pearce  
Grand Canyon School

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Photo courtesy of Eliza Van Dyk

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