

March 14, 2022

**VIA HAND-DELIVERY  
AND ELETRONIC MAIL**

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**VIA HAND-DELIVERY ONLY**

Jennifer Liewer  
[home address withheld for privacy]

**VIA ELECTRONIC MAIL ONLY**

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**NOTICE OF CLAIM PURSUANT TO A.R.S. § 12-821.01**

**Claimants:** Keisha Acton, Nathan Aderholdt, Britney Austin, Dominic Bonelli, Lee Percy Christian, Ryder Collins, Bruce Franks, Jr., Jessica Gibson, Milton Hasley, Jonah Ivy, Camille Johnson, Amy Kaper, Marysa Levya, Nathaniel Llanes, William Reed, Christopher Roberson, Malyka Shively, Sarra Tekola, Ryan Tice, Brandon Valentin, Kalixta Villasaez, and Richard Villa.

**Against:** Maricopa County  
Jennifer Liewer  
Candice Copple

**Demand:** **\$3,500,000.00 per Claimant**

Dear Sirs and Madams:

As you know, this law firm represents the 22 claimants named above (the “Claimants”)—all non-violent First Amendment demonstrators who were defamatorily labeled as “rioters,” wrongfully arrested for crimes they did not commit, and conspiratorially prosecuted for major felony charges based on false testimony concocted by Phoenix Police officers and Maricopa County prosecutors.

As a result of the combined actions of Phoenix Police Officers and Maricopa County prosecutors, all 22 of our clients faced felony prosecutions for crimes they did not commit—many of them facing decades of possible prison time. The conspiracy continued unabated until exposed by ABC15’s “Politically Charged” investigation. A series of inquiries followed, revealing the direct participation of high-level officials at both agencies: at least three former PPD Assistant Chiefs, multiple PPD commanders and lieutenants, an MCAO Division Chief, and an MCAO Bureau Chief.

We are writing today about our discovery of a possible involvement of yet more participants at MCAO: Allister Adel’s Chief of Staff, Candice Copple, and her recently departed Communications Director, Jennifer Liewer.

We send this letter today pursuant to Arizona’s Notice of Claim statute, A.R.S. § 12-821.01. This Notice is intended to facilitate your investigation, assessment of liability, and settlement of these claims prior to litigation, and to assist with the City’s planning and budgeting. *See Vasquez v. State*, 220 Ariz. 304, 206 P.3d 753 (App. 2008). Please let us know immediately if you need any additional information to assist your analysis of these claims, and we will be happy to provide it.

## **BACKGROUND**

A civil conspiracy arises under Arizona law when two or more people agree to accomplish an unlawful purpose or agree to accomplish a lawful purpose by unlawful means. That a conspiracy occurred in the fall of 2020 is no longer in dispute: Investigations by Ballard Spahr and Judge Roland Steinle have both reached the firm conclusion that personnel at MCAO and PPD conspired to fabricate a fictional gang and prosecute Black Lives Matter protestors for crimes they did not commit.

The lingering question from those investigations was how far that conspiracy spread—in particular, who was involved and for how long? Information our office received in a December 14, 2021 document production from MCAO suggests that it might have extended significantly further than previously believed.

### ***1. May 2020 Arrests***

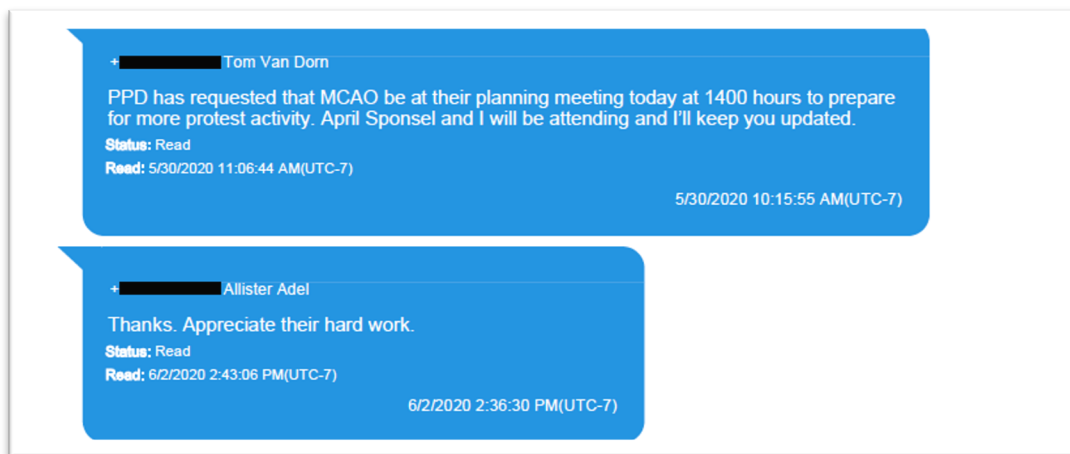
Until recently, it was believed that PPD's and MCAO's coordination regarding the targeting of protestors did not begin until July of 2020. The newly produced documents suggest, however, that the PPD-MCAO conspiracy to maliciously target, arrest, and charge protestors might well have begun at the very initiation of protests following the George Floyd/Dion Johnson uprisings.

Recently disclosed text messages reveal that on May 30, 2020 Deputy County Attorney April Sponsel and First Responder Liaison Tom Van Dorn planned to meet with Phoenix Police Department officials to discuss PPD's planned protest response that evening. Tellingly, before anyone was even arrested, Tom Van Dorn began labeling protest-related cases as "rioting/unlawful assembly cases."

Received - Tom (personal) Van Dorn - May 30, 2020 at 10:27 AM - (iMessage)  
To loop in the whole team, PPD has requested that MCAO be at their planning meeting today at 1400 hours for more protest activity tonight. Both April Sponsel and I will be attending. Jen, the First Responder Bureau thus far is taking these cases as the rioting/unlawful assembly cases also have assault on officers charges attached. Last night we had 2 people that were booked and are preparing for submittals as PPD identifies more folks from videos. Keep everyone updated.

It appears that Van Dorn did not plan this meeting in a vacuum: He specifically advised his boss, County Attorney Allister Adel and Assistant County Attorney Ken Vick.

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A matter of mere hours after this meeting presumably concluded, PPD implemented a far-reaching, resource-intensive plan to mass-arrest protestors. As you know, they rounded up, arrested, handcuffed, detained, transported to jail, and booked into custody approximately 120 people. And as most of Maricopa County now knows, they famously did so by using the same, fabricated “cut-and-paste” probable cause statement, broadly accusing every arrested person with the same offense: Riot.

That DCA Sponsel and Director Van Dorn met with PPD a matter of hours before these mass arrests is unsettling. But it is hardly surprising. As Judge Steinle famously concluded in his investigative report into the First Responder’s Bureau, MCAO—and, in particular, DCA Sponsel—had improperly drafted and provided “cut & paste” Form IV probable cause statements to PPD in other cases. Noted Steinle,

*“Charges should reflect the actions taken or not taken by the individual protestor. By escalating the charges to Riot, the County Attorney now treated all protestors with the same broad brush.” (Steinle Report, p.44).*

These messages are certainly not conclusive evidence of MCAO’s involvement in these “cut and paste” arrests. But you, as the County, are in the best position to assess that. And from our vantage point it is beginning to look like the mass arrests that took place on May 30, 2020 were the genesis of the pattern of political prosecutions at the heart of this conspiracy.

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## 2. Executive Tracking of Protest Arrests

MCAO emails reveal two more curiosities. First, that MCAO had an internal policy of referring to all protestors as “rioters”—and all cases against protesters as the “riot cases” (including those cases that involved no allegation of a riot occurring). And second, that, despite County Attorney Adel’s public disavowal of knowledge of these cases, her staff was implementing measures to permit these cases to be tracked at the highest levels.

On July 29, 2020, DCA Sponsel sent an email to FRB Bureau Chief Sherry Leckrone and Communications Director Liewer, providing an update on the “riot” cases being pursued by the First Responders’ Bureau. The subject of the email is “Riot Cases Update 7.8.docx” which implies it might have been created (or updated) in early July.

A few days later, Jennifer Liewer forwarded a spreadsheet, created by Ken Vick, to Sponsel and Leckrone to keep track of protest cases. Director Liewer specifically noted that the new document was needed to make “*executive review*” easier.

**From:** Jenniter Liewer  
**Sent:** Tuesday, August 4, 2020 2:55 PM  
**To:** April Sponsel <[Sponsela@mcao.maricopa.gov](mailto:Sponsela@mcao.maricopa.gov)>; Sherry Leckrone <[Leckrons@mcao.maricopa.gov](mailto:Leckrons@mcao.maricopa.gov)>  
**Cc:** Ken Vick <[VICK@mcao.maricopa.gov](mailto:VICK@mcao.maricopa.gov)>  
**Subject:** RE: Riot Cases Update 7.8.docx

Hi April and Sherry,  
Thanks so much for your work on these cases. I know they have been very time intensive.

Ken created the attached document based on the information you shared in the word doc. I looked up a few of the cases with no charges listed and added that information per PBK to the excel sheet, as well.

Please work with the attached document moving forward to track these cases. For executive review, the word document is too difficult to follow.

Thanks and let me know if you have any questions or issues.

Jennifer

PRR SUPP-000512



**Jennifer Liewer**  
Communications Director  
Email: [Liewerj@mcao.maricopa.gov](mailto:Liewerj@mcao.maricopa.gov)  
Phone: 602- [REDACTED] | Mobile: 602- [REDACTED]  
225 West Madison  
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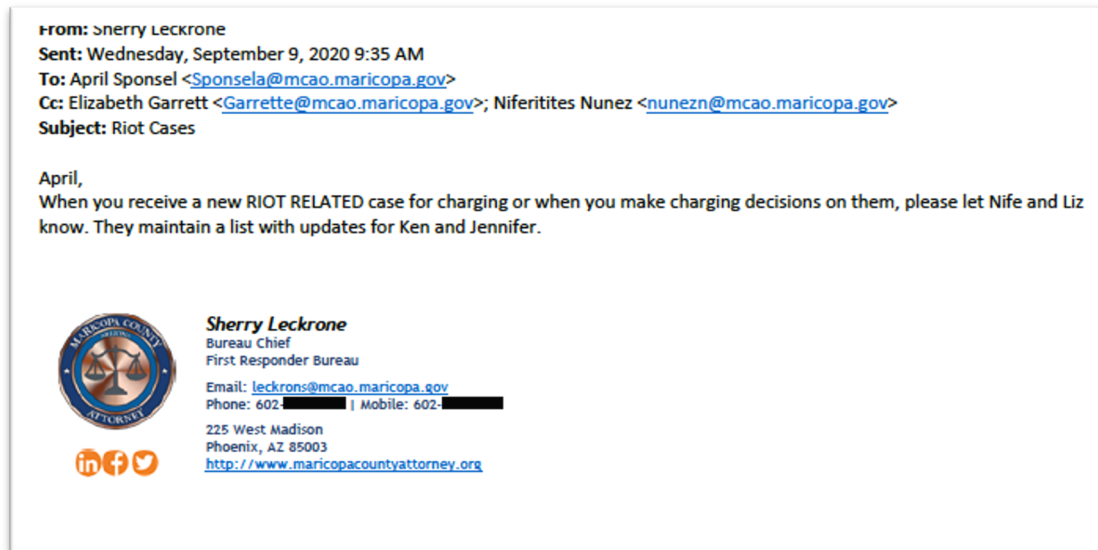
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**From:** April Sponsel <[Sponsela@mcao.maricopa.gov](mailto:Sponsela@mcao.maricopa.gov)>  
**Sent:** Wednesday, July 29, 2020 10:41 AM  
**To:** Sherry Leckrone <[Leckrons@mcao.maricopa.gov](mailto:Leckrons@mcao.maricopa.gov)>  
**Cc:** Jennifer Liewer <[liewerj@mcao.maricopa.gov](mailto:liewerj@mcao.maricopa.gov)>  
**Subject:** Riot Cases Update 7.8.docx

Hi Sherry,

Here is an update for the Riot cases. I have two more to look at but this is the update so far. Thanks

Later communications appear to confirm that this tracking sheet was, in fact, regularly reviewed by Ken Vick and Jennifer Liewer:



In the interest of protecting the reputations of others falsely accused by MCAO, we have not attached MCAO's "Riot Tracker" spreadsheet to this Notice of Claim. It is noteworthy, however, that the individuals falsely arrested on May 30, 2020 were included on this tracking spreadsheet even through their cases were dismissed at their Initial Appearances. But the sheet was not limited to those individuals. Indeed, it appears to include every protestor arrested since the beginning of the 2020 Black Lives Matter Protests.

This tracks with the fact that multiple protest-related cases prompted DCAs Michaud and Sponsel to draft "High Profile Memos." Protest-related cases were also considered for a press release by the office. And on at least one occasion, MCAO Communications Director Jennifer Liewer even asked to attend individual protesters' bond hearings in-person.

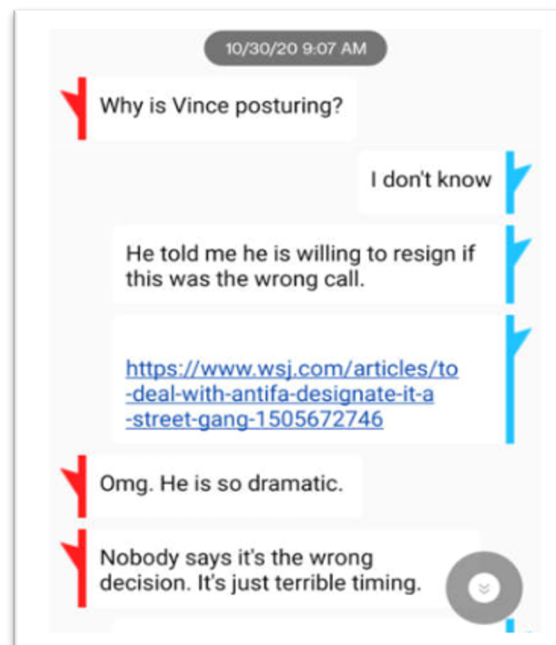
### ***3. Early Ratification and Enthusiasm From MCAO Leadership Despite Their Expressed Concerns About DCA Sponsel's Bias***

These newly produced documents continue filling out the picture of the height of this conspiracy. They confirm that, contrary to public messaging efforts, County Attorney Adel, Assistant County Attorney Ken Vick, and Deputy County Attorney Ryan Green clearly had *actual knowledge* of these prosecutions, and the legal theories underlying them, months before the conspiracy was exposed by ABC15's reporting. Curiously, despite her

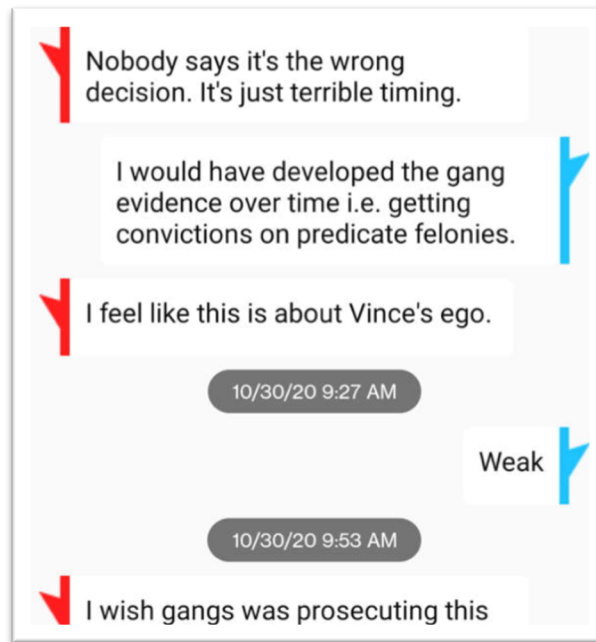
public relations role, Director Liewer is involved in nearly all of these early communications.

On October 30, 2020—three days after DCA Sponsel and PPD officers manipulated a grand jury into believing that protestors were members of a fictional street gang—Training and Appeals Division Chief Ryan Green messaged Jennifer Liewer about the charges. He implied that it was MCAO Division Chief Vince Goddard who made “the call” within MCAO to charge the prosecutors as a criminal street gang, and apparently felt so strongly about it that he was “willing to resign” if he was wrong.

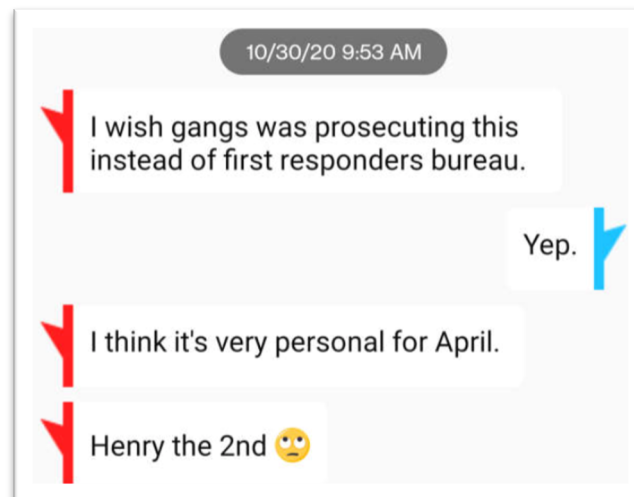
Director Liewer’s response is telling: She suggests that MCAO stands behind the charges, relaying to DCA Green that “no one is saying” that the decision to charge protestors was “wrong.” Rather, it is just “terrible timing” (seemingly referencing the pending election in which County Attorney was facing a difficult challenger).



Division Chief Green—who Judge Steinle would later be celebrated as the lone voice of reason objecting to the plan to charge protestors as a gang—betrayed a possible reason for his objection at that meeting. It appears that Division Chief Green didn’t disagree with the idea of charging protestors as a criminal street gang; he just disagreed with the methodology. After forwarding a link to an article titled “To Deal With Antifa, Designate It A Street Gang,” DCA Green outlined for Director Liewer how he would have pursued the bogus gang charges in a manner more likely to succeed:



After this exchange, Director Liewer and Division Chief Green agreed on one thing: the impropriety of FRB and April Sponsel handling these cases. Director Liewer speculated that these prosecutions were “very personal” for DCA Sponsel—seeming to reference her long-standing pro-police bias and personal connections to police.



Later that same day, Chief Ken Vick, Investigations Director Van Dorn, Chief of Staff Candice Copple, and Director Liewer communicated while they watched a small

press conference, attended by approximately 10-20 people, that was held by local social justice organization, W.E. Rising, and broadcast via the group's Facebook livestream.<sup>1</sup>

After some commentary about the participants' appearances, the group made specific note of Lee Percy Christian's attendance. They discussed his release conditions (which high-level executives at MCAO were apparently well versed on). They talked about community organization Poder in Action. And they questioned whether news of the recent gang charges had come up during the press conference:

Received - Tom (personal) Van Dorn - October 30, 2020 at 12:51 PM - (iMessage)  
Laughed at "I don't mean to be superficial, but I kept waiting for the person on the left side of the FB screen to start tap dancing... that vest and shoes!!! "

Received - Ken Vick - October 30, 2020 at 1:03 PM - (iMessage)  
I know you're surprised but I didn't watch. Any mention of the new charges?

Received - Candice Copple - October 30, 2020 at 1:09 PM - (iMessage)  
I didn't hear anything...

Received - Tom (personal) Van Dorn - October 30, 2020 at 1:10 PM - (iMessage)  
Yes, it was mentioned by spokesperson for Poder in Action

Received - Candice Copple - October 30, 2020 at 1:10 PM - (iMessage)  
Oops

Sent - October 30, 2020 at 1:29 PM - (iMessage)  
There weren't many people there because it was strictly a news conference. The last person who spoke was Lee Percy Christian and he's legally not allowed to be a protests.

I've got inquiries from ABC15 and Phoenix New Times so far.

Sent - October 30, 2020 at 1:33 PM - (iMessage)  
Are we going to be able to get a statement approved by Allister by 4 or so? I'm working on one now.

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<sup>1</sup> The video is still available for viewing at:

<https://www.facebook.com/TheWerisingproject/videos/2794552707486866/>

Then, Chief DCA Vick, Director Liewer, Director Van Dorn, and Chief of Staff Copple seemingly began to scramble to confirm whether indictments had been served, so that County Attorney Adel could release her own media statement without raising their own legal concerns. Additional texts suggest that “the CA” (presumably County Attorney Adel) was not only well aware of these discussions—but was actively awaiting word on when the statement would be issued.

Sent - October 30, 2020 at 4:25 PM - (iMessage)  
What a mess.

Received - Ken Vick - October 30, 2020 at 4:34 PM - (iMessage)  
Have we told the CA there will be no info release today? She was waiting.

Received - Tom (personal) Van Dorn - October 30, 2020 at 4:36 PM - (iMessage)  
I haven't

Received - Ken Vick - October 30, 2020 at 4:40 PM - (iMessage)  
Release conditions \$5k. Here's what April said, the judge found no PEPG that force was used because the bombs were thrown more into the air than at the police. If that is an accurate statement it is an absurd ruling. The statute does not require force directed at the police.

Received - Tom (personal) Van Dorn - October 30, 2020 at 4:41 PM - (iMessage)  
Emphasized “Release conditions \$5k. Here's what April said, the judge found no PEPG that force was used because the bombs were thrown more into the air than at the police. If that is an accurate statement it is an absurd ruling. The statute does not require force directed at the police. ”

Received - Tom (personal) Van Dorn - October 30, 2020 at 4:41 PM - (iMessage)  
agreed. Jen, are you texting CA that nothings going out

Sent - October 30, 2020 at 4:41 PM - (iMessage)  
On the phone w April now.

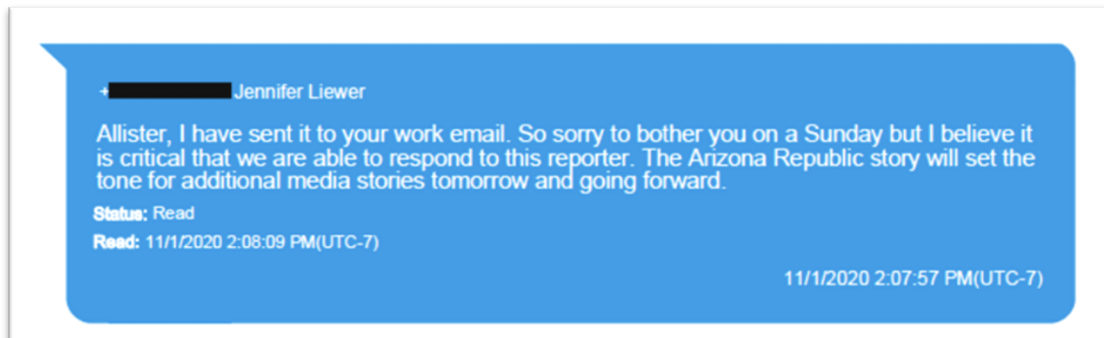
Received - Ken Vick - October 30, 2020 at 4:42 PM - (iMessage)  
I did it.

**4. *Internal Emails regarding responses to Arizona Republic article suggests County Attorney Adel's actual knowledge of the gang charges.***

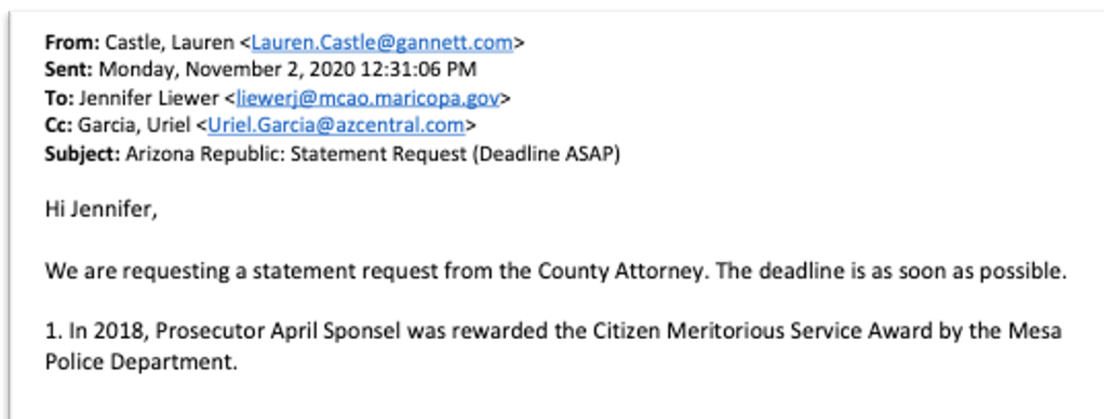
Discussions within MCAO leadership would unfold in the following days, in response to an upcoming Arizona Republic story about the gang charges. They seem to undermine any suggestion that County Attorney Adel had only a “snippet” of information about the gang charges, as she would later claim in attempting to distance herself from the scandal. They would also further cement Director Liewer's and Chief of Staff Copple's roles in the conspiracy.

On Sunday, November 1, 2020, Director Liewer messaged Adel about contact from the Arizona Republic, which was requesting comment for an upcoming story. Director

Liewer specifically voiced her desire to “set the tone for additional media stories” and indicated it was “critical” to get the reporter a response.



At 12:31 p.m. the next day, Arizona Republic journalist Lauren Castle sent an email to Director Liewer asking a number of pointed questions of County Attorney Adel and seeking official comment.



[continued on following page]

"Sponsel's hard work on this case serves as a harsh warning to other gang members in the Mesa area that severe penalties will be sought in gang-related criminal cases," according to former County Attorney Bill Montgomery in the August 2018 Justice for All.

**Was April Sponsel placed on this case to specifically charge protestors with gang crimes? Did the County Attorney Adel know prosecutor April Sponsel was going to add street gang charges to the case against several protestors? Is MCAO trying to stop people from protesting against law enforcement?**

**2. Who approves charging decisions by prosecutors? Who approved Sponsel's charging decisions? How does this reflect on the County Attorney's goal to improve the office regaining the trust of communities of color, working toward criminal justice reform, and decreasing racial disparities in prosecution?**

3. Prosecutor April Sponsel is married to DPS officer Alfonso Galindo. Her husband was recently shot at and MCAO didn't take on the investigation due to conflicts.

**Why did MCAO allow Sponsel to prosecute a case concerning protestors who are being accused by law enforcement? Does MCAO believe Sponsel is able to treat the defendants fairly? Is this a conflict of interest for Sponsel?**

3. Faith leaders of color have told County Attorney Adel in multiple meetings that they believe systemic racism is in MCAO. These leaders have defined the meaning of systemic racism when the County Attorney asked them.

**Does the County Attorney believe systemic racism exists in MCAO under her leadership?**

4. The County Attorney has stated she is working to regain the trust of communities of color, respects the right to protest and freedom of speech, believes in transparency and doesn't side with law enforcement.

**What does the County Attorney say to the continuing widespread criticism against her administration for its decisions concerning prosecuting protestors who are upset about the treatment of people of color, and deciding to not charge law enforcement for the deaths of people of color?**

**5. Is there anything else the County Attorney would like to say?**

Thank you,

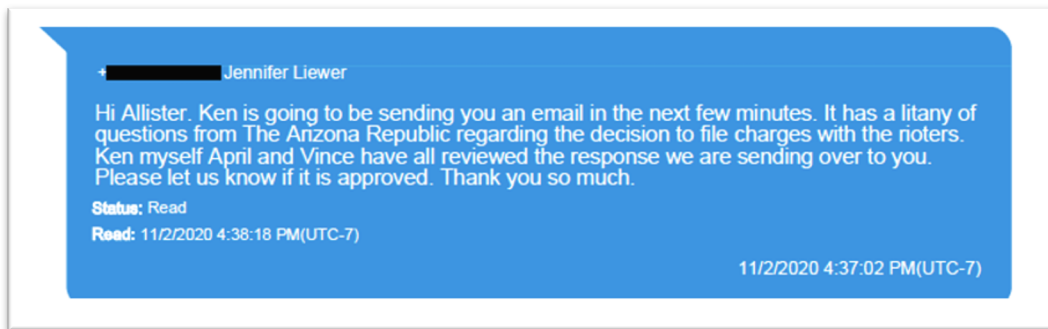
Lauren Castle  
Criminal Justice Reporter

**azcentral.**  
azcentral | The Arizona Republic

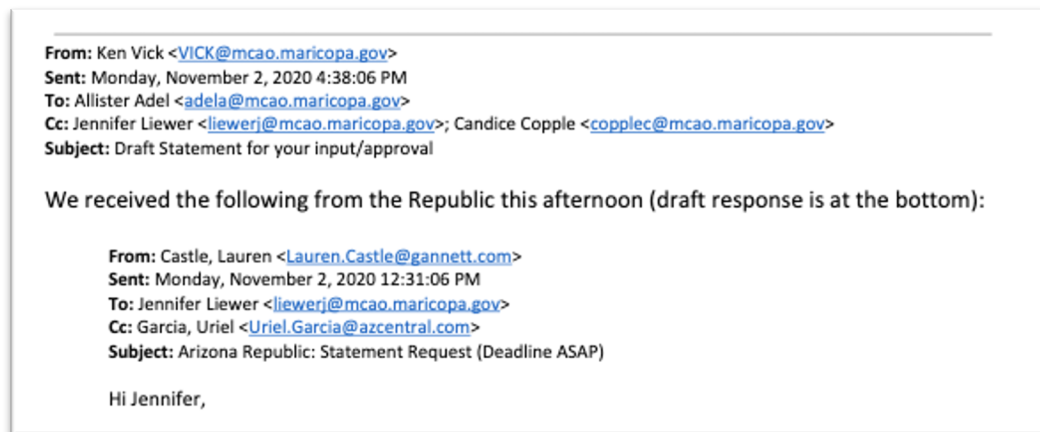
PART OF THE USA TODAY NETWORK  
Office: 602.444.4821  
Mobile: 480.209.4303

MCAO has not disclosed any communications explaining exactly what occurred over the next four hours. But at 4:38 p.m. Director Liewer messaged County Attorney Adel to let her know that Chief DCA Vick would soon be sending her an email with "a litany of questions from the Arizona Republic" along with a proposed response to it.





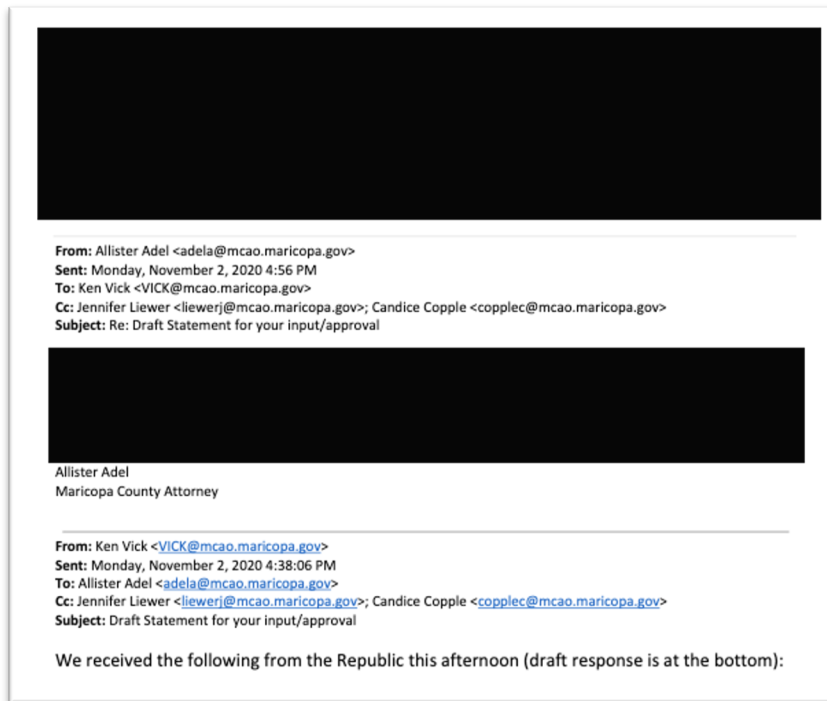
Chief DCA Vick did exactly that, forwarding the email to Adel—and copying Director Liewer and the County Attorney’s Chief of Staff, Candice Copple—moments later:



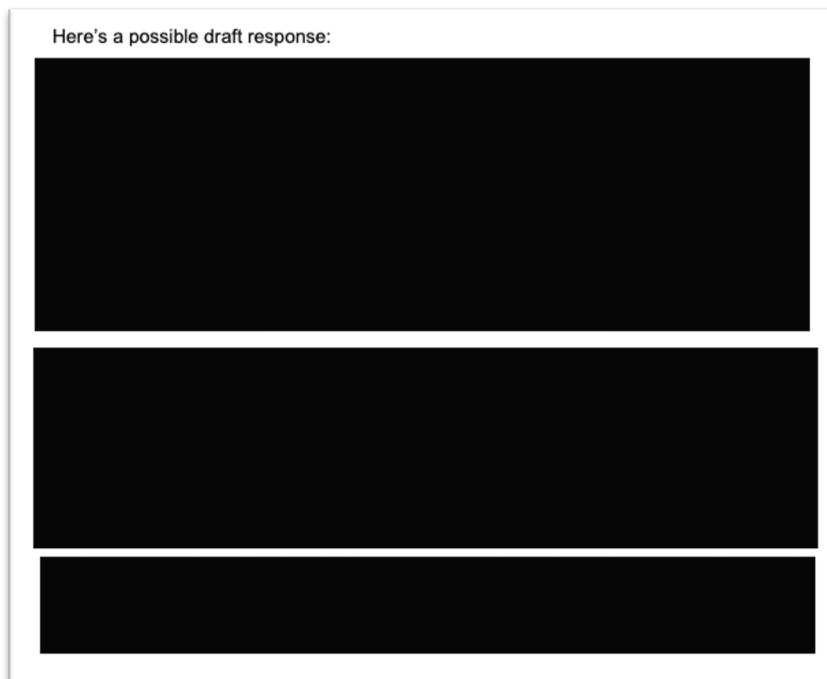
There is little doubt that County Attorney Adel actually received the email with the questions from the Republic. Indeed, she responded to it almost immediately. And it appears that there was at least one additional message in the email chain after that.

But both the County attorney’s response and the subsequent communication is hidden below a large redaction, applied by MCAO before its production to our office:

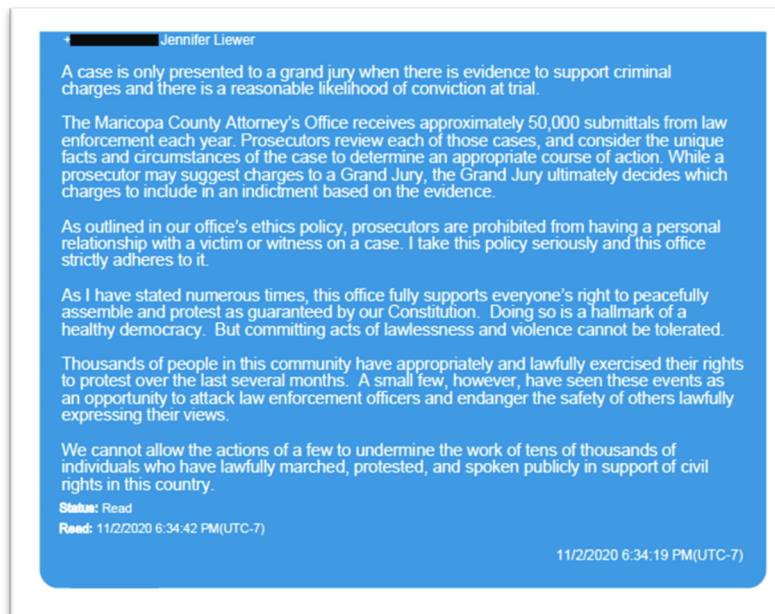
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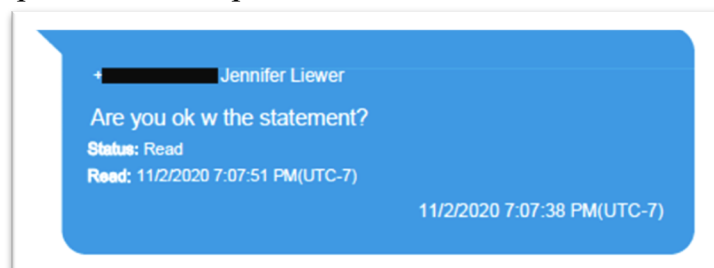
MCAO also redacted the “propose draft response” attached to the bottom of Chief DCA Vick’s email.



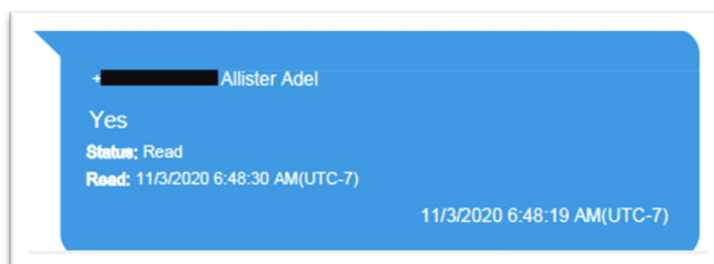
Two hours later, Director Liewer forwarded the proposed response to County Attorney Adel by text message, the bottom “read receipt” suggesting that County Attorney Adel read it just 13 seconds after it was sent.



No response from the County Attorney has been produced. Instead, the next communication we have is a follow-up text message from Director Liewer seeking approval for the response to the Republic.



Then, more silence for nearly 12 hours until the next morning, when County Attorney Adel responded with her approval of the press release.



## 5. *Post-Conspiracy Admissions*

A final set of revelations included in these newly produced documents are a series of admissions of misconduct, made by high-level officials at MCAO—including Director Liewer and County Attorney Adel herself—about the clear lack of evidence against Claimants, and the gross impropriety of filing and pursuing criminal charges against them (despite the fact that the same individuals did little to review the charges and approved of them in late October).

As you know, ABC15 exposed the conspiracy to charge protestors as gang members in early February, 2020. On February 12, 2021, Director Liewer messaged County Attorney Adel, encouraging her to dismiss these cases because “we have grossly overcharged these folks and we need to make it right.”

County Attorney Adel responded that she agreed as to the felony charges. And the two proceeded to discuss the relative merits of referring the cases back to the City of Phoenix (a procedure labeled a “further” by MCAO) to charge the misdemeanors. After agreeing about the public relations concerns in doing so, Director Liewer powerfully states that “Vince is picking the wrong case to hold antifa responsible” and “[w]e’ve charged innocent people w[ith] crimes they didn’t commit.”

Sent - February 12, 2021 at 3:37 PM - (iMessage) - Delivered  
Allister. From a pr standpoint, these cases need to be dismissed. I would even go so far as to say we dump the misdemeanors. We have grossly overcharged these folks and we need to make it right.

Received - Allister Adel - February 12, 2021 at 3:38 PM - (iMessage)  
I agree except maybe not on the misdemeanors. The city would have to decide. But a couple should be furthered

Sent - February 12, 2021 at 3:39 PM - (iMessage) - Delivered  
If we further them, we are putting this on phx and they will dump the cases. Then we look like we didn't do the right thing.

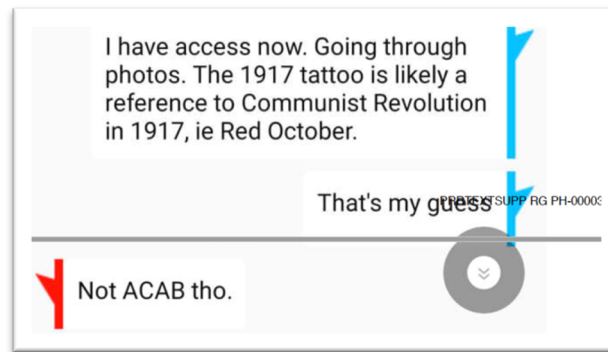
Received - Allister Adel - February 12, 2021 at 3:42 PM - (iMessage)  
Well that's true.

Sent - February 12, 2021 at 3:43 PM - (iMessage) - Delivered  
Vince is picking the wrong case to hold antifa responsible.

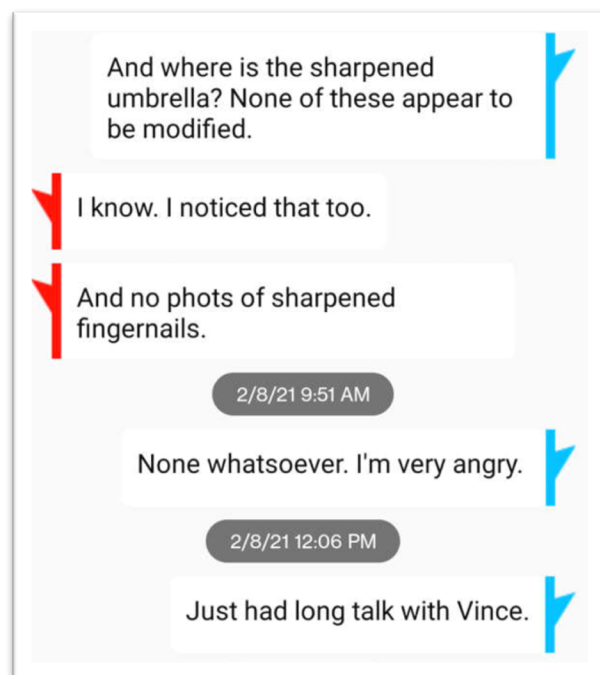
Sent - February 12, 2021 at 3:43 PM - (iMessage) - Delivered  
We've charged innocent people w crimes they didn't commit.

Apparently contemporaneously Division Chief Ryan Green was sending director Liewer a series of text messages detailing the lack of evidence supporting the fictitious allegations that the protestors were members of a gang.

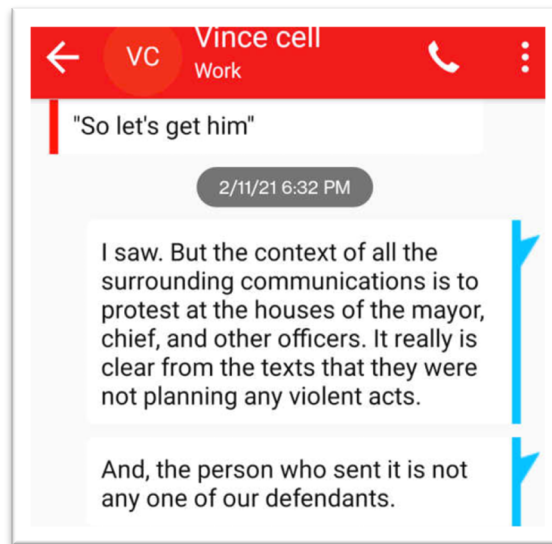
First, Division Chief Green (right/blue)—who was assigned the unenviable task of reviewing the evidence and evaluating the legitimacy of the 3-month old “gang” charges—debunked for Liewer (left/red) the MCAO-PPD conspirators’ theory that the some of the protestors’ tattoos were evidence of gang affiliation.



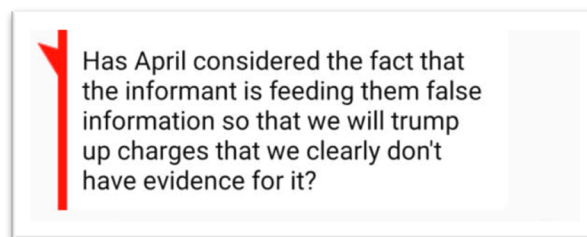
Then DCA Green noted that the allegedly modified umbrellas were not sharpened (in contrast to the grand jury testimony), and neither were anyone’s fingernails (same)



It appears that the conversation with “Vince” referenced a discussion with Division Chief Vince Goddard, to discuss the allegation that protestors were planning violence against individual officers—as had previously been misrepresented by the MCAO-PPD co-conspirators. In the follow-up text message, Division Chief Green debunked the theory that protestors were planning on attacking police.



Then, Jennifer Liewer made a comment that foretold what everyone should have seen for months: that FRB and DCA Sponsel April were ignoring clear credibility issues with their “informant” in order to justify charges they wanted to bring anyway:



## **LEGAL CLAIMS**

A.R.S. § 12-821.01 does not require that claimants articulate the causes of action they intend to file against a government employee or agency. Our clients will not voluntarily do so here, and in any way limit themselves.

You should be aware, however, that the MCAO-PPD Conspiracy as to the October 27 Grand Jury indictment is established by two independent investigations (the Ballard Spahr City of Phoenix investigation and the Judge Steinle MCAO investigation). Additional emails and messages cited in our First Amended Complaint made clear that the conspiracy extended back into the summer of 2020. Now, it appears it may have actually begun at the very outset of these protests.

Please do not be mistaken, however: The messages excerpted in this Notice of Claim are not necessary to prove that conspiracy. The PPD-MCAO Conspiracy is already proven by PPD's and MCAO's own investigations. These new messages merely expand the scope of the conspiracy—and suggest that Communications Director Jennifer Liewer and Chief of Staff Candice Copple also were aware of the insufficiency of the charges, the bias of FRB prosecutors, and the efforts of County Attorney Adel to secrete her own knowledge of these issues.

The purpose of this Notice of Claim, therefore, is simply to put you on notice of our intention to add Director Liewer and Chief of Staff Copple to our federal lawsuit and to seek damages against the County based on their acts and omissions committed during the course and scope of their employment.

### **DAMAGES**

Over the last year, our office has forwarded a series of letters—including multiple Notices of Claim—to Maricopa County, detailing the contours of this conspiracy and putting the County on notice of the coordinated effort between MCAO and the Phoenix Police Department to politically target and prosecute critics of the police.

The impact of these political prosecutions has been pervasive and they have sent a clear message to the community: Specifically, that Maricopa County—through its representatives, policy-makers, and employees—believes that the decision to honor the protections of the First Amendment is discretionary, contingent upon the content of the political speech involved and whether its police officers agree with it; and that this County is not only willing to apply wildly divergent standards to police critics, but will utterly disregard its ethical and legal duties in order to crush dissent and incapacitate its own critics.

As we indicated last year, such historic breaches of public trust come with great reckonings. In this case, that figure will be \$3.5 million for *each* of the 22 First Amendment demonstrators whose lives were held in the balance for months while PPD and MCAO colluded to criminalize political speech with which they disagreed.

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Pursuant to A.R.S. § 12-821.01, this offer will expire in 60 days.

Very truly yours,

THE PEOPLE'S LAW FIRM, PLC

A handwritten signature in black ink, appearing to read "S. Benedetto", with a long horizontal flourish extending to the right.

Steve Benedetto

For the firm