

# Coconino County Attorney's Office

Annual Report Fiscal Year 2011-2012



*We serve the public by advocating for justice.*

# Coconino County Attorney's Office



## Annual Report Fiscal Year 2011-2012

### Table of Contents

County Attorney Message	3
About Coconino County	4
Serving the Entire County	5
Criminal Division	
Charging	6
Felony Prosecution	6
Misdemeanor Prosecution	7
Juvenile Justice	7
Victim Services	8
Problem-Solving Courts	9
Notable Cases	10
Civil Division	11
Accomplishments and Highlights	12
Community Outreach	13



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



Dear Citizens;

This past fiscal year is best characterized as one of significant accomplishment by the office in the midst of increasing caseloads and budget tightening.

We successfully prosecuted many serious felony cases, including some that were resolved by jury trial (three are highlighted in this report). Two of our Criminal Deputy Prosecutors received significant statewide awards and recognition (Felony Prosecutor of the Year and Drug Prosecutor of the Year). Our criminal caseloads are trending back up after some slight reductions in recent years, but the exception is seen in juvenile court filings which are significantly down. We hope this is due, in part, to our prevention efforts and diversion programs (see ATTEND Program in this report). Our civil legal division continues to provide sound legal advice to dozens of clients (Board of Supervisors, etc) covering a diverse and wide spectrum of legal topics and issues. Our Civil Attorneys received National Public Service Awards this past year for demonstrating highest standards of excellence, dedication and accomplishment.

We have proudly partnered with many other agencies to develop new Diversion Courts, specifically the Mental Health Court and Veteran's Court. The DUI/Drug Courts in Flagstaff and Page continue to operate at near capacity and with great success. We have increased our community outreach and prevention efforts and were recognized for these efforts by being selected for Community Partner awards from the Coordinated Community Response Team (domestic violence and sexual assault) and the Northern Arizona University Department of Criminology and Criminal Justice (collaboration with faculty and students).

I am very proud of the team of committed professionals we have in place at our office who serve Coconino County with big hearts. Thank you for the opportunity to be your County Attorney!

Sincerely,

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### About Coconino County

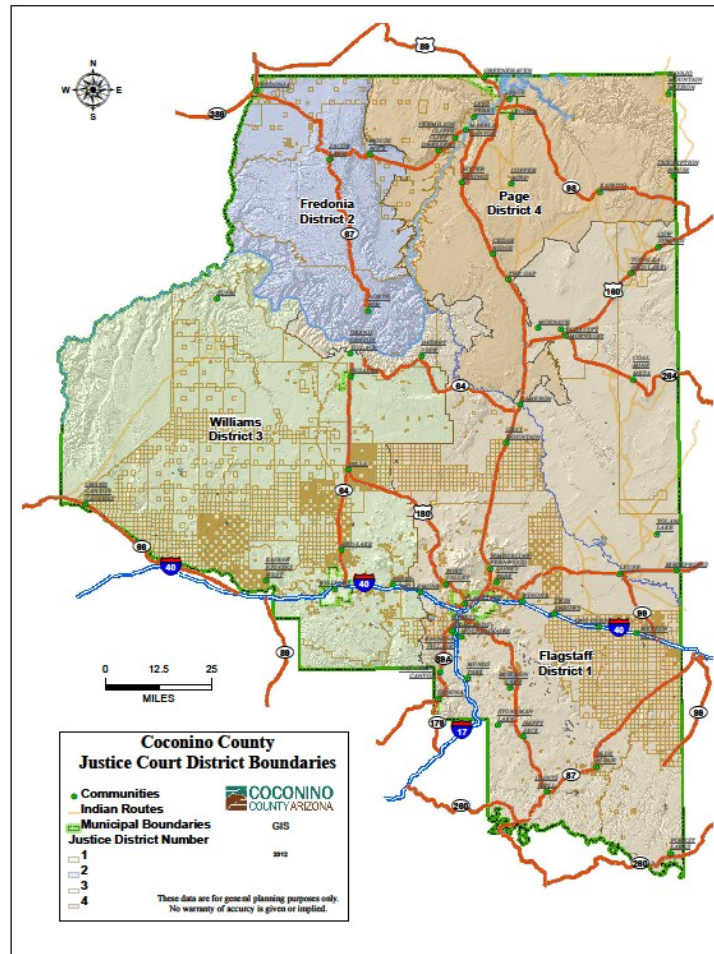
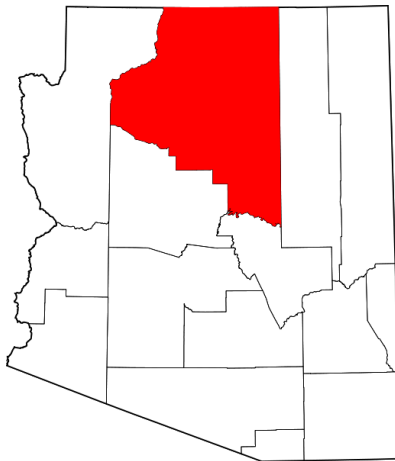
As the second largest geographic county in the United States, Coconino County is home to many diverse landscapes ranging from tall ponderosa pines to colorful deserts and everything in between. The employees and citizens who reside and work in our County are just as diverse. The name "Coconino" is derived 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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### *Serving the Entire County*

#### **Office Hours in Page and on Navajo and Hopi Nations**

County Attorney David Rozema is in his fourth year of conducting monthly office hours in Page. This has been a great experience meeting with citizens, hearing their concerns and sharing information. In June 2012, office hours were changed to the second Monday morning of each month. Dave also continues to conduct regular office hours with Supervisors Mandy Metzger and Lena Fowler at various locations on the Navajo and Hopi Nations. They believe this type of outreach is important to the more rural communities in our county.

#### **Citizen Prosecutor Academy comes to Page**

In July 2011 we presented our full-day Citizen Prosecutor Academy in Page. Then in January 2012 we were in Page again, presenting an Advanced Citizen Prosecutor Academy focusing on Juvenile Justice. For more information about the Citizen Prosecutor Academy, see page 13.

#### **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 year 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 ~ Greyhills Academy High School  
Bodaway/Gap Chapter ~ Kaibeto Chapter ~ Cameron Chapter ~ Upper Village of Moenkopi  
Local Governance Support Center ~ Youth Basketball Tournaments (Ward Tsinigine)

The WNHMTF continues to work with community members to remove graffiti from locations throughout the Navajo and Hopi Nations. Graffiti damages the heart and spirit of the community. By painting over the graffiti, we send an uplifting message to citizens that we all care about each other and where we live. Our community liaisons help maintain these efforts by removing new graffiti when it appears in their respective communities.

#### **Deputy County Attorney Christopher Deschene assigned to Page, AZ**

In May 2012 we were pleased to welcome Chris Deschene to our team as Deputy County Attorney. Chris will handle cases in Page Justice Court and oversee the Fredonia/Page DUI/Drug Court. He will also act a liaison for our office by attending Chapter and other meetings on Indian Country.

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### *Criminal Division*

#### **Charging**

The lawyers on the 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 (approximately 2000 cases per year).

#### **Felony Prosecution**

The Felony Prosecution Team successfully prosecutes felony crime to provide for the safety and welfare of Coconino County. Timely prosecution of cases assists in reducing jail overpopulation and providing for offender accountability. The Felony Prosecution Team consists of eight Deputy County Attorneys, one part-time Paralegal and four Legal Assistants.

Some cases require extensive litigation or trial to resolve appropriately. In FY12, the Felony Team took 15 cases to trial with excellent results: thirteen (13) Guilty Verdicts, one Not Guilty Verdict and one Mistrial.



# Coconino County Attorney's Office



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### *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 Prosecutors and two Legal Assistants manage over 3000 cases each year by moving these cases through the court system by offering a plea, going to trial or offering deferred prosecution programs. Our 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 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.



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## Annual Report Fiscal Year 2011-2012

### *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 passed statutes to define and implement these rights which impact the victim at every stage of the criminal justice process. Victim Notification provides legally mandated 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 FY12, the County Attorney's Victim Notification Legal Assistant provided services to 3372 victims and sent 35,346 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 FY12, the Victim Compensation Program paid out \$194, 088 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)*



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## Annual Report Fiscal Year 2011-2012

### *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, 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. To the extent that judges and prosecutors are willing to adapt and change from traditional roles, this will greatly impact how effective and successful Problem Solving Courts will be. 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 12-month program includes an intensive outpatient treatment program consisting of counseling, recovery support groups, urinalysis tests, and a victim impact panel. 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 twelfth year and the Page Drug Court just completed its second year with great success.

**Mental Health Court** - The goal of this new program 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 new 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.

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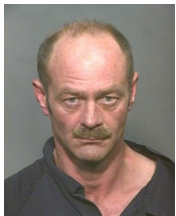
### *Notable Cases*

#### **State vs. Tyrone Wilson**



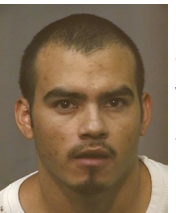
Tyrone Wilson attacked an NAU freshman as she walked to her dormitory alone at night. He grabbed the victim from behind, choked her, dragged her into the woods, and raped her. Mr. Wilson was charged with five counts of Sexual Assault, and one count each of Kidnapping, Sexual Abuse, Aggravated Assault and Endangerment. At trial, the jury found him guilty and he was sentenced to 69.5 years in prison.

#### **State vs. Douglas Fuqua**



Douglas Fuqua victimized his own wife during a prolonged Domestic Violence incident. He physically assaulted her repeatedly, beating her with a plastic mug until the mug broke. When she eventually tried to flee, he chased her down on his ATV, rammed her car off the road, and forced her to return to his house on the ATV. Back at the house, he put a .22 rifle to her head and threatened to kill both her and the police when they showed up. Mr. Fuqua was charged with Kidnapping and two counts each of Assault, Aggravated Assault, Felony Criminal Damage, and Misconduct Involving a Weapon. At trial, the jury found him guilty and he was sentenced to 36.5 years in prison.

#### **State vs. Martin Rivera-Longoria**



Martin Rivera-Longoria committed child abuse against the 4 year-old, 2 year-old, and 10 month-old daughters of his girlfriend while the girls were left in his care when their mother went to work. Over a seventeen-day period in which he was supposed to be caring for the girls, the 10 month-old victim suffered 14 broken ribs, two skull fractures, a broken jaw, and a broken leg. Mr. Rivera-Longoria broke the infant victim's bones in repeated episodes of severe physical abuse. Then, while his girlfriend worked on Valentine's Day, he beat the baby so badly that her small intestine was severed from the impact against her spine. Mr. Rivera-Longoria then pretended that nothing was wrong, leaving the nearly dead infant to be found by her mother when she returned home from work. The infant coded repeatedly both en route to the hospital and while in surgery. She was saved but endured months of hospitalization, years with a feeding tube, and her rehabilitation continues to this day. Mr. Rivera-Longoria was found guilty at trial and sentenced to 101 years in prison.

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## Annual Report Fiscal Year 2011-2012

### *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 part-time Paralegal and one Legal Assistant.

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.

#### **Civil Deputies Receive 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. The National Public Service Awards program recognizes individuals who exhibit the highest standards of excellence, dedication, and accomplishment over a sustained period of time and who are creative and highly skilled career managers at all levels of the public service.

Senior Civil Deputy Jean Wilcox and Deputy County Attorney Michelle D'Andrea were recipients of a 2012 National Public Service Award for their legal work with the Schultz Flood and Fire. The award, presented by the County Manager and County Board of Supervisors, recognized the two attorneys for aiding in the establishment of policies and protocols and for negotiating agreements to mitigate the impact of the 2010 Schultz fire and floods.

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# Coconino County Attorney's Office



## Annual Report Fiscal Year 2011-2012

### *Accomplishments and Highlights*

#### **Prosecutor Awards**

Two of our felony prosecutors received statewide recognition in FY12. Jonathan Mosher, Senior Trial Attorney for the office, was awarded Prosecutor of the Year for Rural Counties by the Arizona Prosecuting Attorneys' Advisory Council. This significant award results from Jonathan successfully trying several major cases during the past year. Deputy County Attorney Marianne Sullivan received the Prosecutor of the Year award from the Arizona Narcotics Officers Association for her efforts in prosecuting cases against neighborhood drug dealers.

#### **Community Partner Awards**

In May 2012, the Coconino County Attorney's Office was selected as "Community Partner" by the Coordinated Community Response Team (CCRT) to domestic violence and sexual assault and the Department of Criminology and Criminal Justice (CCJ) at Northern Arizona University.

The CCRT chose the County Attorney's Office for its 2012 Community Partner Award based on the office's partnership and support in addressing sexual violence in the community and its exemplary service to crime victims in Coconino County. "The County Attorney's Office has evolved into a model community collaborator, which ultimately benefits crime victims in our communities. We greatly appreciate the County Attorney's willingness to partner with agencies for the betterment of everyone", said Sonya Burkhalter, Executive Director for Northland Family Help Center.

The CCJ selected the County Attorney's Office as its 2012 Community Partner in recognition of the office's collaboration with the CCJ and its support to students. "The Department of Criminology and Criminal Justice is grateful for the generosity and expertise that the County Attorney's Office has shown to faculty and students, and it looks forward to many more years of collaboration", said Dr. Robert Schehr, Professor, Department of Criminology and Criminal Justice.

#### **Awarded "Best of 2011" by OSAM Document Solutions**

The Coconino County Attorney's Office was awarded the "Best of 2011" from OSAM Document Solutions Inc. for implementing a solution to introduce imaging and reduce copying of documents. This includes an automated redaction process that replaces the very manual process that existed in our paper world. This new process will dramatically reduce the number of paper copies previously produced in the office.

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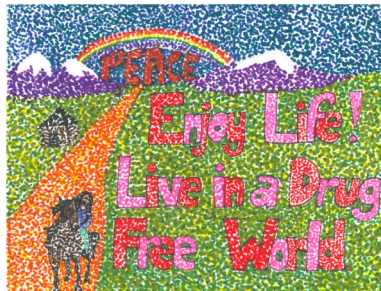
### *Community Outreach*

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

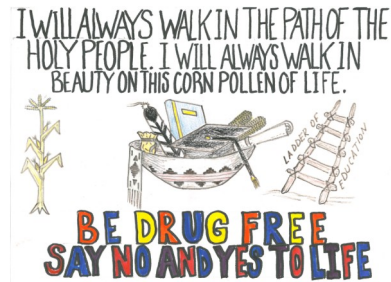
The contest, held each fall in conjunction with the anti-drug campaign "Red Ribbon Week", is open to all Coconino County sixth graders. In FY12, students from all over the county submitted over 400 posters. The County Attorney's Office assembled a selection committee, consisting of police officers, scholars 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 2012 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  
Faith Bublitz  
San Francisco de Asis  
Catholic School



Second Prize Winner  
Brooke Pacheco  
Montessori Schools  
of Flagstaff



Third Prize Winner  
Tori Fulton  
Eagle's Nest  
Intermediate School

#### **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. This year we added an Advanced Citizen Prosecutor Academy. These one-evening sessions provide an in-depth focus on topics that we do not cover in the one-day Academy. In January 2012 (Flagstaff) and April 2012 (Page) we presented an Advanced Academy on Juvenile Justice. Visit our website for more information.

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

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COCONINO COUNTY ATTORNEY'S OFFICE  
JANUARY 2012

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