

EXHIBIT 1

September 3, 2019

ADAMS & CLARK, PC

HAND DELIVERED AND SENT VIA EMAIL to:

Maret Vessella
Chief Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016
Email: maret.vessella@staff.azbar.org

Re: Bar Charge Against Juan Martinez

Dear Ms. Vessella:

My firm represents Complainant Jodi Arias regarding serious ethical misconduct by the prosecutor in her criminal case, attorney Juan Martinez.

Martinez served as the assigned Deputy County Attorney for the Maricopa County Attorney's Office (MCAO) in *State v. Arias*, CR 2008-031021-001 DT, a case in which he sought a death sentence. Arias was convicted on May 8, 2013. Martinez pursued the death penalty in two sentencing trials to follow, but he was unsuccessful in that quest and on April 13, 2015 Arias was sentenced to natural life in prison. Arias appealed. Her appeal is still pending, and she is represented in it by attorneys with the Maricopa County Public Defender's Office (MCPD).

Martinez wrote a book about the case titled "*Conviction: The Untold Story of Putting Jodi Arias Behind Bars*". The advance publicity for the book stated that in it, Martinez would "speak[] openly for the first time" and "unearth new details from the investigation that were never revealed at trial, explain key facts from the case and the pieces of evidence he chose to keep close to the vest."¹ The book was set for publication in January or February 2016.

When MCPD attorneys learned that Martinez would be publishing a book about Arias, they sent a memo to MCAO dated October 12, 2015, explaining that this would violate Martinez's ethical duties, conflict of interest statutes, and Maricopa County policies. They then engaged in email correspondence with MCAO, with the end result that MCAO made clear it was not going to do anything to stop Martinez from publishing his book. *Id.*

The press was following the advance publicity for Martinez's book. On November 11, 2015 the *Arizona Republic* published a story about it and asked MCAO to comment:

Jerry Cobb, a spokesman for Martinez's current boss, Maricopa County Attorney Bill Montgomery, said, "Employees don't need permission to engage in constitutionally protected activities such as the exercise of their First Amendment rights. We received appropriate assurances that Juan

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

¹ www.amazon.com/conviction-untold-story-putting-behind/dp/006244428x

Martinez's off-duty activities will not violate state statutes or restrictions on attorney conduct as found in the ethical rules for attorneys [].

Exhibit 1.

On December 30, 2015, the head of the MCPD, James J. Haas, filed a bar charge (SB 15-3203) concerning the impending publication. Despite this, Martinez went ahead. With specific knowledge and authorization of his supervisors at MCAO, Martinez's book was published on February 16, 2016.

Martinez published his 375-page book about a trial that had ended only ten months before. The book was published while Arias' conviction was being appealed – years before her opening brief was filed. Arias' appeal is still pending before the Arizona Court of Appeals to this day.

In his response to the MCPD bar charge, Martinez informed the State Bar that his employer MCAO, headed by County Attorney Bill Montgomery, gave him permission to write his book. Undersigned has been unable to obtain a copy of Martinez's response(s) to the bar charge in SB 15-3203. As such, undersigned has no documentation reflecting MCAO's decision and it is therefore unknown what date Martinez sought permission from MCAO to write the book, when permission was given, when Martinez obtained a media rights contract, media agent, money for a book advance, or the dates on which he took any such affirmative steps to get his book published.

The State Bar sought an Order of Probable Cause, but the Attorney Discipline Probable Cause Committee (ADPCC) dismissed the case via order filed April 3, 2017. **Exhibit 2.** (ADPCC dismissal order). The dismissal was based – in large part – on the fact that MCAO gave Martinez permission to publish the book, including permission to write about confidential and/or sealed information in the case.

The State Bar investigated Complainant's charge that Respondent wrote a book, with his client's consent, which contained references to the existence and content of certain exhibits previously sealed by court order. The (ADPCC) carefully reviewed the information provided in the [State Bar's] Report of Investigation and Respondent's response regarding your complaint. This matter is being dismissed as Respondent obtained permission from his employer to disseminate information relative to his representation in the State v. Arias case. Similarly, while his book made general reference to the existence of sealed testimony and exhibits, the references did not contain specific content and was, in some circumstances, publicly available despite the court order(s) sealing the testimony and exhibits.

Exhibit 2.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

Undersigned submits this bar charge because of new evidence that has come to light concerning Martinez's conduct in writing his book. **This new evidence was not available to the MCPD at the time it filed the bar charge in SB 15-3203. This new evidence was not investigated by the State Bar in SB 15-3203. This new evidence was not presented to nor considered by the ADPCC** when it ruled on the State Bar's request for an Order of Probable Cause to file a formal complaint against Martinez for writing his book. **The ADPCC was completely unaware of this information when it dismissed the MCPD's bar charge in April 2017.**

This new evidence must be considered by Arizona discipline authorities, and Martinez must be held to account for his flagrant and serious ethical misconduct in writing his book about a death penalty defendant while the trial was ongoing and publishing it while her appeal is still pending.

- I. **New evidence re: Martinez's unethical conduct in writing his book, going on the speaking circuit, making money and gaining fame off his role as the prosecutor in *State v. Arias* – all while the case is still pending.**

The State Bar is currently prosecuting Martinez in formal proceedings in PDJ 2019-9008, based in part on Complainant Arias' bar charge in State Bar File 17-0624. New evidence about Martinez's ethical misconduct in writing his book has surfaced as part of the investigation of SB 17-0624.

Some of the most serious allegations in that bar charge involve Martinez's leaking confidential and sealed information about the *Arias* case with a woman named Jennifer Wood, with whom he was having a sexual affair. The State Bar's Formal Complaint in PDJ 2019-9008 alleges:

- Martinez carried on a years-long affair with Wood, a blogger and member of the media covering the *State v. Arias* trials.
- Martinez leaked confidential information to Wood that had been sealed by court order.
- During the second sentencing trial, Martinez leaked the identity of the sole holdout juror to Wood while the panel was deliberating.
- Martinez did this so Wood could help him – in secret – dig up dirt on the holdout juror, get the juror removed from the panel and clear the way for a death sentence.
- Martinez lied to the State Bar under oath during his deposition about his sexual relationship with Wood and his secret effort to use her to get the holdout juror removed.
- Martinez repeatedly lied to the State Bar about this and other allegations during its investigation of SB 17-0624.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

During the course of the investigation in SB 17-0624, undersigned interviewed various witnesses who have personal knowledge of Martinez's misconduct in writing his book. Among others, undersigned interviewed:

1. **Clark Wood**, Jennifer Wood's then-husband. They were a married couple, with a disabled child, throughout Jennifer's affair with Martinez. The affair began during the *Arias* trial, and continued through its conclusion. Clark and Jennifer divorced after the trial was over, and the sole reason was her affair with Martinez.
2. **Sharee Ruiz**. She was a partner with Jennifer Wood in the "Trial Divas" blog during the first trial – the guilt phase - of the *Arias* case.
3. **Tammy Rose**. She is a journalist who became a confidant and close friend of Jennifer Wood during the second *Arias* sentencing trial. They shared thousands of text messages and other electronic communications about Wood's affair with Martinez, about his effort to enlist Wood's help to get the holdout juror kicked off the panel, and about the book Martinez was writing about the case.

The interviews were recorded and transcribed. Transcripts of the relevant interviews are discussed below and attached as **Exhibits 3-4**.

These witnesses will offer testimony concerning Martinez's misconduct in writing his book, which was not part of the State Bar's investigation in SB 15-3203. This evidence is summarized below.

1. **Clark Wood.**

Clark Wood states that his then-wife Jennifer helped Martinez throughout the *Arias* case – **including helping him to write his book while he was still prosecuting the case at trial**. Clark Wood confirms that Martinez was indeed writing it during the trial, contemporaneous with serving as the sole prosecutor in the case. Clark Wood states that Jennifer was meeting with Martinez at his home and at his office to "help" him with the *Arias* case – including helping him write the book. Clark Wood's interview transcript, **Exhibit 3**, 9:10–10:5.²

[S]he was going to help him write a book. She was... the one helping him going to write a book... And all this time it was going to be her the one helping him to write this book... She admitted it. Said yeah, I'm just helping him because I'm the one on the inside.

Exhibit 3, 10:6–10:14.

Clark Wood confirms the rumors defense counsel had been hearing during the trial, that Jennifer was meeting with Martinez on Sundays. Clark Wood

² Citations to these interviews are to "page:line" number. For example, in this citation, the reference is to page 9, line 10 through page 10, line 5.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

confirmed that this was true, and that during these meetings Jennifer would “help him [Martinez] write a book.” 10:21-25. Clark Wood confirms that Jennifer went Martinez’s MCAO office downtown – presumably using MCAO equipment and facilities – to help Martinez write his book. 10:24-11:5.

She said [] ... I help him all the time. And yeah, she did... [] ... they - the two of them, together - I mean, while the case was still going on, they were going to write a book together and - yeah, she did say that.

Exhibit 3, 13:12-18 (emphasis added).

In addition to meeting at Martinez’s MCAO office, Clark Wood states that Jennifer told him: “She’d go over [to Martinez’s house] and they’d work together and, you know, but he was - she was going to be the one to help him write a book ...” **Exhibit 3**, 17:8-9. Clark Wood would testify that some of these meetings happened on the weekdays, and during business hours. Meaning that Martinez was writing his book during business hours, while on the job and being paid by the taxpayers of Maricopa county.

Clark Wood has personal knowledge that Jennifer was helping Martinez write the book as of March 3, 2015 – the date she was working in secret to help Martinez get the holdout juror thrown off the panel.

And by that time [March 3, 2015] she was bragging - yeah, she was bragging that she was helping him and - you know, with the - and all this book and stuff.

Exhibit 3, 27:14-17.

According to a respected local journalist who interviewed employees of MCAO shortly after the *Arias* trial, Martinez was known for taking cases to trial that did not need to be.

[H]e’s a polarizing figure even at his own shop, the MCAO, where he operates as a proud loner, according to several inside sources. In hushed tones and off-the-record comments, colleagues past and present talk about his monumental ego and pathological disdain for plea bargaining – how he uses his influence and clout to insist on trials on slam-dunk cases of guilt, sucking up time, money and limited resources while making victims’ loved ones relive horrors in court. All to get another notch on his estimable belt.

See *Phoenix Magazine* article: “An Army of Juan” dated July 2015.³

According to those same sources inside MCAO, Martinez pushed for a trial in the *Arias* case, over the objection of other lawyers in his office.

³ <http://www.phoenixmag.com/people/an-army-of-juan.html>

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

[] Arias was no whodunit. It was a slam dunk. Investigators had quickly exposed her as a liar and a murderess, and Martinez could have authored a plea deal of life imprisonment with no chance of parole, or none until she was very old. Gotten the same result, essentially. But that's not how Martinez operates.

According to insiders at the MCAO, Martinez pushed hard, first to make *Arias* a capital murder case, then to take it to trial. Winning a "spirited debate" within the agency, Martinez convinced his supervisors that jurors would surely send Arias to death row in a heartbeat. He overreached. And the result was familiar: A guilty verdict, yes, but amid accusations of lying and misconduct.

Ibid.

Seeking a death sentence made it a virtual certainty that the *Arias* case would go to trial – which would in turn help Martinez get on TV, publish a book and make money. Martinez failed to get a death sentence at the first sentencing trial. He kept pushing for it in the second sentencing trial. When he learned that there was one holdout juror, he engaged in gross misconduct with Jennifer Wood, to try and get that juror removed.

Clark Wood confirms that Jennifer helped Martinez in trying to have the holdout juror - a woman - removed from the panel, so he could clear the path for a death sentence – which was all part of Martinez's effort to get on TV, publish a book and profit from the case.

It was a lady [the holdout juror], right? ... But what if the lady, or whoever the holdout, ... What would you have done if she would have voted for the death penalty? We wouldn't be talking about what we are talking about now, we'd be talking about attempted murder. You're trying to get somebody [Arias] killed that I don't know the law... I don't do legal speak. I tell the truth...

[I]f you're falsifying information and you're doing things that the court had accused them of, or him of, to try to get somebody put to death, so you can get on TV and write a book and make profit... []... When somebody's trying to get somebody killed and falsifying and lying in committing perjury and doing all the things they were doing to try to get somebody killed for their profit, that's the - that's the sum that I come up with in my end.

Exhibit 3, 20:13 - 21:15.

Concerning the accusations that Martinez gave Jennifer access to his file and his MCAO office that others did not get, Clark Wood states:

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

[W]ell, yeah, she was bragging that she was on the inside and writing - writing the book. She bragged about that. She bragged about being on the inside with him the whole time.

Exhibit 3, 38:24 - 39:9.

Clark Wood states that Jennifer was “on the inside” as she helped Martinez write the book – and that it would be a money-maker.

She told me, you just don’t know what I’m onto. It’s going to be really lucrative, and I’m on the inside, and I’m going to be helping him write a book and stuff like that.

Exhibit 3, 41:9-12

2. Sharee Ruiz

Sharee Ruiz was one half of the “Trial Divas” – Jennifer Wood was the other. They profited from selling podcasts and merchandise about the *Arias* trial – all of it in enthusiastic support of Martinez, his sex appeal, and his dogged effort to get a death sentence for Arias. Sharee Ruiz ended the partnership after Wood confessed that she was having sex with Martinez. But Ruiz and Wood were very close before this, during the guilt phase of the *Arias* case.

Sharee Ruiz states that Jennifer Wood admitted not only the affair, but also that she was working with Martinez on his book – during his prosecution of the case. Ruiz also confirms that Martinez was writing the book during the week, during business hours, and when he was being paid by the taxpayers of Maricopa county.

And then **she later told me that she was over at his house, and that she would lay in bed with him at his house and he would read her the book that he was writing. Like excerpts from it.** And he would sing for her, and he liked Barry Manilow and he would sing Barry Manilow music to her. And they would stay over there during the day because his girlfriend at the time (MCAO Deputy County Attorney Trina Kay) **was working and she didn’t know, so that’s what she [Jennifer Wood] told me about it [Martinez’s book].**

Sharee Ruiz interview transcript, **Exhibit 4**, 14:13-14:21 (emphasis added).

Sharee Ruiz states that the *Arias* case was not going to be assigned to Martinez, but he got tipped off and **had it assigned to him specifically so he could write a book about it.** She states that Martinez wrote the book during the trial and planned to have it done by the time the trial was over, so he could get rich and retire from MCAO.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

... [W]hen he originally got on the case, he wasn't supposed to get it. And he got the phone call from Detective Flores [lead detective in the *Arias* case] who had said, you're going to want this case. And he said is - according - Jen told me that Juan had told her, that once he got there [to the murder scene], he knew that right away he wanted it [the *Arias* case], because he knew it would be big. **It would be big for his career. He was able - he knew he was going to write the book. And he had most of it done before the trial had ended and had planned to have it done at that time, to coincide, so that way he could make money off of it and essentially retire.**

Exhibit 4, 15:6-18 (emphasis added).

Sharee Ruiz states that Wood told her passages of the book Martinez was writing as he was writing it, though Ruiz no longer recalls the specific details. However, she does confirm that Wood told her about specific passage of the book Martinez was writing - as he was working on it during the workweek, and during the trials. 15:24-16:7.

Sharee Ruiz confirms that Wood helped Martinez work on the book during business hours on weekdays, because that was when his house would be empty while his MCAO girlfriend was at work - so they could write the book in peace, while he was being paid by the taxpayers of Maricopa County. "[...] it was during the weekdays, during the day, 'cause his live in-girlfriend at the time was gone for work. 17:22-18:4. Sharee Ruiz confirms that Martinez would meet Wood at his house so they could have sex - and that afterwards they would lay in bed and he would read to her from the book he was writing about the *Arias* trial as it was unfolding. She also confirms that Martinez wrote the 375-page book himself, without a ghost writer - but with Wood's help.

Yes. Yeah, he - she said they would lay in bed, and that he - yeah, that he would read from the book. And he said what a great writer that he was.

And I remember asking her, like, is he writing the book himself, or does he have a ghost writer? Does he have someone helping him? **She said, no, he's doing it - all of it himself. He's very talented. He's a very gifted writer. And she said they would read excerpts**, and then they would stop and have sex because he was so sexy, had such a wonderful body. And then they would read more. And she'd call - she referred to it as pillow talk.

Exhibit 4, 18:21-19:8.

3. **Tammy Rose**

Tammy Rose was a freelance journalist who covered the *Arias* case for several local media outlets including KFYI, CBS news and the television news show *24/7*. Rose became a close friend and confidant of Jennifer Wood. In addition to their daily

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

conversations as the covered the *Arias* case, Rose and Wood exchanged thousands of phone calls, text messages and other electronic communications during the *Arias* trial. A forensic image was made of Rose's cell phone and the electronic messages between her and Wood were analyzed by a forensic expert. Undersigned provided the State Bar with a copy of the expert's forensic report during the investigation of SB 17-0624, and the State Bar listed this expert as a witness for the hearing in PDJ 2019-9008. Rose is also listed as a witness.

Rose states that Wood provided Martinez with assistance in the form of research and whatever other "help" he needed as it pertained to his prosecution of the *Arias* case. He would bring Wood into his MCAO office to help him with the case. Rose will testify that Martinez told Wood that he "wasn't good with computers" and needed her help with them. All of this is revealed in myriad text messages between Wood and Rose.

Rose will testify that Wood helped Martinez write his book. This occurred during business hours during the work-week, when he was at home but "on the clock" and being paid by the taxpayers of Maricopa County. She will testify that Wood also helped him write his book at his MCAO office on the weekends – apparently using MCAO facilities and equipment.

One text exchange between Wood and Rose is particularly revealing of the extent to which Wood was helping Martinez.

Rose: Tell Juan u got to start charging for ur time

Wood: I spent three hours helping him the other day. I was going to tell him I'm going to have to get a job and see what he said.

Rose: I know n ur time is worth money. Say u can help him but he's got to pay u. Or he can hire an assistant.

Wood: Yeah! For sex too lol.

Forensic Report, at p.186, 2/7/15 text messages. Wood also eventually "interviewed" Martinez about his book.

The text messages between Rose and Wood show that Martinez was writing his book during the *Arias* trials. As set forth *supra*, the sentencing trial ended on March 5, 2015 and *Arias* was sentenced on April 13, 2015. Below are references to the text messages showing that Martinez was writing his book, with the help of Wood – including during the trial.

- Martinez was using his special access as a prosecutor during the trial, to get videotape of the trial so he could use it to write his book. Forensic Report, p.185-186, 2/7/15] text messages ("Wood: Id think he needs it [the videotape] for the book").

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

- Forensic Report, p. 319, 3/14/15 text messages (Wood: “Tomorrow I start that book.”)
- Forensic Report, p. 336, 3/17/15 text messages (Rose: “Wtf she [Arias] should have gotten life no justices he’s writing books now.”)
- Forensic Report, p.386, 4/14/15 text messages (Wood: “He didn’t want to give away to much because of his book”)
- Forensic Report, p.446, 5/30/15 text messages (Rose: “Me too didn’t realize we had so much to catch up on. I’m so proud of juans book. That’s huge!”)
- Forensic Report, p.457, 6/3/15 text messages (Wood: “Idk what it is! I wondered if she knew about Juan’s book but then she said something else that made me go nope. Plus no one knows that.”)
- Forensic Report, p. 477-478, 6/15/15 text messages (Rose: “He’s so wrapped up in his book lol”. Wood: “He says “our book” lol”. Rose: “Yeah I know. Happy for him. It’s an awesome deal for him n accomplishment”. Wood: “Yeah but what about me lmao”. Rose: “Again learn from him n the process for ur book which will be better”. Rose: “U have to get out of helping n become a doer for urself:”). Rose: “Or we will both live n cardboard boxes lol”. Wood: “True”.

There are multiple witnesses with person knowledge who will testify that Martinez began writing his book during the *Arias* trial. As such, the taxpayers of Maricopa County were subsidizing Martinez to write his book. It is unknown whether he took vacation time to work on the book in the months after the trial ended, such that his 375-page book – which he wrote himself, with no ghostwriter – was published a mere ten months after the trial ended. What is certain is that a prosecutor writing a book about a criminal case and publishing it before the case concludes is a gross violation of the ethical rules and authorities interpreting them as set forth *supra*.

II. Martinez’s conduct in writing a book about the *Arias* case while the trial was ongoing and publishing before the case concluded clearly violated the Ethical Rules.

The Arizona Rules of Professional Conduct, Ethical Rule 1.8(d) provides as follows:

Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

Arizona’s ER 1.8(d) is identical to the American Bar Association (ABA) Model Rules of Professional Conduct (Model Rules), Rule 1.8(d).

In addition, the Restatement (Third) of the Law Governing Lawyers, § 36(3) provides:

A lawyer may not, before the lawyer ceases to represent a client, make an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

a. Martinez was ethically prohibited from entering into an agreement relating to literary and media rights before the *Arias* case concluded.

In *Beets v. Collins*, 65 F.3d 1258, 1273 (5th Cir. 1995)⁴ (applying the Texas Code of Professional Responsibility, and citing Model Rule 1.8(d)), the Fifth Circuit Court of Appeals held that “[t]his court joins other courts, scholars and organizations of the bar who have uniformly denounced the execution of literary and media rights fee agreements between attorneys and their clients during the pendency of a representation.”; *see also*, *U.S. v. Hearst*, 638 F.2d 1190, 1197-98 (9th Cir. 1980), *questioned on other grounds*, (“all courts before which the issue has been raised have disapproved the practice of attorneys arranging to benefit from the publication of their client’s stories.”). The *Beets* court went on to explain that “few cases challenging” the “widely shared professional disapproval of media rights contracts” exist. *Id.*

The Restatement (Third) of the Law Governing Lawyers, § 36 (“Restatement”), at Comment (d) addresses “publication-rights contracts”:

Client-lawyer contracts in which the lawyer acquires the right to sell or share in future profits from descriptions of events covered by the representation are likely to harm clients... **Such contracts [] give the lawyer a financial incentive to conduct the representation so as to increase the entertainment value of the resulting book or show.** For example, a criminal-defense lawyer’s book about a case might be more valuable if the trial is suspenseful. That might not help the client. Publication also requires the disclosure of information that the lawyer has acquired through the representation, which is prohibited without client consent.

(Emphasis added).

Applying the Model Rules, Professor of Law Leonard E. Gross, in *Are Differences Among the Attorney Conflict of Interest Rules Consistent with Principles of Behavioral Economics?*, 19 *Geo. J. Legal Ethics* 111 (Winter 2006) (“*Differences*”), notes that “the *Model Rules* put various conflict of interest rules on a continuum with some conflicts viewed as more serious than others.” *Differences*, at 115. Concerning Model Rule 1.8(d), Professor Gross explains that “**prior to the conclusion of representation, a lawyer cannot negotiate an agreement giving a lawyer literary or media rights to an account based in substantial part on information relating to the representation.**” *Differences*, at 112 (emphasis added). Professor Gross goes

⁴ *Beets* is not discipline, but does offer guidance on the view of literary and media rights contracts involving attorneys. The court did, however, hold that as to such agreements: “The state has the duty to punish an attorney for unethical conduct. For reasons not disclosed in the record, the state declined to discipline Andrews for this fee arrangement...media rights contract posed a serious potential conflict of interest” 65 F.3d at 1264.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

on to explain that Model Rule 1.8(d) “precludes a lawyer from representing a client while simultaneously negotiating an agreement giving the lawyer literary or media rights to a portrayal based in substantial part on information relating to the representation.” *Differences*, 133.

Model Rule 1.8(d) is a complete bar on an attorney representing a client while simultaneously negotiating a literary or media rights agreement. *Differences*, at 134 (citing Restatement (“**publication rights contracts ‘give the lawyer a financial incentive to conduct the representation so as to increase the entertainment value of the resulting book or show.’**”)) (Emphasis added). *See also*, William J. Gamble, Jr., *Cash Conflicts: Reconciling Conflicts of Interest Between Attorneys’ Fees and the Need of the Client*, 23 J. Legal Prof. 347, 354 (1998/1999) (“*Cash Conflicts*”) (“A conflict of interest between the attorney and client is created in a [literary and media rights] fee arrangement because measures suitable in the representation of the client may detract from the publication value of an account of the representation.” (internal citation omitted)); *Beets, supra*, 65 F.3d at 1273 (“a media rights contract is offensive because it **may encourage counsel to misuse the judicial process for the sake of his enrichment and publicity-seeking...**”) (Emphasis added).

Professor Gross goes on to explain:

Arguably, [Model] Rule 1.7 (the general conflict of interest rule which may permit client waiver) is not adequate in [] situations [as literary and media rights agreements] **because attorneys will not be able to objectively determine when they will be able to adequately represent their clients notwithstanding the conflict.** [] It is therefore not surprising that courts have routinely disciplined lawyers who have conflicts of interest for which they have obtained client consent where the conflict was viewed by the court as unwaivable.

Difficulties, at 134-34 (footnotes omitted; emphasis added).

Harrison v. Mississippi Bar, 637 So. 2d 204 (Miss. 1994) addressed Mississippi’s version of Rule 1.8(d)⁵, and involved an attorney who entered into a contract for a movie production while still representing the client for which the media rights related in part. The attorney argued that the movie was to be about the attorney’s life, not that of the client, and sought the client’s release. Nonetheless, the court held that at the time the attorney entered into the media rights agreement and sought the client’s release she was still representing the client, and that this violated Model Rule 1.8(d):

[] Harrison had, while still representing Dorrie Singley's estate, entered into a contract with a movie production company for the rights to ‘The Garnett

⁵ Mississippi Rule 1.8(d), provides: “Prior to the conclusion or representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.”

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

Harrison Story,' which was to include a section on Harrison's representation of Dorrie Lynn Singley. This violated Rule 1.8(d)...

The court further held that despite the lawyer having received a release from the client:

[A]t the time Harrison signed the option contract, received \$ 10,000 from Clark/Klausner, and pursued Bernice Singley's release, she was still representing Dorrie Singley's estate. We hold that such conduct is a violation within the scope of Rule 1.8(d).

637 So. 2d at 223-24.

Cash Conflicts, applying Model Rule 1.8(d), explains that: “[T]o meet the spirit of the rule, **attorneys must not change trial tactics to increase media exposure when the attorney expects that future media/book rights**” will ultimately be forthcoming. *Id.*, at 357 (emphasis added).

Professor Robert M. Jarvis, *The Missing Client: An Ethical Quagmire*, 87 Fla. Bar J. 8. P22 (February, 2013), applying Florida’s specific version of Model Rule 1.6 relating to client confidences, explains that “a lawyer has a continuing obligation...to maintain the client’s confidences, which might impede his or her ability in any project concerning the client...”

DC Bar Ethics Opinion 334,⁶ applying a substantially similar prohibition⁷ on lawyer media and literary agreements as Model Rule 1.8(d), found that the prohibition such agreements is not breached when the media, not the lawyer, is the party seeking the literary and media rights. Nonetheless, the DC Bar opined that the attorney was constrained by his ethical duty to fully disclose⁸ the facts to the client and obtain an appropriate waiver:

Rule 1.8(c) does not apply to an agreement between a lawyer representing a client and representatives of the media who are interested in obtaining the lawyer’s story. But Rule 1.7(b)(4)⁹ does apply in such circumstances, and the

⁶ *But see, Harrison v. Mississippi Bar*, 637 So. 2d 204 (Miss. 1994), discussed *supra*.

⁷ DC Rule 1.8(c): “Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.” The DC Bar Ethical Opinion 334 notes that the predecessor to DC’s Rule 1.8(c) was the Code of Professional Responsibility, DR 5-104(B).

⁸ DC Rule 1.7(b)(4): “[T]he lawyer’s professional judgment on behalf of the client will be or reasonably may be adversely affected by the lawyer’s responsibilities to or interests in a third party or the lawyer’s own financial, business, property, or personal interests.”

⁹ Rule 1.7(b)(4) (Conflict of Interest – Lawyer’s Personal Interests)

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

lawyer must be vigilant to determine those circumstances where an agreement with media representatives gives the lawyer a personal interest in the matter that may be at odds with the lawyer's obligation to the client.

b. Martinez violated his ethical obligations by entering into an agreement for literary and media rights before the *Arias* case concluded.

A criminal defendant's case does not become final until a judgment of conviction has been rendered, the availability of appeal exhausted, and the time for a petition for certiorari elapsed or a petition for certiorari finally denied. *State v. Towery*, 204 Ariz. 386, 64 P.3d 828) (citing *Griffith v. Kentucky*, 479 U.S.314, 321 n.6, 107 S.Ct. 708, 712 n.6 (1987)). As such, the *Arias* case has not yet concluded.

There are specific ethical obligations that apply to prosecutors regarding the acquisition of literary and media rights during the pendency of a proceeding. The American Bar Association's *Criminal Justice Standards for the Prosecution Function* (4th ed.), Standard 3-1.11, Literary or Media Rights Agreements Prohibited provides:

(a) **Before the conclusion of all aspects of a matter in which a prosecutor participates, the prosecutor should not enter into any agreement or informal understanding by which the prosecutor acquires an interest in a literary or media portrayal or account based on or arising out of the prosecutor's involvement in the matter.**

(b) **The prosecutor should not allow prosecutorial judgment to be influenced by the possibility of future personal literary or other media rights.**

(c) In creating or participating in any literary or other media account of a matter in which the prosecutor was involved, the prosecutor's duty of confidentiality must be respected even after government service is concluded. When protected confidences are involved, a prosecutor or former prosecutor should not make disclosure without consent from the prosecutor's office. Such consent should not be unreasonably withheld, and the public's interest in accurate historical accounts of significant events **after a lengthy passage of time** should be considered.

(Emphasis added).

Rachel Luna, *Note: The Ethics of Kiss-and-Tell Prosecution: Prosecutors and Post-Trial Publications*, 26 Am. J. Crim. L. 165, 168-69 (Fall, 1998) ("*Kiss-and-Tell Prosecution*"), explains that a prosecutor's ethical duty of confidentiality is broad, and attaches to all information acquired during the course of employment. *See also*, Assistant District Attorney ("ADA") Edward L. Wilkinson, *The Seventh Annual Symposium on Legal Malpractice and Professional Responsibility: Article: Ethical Plea Bargaining Under the Texas Disciplinary Rules of Professional Conduct*, 39 St. Mary's L. J. 717, 764-65 (2008) which states:

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

Prosecutors enjoy wide discretion in handling a case...**Even in the light of such broad discretion, prosecutors, too, must avoid conflicts of interest which would so impair their ability to fairly plea bargain as to constitute a violation of due process. Such a conflict might be comprised of a financial interest** in a related civil action.

(Emphasis added).

The American Bar Association's *Criminal Justice Standards for the Prosecution Function* (4th ed.) ("ABA *Prosecution Standards*"), Standard 3-1.111, provides that a prosecutor "should not" enter into "any agreement or informal understanding" whereby the prosecutor acquires a literary or media rights "based on or arising out of" the prosecutor's involvement in a matter. Specifically, Standard 3-1.111(a) provides:

Before the conclusion of all aspects of a matter in which a prosecutor participates, the prosecutor should not enter into any agreement or informal understanding by which the prosecutor acquires an interest in a literary or media portrayal or account based on or arising out of the prosecutor's involvement in the matter.

Once again, it is clearly settle law in Arizona – according to our Supreme Court as well as the US Supreme Court – that *Arias'* case has not concluded. *See State v. Towery*, 204 Ariz. 386, 64 P.3d 828) (citing *Griffith v. Kentucky*, 479 U.S.314, 321 n.6, 107 S.Ct. 708, 712 n.6 (1987).

A prosecutor is further prohibited from letting his/her potential future media rights influence his prosecutorial judgment. Standard 3-1.111(b) specifically provides that:

The prosecutor should not allow prosecutorial judgment to be influenced by the possibility of future personal literary or other media rights.

The ABA *Prosecution Standards*, Standard 3-1.111(c) restrict a prosecutor's ability to contract for media rights even after the proceeding in question is complete. Specifically, before acquiring any media rights, a prosecutor must ensure s/he maintains a duty of confidentiality. If any prosecutorial confidences are involved, the prosecutor "should" get consent from the prosecutor's office. In granting such consent, **the prosecutor's office should consider the passage of time** before granting such consent. Specifically, Standard 3-1.111(c) provides that:

In creating or participating in any literary or other media account of a matter in which the prosecutor was involved, the prosecutor's duty of confidentiality must be respected even after government service is concluded. When protected confidences are involved, a prosecutor or former prosecutor should not make disclosure without consent from the prosecutor's office. Such consent should not be unreasonably withheld,

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

and the public's interest in accurate historical accounts of significant events **after a lengthy passage of time should be considered.**

(Emphasis added).¹⁰

It is clear that Martinez, as well as MCAO, violated this standard. There was no "lengthy passage of time" involved here, as Martinez was writing the book in real time, as the Arias trial was proceeding, and the book was published while the appeal is still pending – indeed before the appeal brief had even been filed. In fact, Martinez steered the case towards himself and pursued a death sentence specifically so he could profit from his book, become famous and retire from MCAO. See witness interviews, discussed *supra*.

New York State Bar Association Committee on Professional Ethics,¹¹ Opinion #606, states that a prosecutor is prohibited from negotiating or entering into an agreement for media rights with third parties during the course of an ongoing criminal prosecution, and that the prosecutor may sell his own media rights based upon his role in a case only **upon completion of a criminal prosecution and in compliance with other ethical guidelines.** In reaching this conclusion, the Ethics Committee cautioned that the prosecutor must continue to protect confidences and secrets:

[Model Rule 1.8(d)] prohibits a lawyer from negotiating or entering into a media or literary rights agreement while a matter is still pending. N.Y. City 1988-6 (1988). The prohibition attempts to avoid possible conflicts of interest that arise when the lawyer's economic motivation might prevent her from devoting the requisite undivided loyalty to her client. []

We must caution, however, that certain safeguards should be noted and followed by attorneys involved in 'newsworthy' cases. **A lawyer must be certain during representation of a client not to be influenced by any personal motives or hopes for future employment. Counsel must avoid even the temptation to take a course of action that might enhance the value of the lawyer's publication or media rights ...** [] The lawyer must act solely in the interest of the lawyer's client, free of compromising influences. []. A lawyer should not, after accepting employment, 'acquir(e) a property right or assum(e) a position that would tend to make his judgment less protective of the interest of his client.' []. This responsibility devolves at least as heavily upon a public prosecutor as upon other advocates if not more

¹⁰ The ABA *Prosecution Standards*, Standard 3-1.111(c) does not contain discussion of with whom an agreement for literary and media rights can be made or negotiated. Read literally, this provision would encompass agreements with a publisher or other media representative, as well as with clients.

¹¹ The Opinion notes that New York does not follow Model Rule 1.8(d); rather, it more closely follows the previous Model Code of Professional Responsibility DR 5-104(B).

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

so. As noted in EC 7-13, the prosecutor's special duty 'is to seek justice, not merely to convict.' See also N. Y. State 492 (1980).

A lawyer who gains an interest in publication rights relating to the subject matter of employment may be tempted to compromise the interest of the client for the lawyer's own anticipated pecuniary gain. EC 5-4. We concur with the drafters of the Model Rules that these concerns would prohibit a public prosecutor from negotiating or entering into an agreement with third parties for the sale of media rights during the course of an ongoing criminal prosecution. [] See also DR 7-107(E) (prior to sentencing, prosecutor shall not make 'an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence'); DR 5-104(B); EC 2-21.

Even with respect to a representation that has been concluded, the lawyer proposing to sell media rights must be certain to continue to protect the confidences and secrets of the client. See N.Y. City 1988-6 (1988); N.Y. City 82-34 (1982). DR 4-101(B) prohibits a lawyer from revealing confidences or secrets or using them 'for the advantage of himself or of a third person, unless the client consents after full disclosure.' This duty of confidentiality exists without regard to whether others share the information or whether it is part of the public record or available from another source. See EC 4-4; N.Y. City 82-71 (1982); N.Y. City 82-34 (1982); N.Y. City 79-63 (1980). Furthermore, the duty of confidentiality expressed in Canon 4 survives the termination of the representation. EC 4-6; see ABA Inf. 1301 (1975); N.Y. City 1988-6 (1988).

It is abundantly clear that Martinez conduct is contrary to the clear weight of authority as it concerns the publication of his. Arias' appeal is ongoing – it has not even been set for oral argument before the Court of Appeals. The time for a petition for certiorari has not elapsed nor has certiorari been finally denied. Under Arizona law, it is clear that her case has not concluded. *Towery*, 204 Ariz. 386, 64 P.3d 828). Martinez's publication of his book before the *Arias* case concluded is a clear violation of his duties under the ethical rules and the substantial weight of authority prohibiting such conduct by a prosecutor.

III. The new evidence concerning Martinez' conduct in writing his book during the *Arias* trial and publishing it before her criminal case has concluded reveals that he clearly violated numerous ethical rules.

The *Arias* case has not concluded and it is possible that the conviction could be overturned and the case remanded for a new trial. One basis of the appeal involves multiple allegations of prosecutorial misconduct by Martinez. See *Arias*' Opening Brief in CA-CR 15-0302.

However, the evidence provided in this new bar charge is not part of the record in *State v. Arias*, CR 2008-031021-001 DT, nor is it therefore part of the appeal in CA-CR 15-0302. The evidence cited herein was not part of the State Bar's investigation

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

in SB 15-3023, and the ADPCC did not consider it when it dismissed the MCPD bar charge in SB 15-0302. This new evidence must be considered and evaluated by Arizona discipline authorities in deciding whether Martinez's publication of his book, with the permission of MCAO, violated the ethical rules.

In publishing his book, Martinez created a conflict of interest between his own financial interests and his duty as a prosecutor to seek justice.

ER 1.7(a)(2) states that a lawyer "shall not represent a client if the representation involves a concurrent conflict of interest", and that such a conflict exists if there is "a significant risk that the representation of one or more clients will be materially limited by... a personal interest of the lawyer." The new evidence set forth *supra* clearly demonstrates that Martinez had a personal interest in the *Arias* case. It is clear that from the very beginning, Martinez was intent on writing a book and making a profit off the case. There are witnesses who will testify that Martinez steered the assignment of case to himself because he knew it would be "big", that he wanted to write a book about it, become famous and retire from MCAO. He pushed for a death sentence - over the objection of other lawyers at MCAO - to ensure there would be a trial, because without a trial he would not get on TV, which would help him promote his book and become famous. There are numerous witnesses who will testify to this. Martinez's conduct in prosecuting the *Arias* case while simultaneously writing a book about it, and then publishing the book before her case concluded, clearly violates ER 1.7(a)(2).

ER 3.5(a)¹² states that a lawyer shall not "seek to influence a judge, juror, **prospective juror**, or other official of a tribunal by means prohibited by law." (Emphasis added). The discipline authorities cited *supra* make clear that a prosecutor cannot publish a book until the defendant's criminal case has concluded, because of the harm it would have should a retrial be granted. Martinez is a highly seasoned and experienced prosecutor. He published his book knowing full well that a retrial was a possibility - but he did so anyway. It is a certainty that should a retrial be granted his book would influence the prospective jury pool. Based on the new evidence provided herein, Martinez's publication of his book¹³ during the pendency of the *Arias* case clearly violates ER 3.5(a).

ER 3.6(a) states that a lawyer "who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing

¹² What's more, Arizona ethics opinion 78-42 states that a prosecutor may not, after a jury has returned a verdict in a criminal case, tell the jury about evidence which was not admitted at trial.

¹³ In addition to publishing his book, Martinez went on a speaking tour to promote it, and has made numerous media appearances to talk about the *Arias* case. Each of these must be analyzed pursuant to the ethical rules and authority cited herein, in order to determine whether they involve additional rule violations

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

an adjudicative proceeding in the matter.” In light of the new evidence provided herein, and the weight of discipline authority cited *supra*, it is clear that Martinez’s publication of his book violates ER 3.6(a).

ER 3.8 sets forth the “Special Responsibilities of Prosecutors”. ER 3.8(f) states that “the prosecutor in a criminal case shall... refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused.” In light of the new evidence provided herein, Martinez’s publication of his book clearly violates ER 3.8(f).

Martinez conduct set forth herein also violated the following ethical rules: ERs 1.11(a), and (b), and 8.4(a), (c) and (d).

Multiple witnesses will testify that Martinez wrote his book during business hours, while he was being paid by the taxpayers of Maricopa County. He allowed at least one non-MCAO employee to come to his downtown MCAO office to help him write the book, using MCAO equipment and facilities. In addition to the above-referenced ethical rules, Martinez’s conduct violated Arizona statutes and Maricopa County policies.

The Arizona conflict of interest statute, ARS § 38-503, applies to all public officers and employees of public agencies. It prohibits direct conflicts of interest such the one at issue here involving Martinez. In addition, the Maricopa County Code of Ethics in effect at the time Martinez wrote his book¹⁴ states that employees shall observe laws governing conflicts of interest and conduct all their official activities in a matter which is above reproach and free from any indiscretions or acceptance of gratuities or favors which cast doubt or suspicion upon them or the county department which employs them. *See* Rule 11.01(C). Maricopa County employees are prohibited from using their official position for personal gain or using confidential or “inside” information for personal advantage. *See* Rule 11.02(A). Employee’s official acts must reflect impartiality, such that all official decisions and actions must be determined by impersonal considerations, free from any prejudice or personal ambition. *See* Rule 11.02(B) and (G).

The witnesses referenced *supra* will testify that Martinez was writing his book during the trial, as he was making important decisions that affected the case – including not offering a plea agreement and taking the case to trial despite the objection of others at MCAO. This helped ensure that there would be a trial and that it would be covered in the media – all of which would in turn help promote the book he was writing during the trial. These prosecutorial decisions by Martinez were based on his own pecuniary interest in the matter. As such, they violated not only the ethical rules discussed *supra*, but also ARS § 38-503 and the Maricopa County Code of Ethics, Rule 11.

The new evidence set forth in this bar charge clearly demonstrates that Martinez

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

¹⁴ All citations discussed herein are to the Maricopa County Code of Ethics in effect at the time Martinez wrote his book.

violated multiple ethical rules by publishing his book about the *Arias* case. Martinez informed the State Bar during its investigation of SB 15-3023 that MCAO authorized him to publish his book. However, this does not absolve Martinez from a finding of misconduct under the ethical rules. To the contrary, it implicates the conduct by his supervisors at MCAO, including Maricopa County Attorney Bill Montgomery.

The Arizona Supreme Court has issued an opinion in a discipline case concerning the ethical obligations of criminal prosecutors and their supervisors – a case which involved lawyers at MCAO. See *Matter of Alexander*, 232 Ariz. 1, 300 P.3d 536 (2013). In *Alexander*, the Court noted that pursuant to ER 5.2(a), “A lawyer remains bound by the Rules of Professional Conduct even when working at another lawyer’s direction.” *Alexander*, 232 Ariz. at 6, 300 P.3d at 541. The Court further held:

We will not find professional misconduct by the subordinate lawyer however, “if that lawyer acts in accordance with a supervisory lawyer’s reasonable resolution of an arguable question of professional duty.” ER 5.2(b).

However, the Court nonetheless held the subordinate prosecutor liable for violating the ethical rules, stating that she could not “escape responsibility by blaming” her supervisor at MCAO. Citing comment 2 to ER 5.2, the Court further held:

When lawyers in a supervisor-subordinate relationship encounter a matter involving professional judgment as to ethical duty, the supervisor may assume responsibility for making the judgment... [But] [i]f the question can reasonably be answered only one way, the duty of both lawyers is clear and they are equally responsible for fulfilling it. For all of these reasons, the panel was justified in finding that Alexander maintained a frivolous lawsuit in violation of ER 3.1

Alexander, 232 Ariz. at 7, 300 P.3d at 542.

For these same reasons, Martinez is not absolved of misconduct by virtue of the fact that his supervisors at MCAO authorized him to publish his book. The clear weight of authority on this issue discussed *supra*, as well as the new evidence provided in this bar charge, make clear that the question of Martinez’s publication of his book about the *Arias* case before her case concluded did not involve an “arguable question of professional duty”. What Martinez did here was clearly unethical and the question of whether he could publish his book before the case was over “could reasonably be answered only one way”. In light of the new evidence contained herein, Martinez’s duty - as well as that of his supervisors at MCAO – concerning the publication of his book was clear, and all lawyers involved, including Montgomery, were responsible for fulfilling it.

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

602 258-3542
602 258-1377 FAX

www.adamsclark.com

IV. Conclusion

The new evidence contained in this bar charge demonstrates that Martinez's conduct in writing a book about the Arias case while it was ongoing and publishing it prior to its conclusion violated numerous ethical rules. It must be investigated and appropriately dealt with by Arizona discipline authorities.

Sincerely,
ADAMS & CLARK, PC


Karen Clark

KC:ls

Adams & Clark, PC
Attorneys at Law

1650 North First Avenue
Phoenix, Arizona 85003

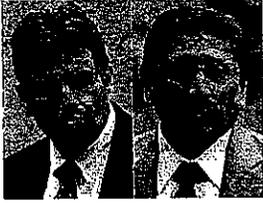
602 258-3542
602 258-1377 FAX

www.adamsclark.com

EXHIBIT 1

Jodi Arias prosecutor, defense attorney retry case in the bookstore

 Michael Kiefer, The Republic | azcentral.com 10:11 a.m. MST November 11, 2015



(Photo: The Republic/azcentral.com)

Very little about the Jodi Arias murder case was in good taste.

Her 2013 and 2015 trials both ended with juries unable to reach unanimous decisions over whether to send her to death row. They were filled with sex and deceit, all consumed by a voyeuristic public that tried via the Internet and social media to influence news coverage and the jury decisions.

Her case is now in front of the Arizona Court of Appeals, which has not deterred her prosecutor and one of her defense attorneys from writing tell-all books about the case.

Conviction: The Untold Story of Putting Jodi Arias Behind Bars, written by Deputy Maricopa County Attorney Juan Martinez, will be published by a midtown Manhattan publisher in January. *Trapped With Ms. Arias*, by her former defense attorney Kirk Nurmi, was self-published this week on Amazon.com. Both promise behind-the-scenes looks at the case.

Nurmi no longer represents Arias, who now has public defenders who specialize in appeals. The prosecution in the case is now in the hands of the Arizona Attorney General's Office.

Nonetheless, lawyers on both sides of the aisle are supposed to respect attorney-client privilege and confidentiality, and they are supposed to eschew "extrajudicial" statements while communicating with the press or the public.

In April 2013, Arias was convicted in Maricopa County Superior Court of the murder of her secret lover, Travis Alexander, who was found dead in the shower of his Mesa home in 2008. But her first jury hung on whether to sentence her to death or to life in prison. She went back to trial in late 2014, and in March 2015, the second jury also reached an impasse, forcing the judge in the case to sentence Arias to life in prison with no chance of release.



AZCENTRAL

Shocking murders in metro Phoenix history

(<http://www.azcentral.com/story/news/local/phoenix/2015/05/12/phoenix-notorious-historic-murders/16921161/>)

The case went viral on TV and in social media. Witnesses and attorneys — even a juror — were threatened and bullied by an over-involved public.

Dozens of books were published about the case, many by people who never set foot in the courtroom.

But two of them were lawyers involved in the case.

Prosecutors in the highly publicized O.J. Simpson and Charles Manson murders wrote bestselling books about those cases, but they had already resigned from their offices when they did so.

"I can't think of a case where a sitting prosecutor wrote a book," said Beth Karas, a former New York City assistant district attorney. Karas covered the first Arias trial for the HLN TV network, and the second trial as a freelancer.

Martinez's former boss, Rick Romley, does not approve.

"This thing's on appeal. Until there's finality in the case, you should never write a book," Romley said. "As long as they were working for me, they would not be able to do that."

Nurmi and Martinez did not respond to requests for comment.

Jerry Cobb, a spokesman for Martinez's current boss, Maricopa County Attorney Bill Montgomery, said, "Employees don't need permission to engage in constitutionally protected activities such as the exercise of their First Amendment rights. We received appropriate assurances that Juan Martinez's off-duty activities will not violate state statutes or restrictions on attorney conduct as found in the ethical rules for attorneys adopted by the Arizona Supreme Court."



Jodi Arias (Photo: Arizona Department of Corrections)

The blurb for Martinez's book on Amazon.com promises that "prosecutor Juan Martinez will unearth new details from the investigation that were never revealed at trial, exploring key facts from the case and the pieces of evidence he chose to keep close to the vest ..."

"Going beyond the news reports, Martinez will explore the truth behind the multiple facades of Jodi Arias," the blurb continues.

"With new stories from behind the scenes of the trial and Martinez's own take on his defendant," it says, "the book takes you inside the mind of Jodi Arias like never before."

There is a court protective order against revealing any sealed information on the case. Arias' appellate attorneys asked the Arizona Court of Appeals to enforce that order and demanded a copy of Martinez's book, expressing concern it could poison their case.

The court denied the motion.



AZCENTRAL

Judge orders Jodi Arias to pay \$32,000 to victim's family

(<http://www.azcentral.com/story/news/local/mesa/2015/06/22/jodi-arias-case-restitution-victims/29116033/>)

Nurmi, whose numerous motions to be released from the Arias case were denied, writes in his blurb that his book details "... what happened before the case began, what happened before the cameras were on. I detail the things that you do not know, things that will describe my reality, the reality that I was 'Trapped with Ms. Arias.'"

Lynda Shely, a lawyer who specializes in attorney ethics, said, "If there is a chance the case could be remanded, it is a problem."

And when she points to the rules of profession conduct that demand confidentiality, she says, "A lawyer's self-promotion or a lawyer's marketing or a lawyer's gossiping are not listed exceptions."

Paul Bender, a professor at Arizona State University's Sandra Day O'Connor School of Law, expressed disbelief that Martinez was allowed by his office to write and promote a book about a recent case.

"It is really gross misbehavior on the part of the prosecutor to be arguing the case in public while the case is still being litigated," he said.

In September, a Superior Court judge granted Martinez a two-month delay in a new murder case he is assigned to prosecute so that he can go on a promotional tour when his book comes out. The same judge had previously denied a motion by defense attorneys to continue the case.

"Asking for a continuance for a book tour?" said Shely, the legal ethics expert. "I'm not sure how that dispenses justice in a prompt manner."

Cobb responded, "As far as Mr. Martinez's time off, the County Attorney does not approve or oversee individual attorney trial calendars or leave requests. Additionally, employee leave requests are not evaluated on the basis of the specific purpose of the leave unless it involves FMLA (the Family Medical Leave Act). The court also specifically reviewed and approved the validity of the continuance and the defense did not object."

Photos: Jodi Arias sentencing retrial

Read or Share this story: <http://azc.cc/1NKsasN>

EXHIBIT 2

**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**

FILED

APR 03 2017

BY 

**IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,**

No. 15-3023

**JUAN M. MARTINEZ
Bar No. 009510**

ORDER OF DISMISSAL

Respondent.

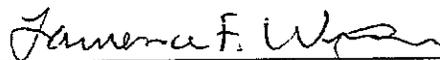
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee"), having reviewed this matter on March 10, 2017, pursuant to Rule 55(c)1, Ariz. R. Sup. Ct.

By a vote of 7-1-1¹, the Committee finds that there is insufficient evidence to establish probable cause that Respondent violated Rule 42, ER 3.6(a), Rule 42, ER 3.4(c) and Rule 42, ER 8.4(d).

The Committee provides a comment in the attached document.

IT IS ORDERED that the charges against the Respondent are dismissed.

DATED this 3 day of April, 2017.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona

¹ Committee member Ella G. Johnson did not participate in this matter.

Original filed this 3rd day
of April, 2017, with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

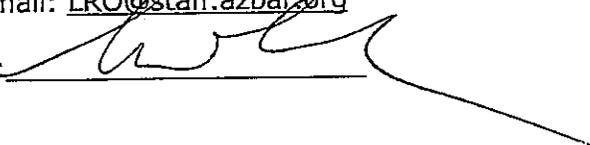
Copy mailed this 4th day
of April, 2017, to:

J. Scott Rhodes
Jennings Strouss & Salmon, PLC
One East Washington St, Ste 1900
Phoenix, AZ 85004-2554
Respondent's Counsel

Copy emailed this 4th day
of April, 2017, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: 

ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE

COMMENT

IN THE MATTER OF JUAN M. MARTINEZ

FILE NO. 15-3023

The Supreme Court of Arizona Probable Cause Committee ("Committee"), established by Rule 50, Ariz. R. Sup. Ct., consists of six attorney and three public members appointed by the Chief Justice of the Supreme Court. Pursuant to Rule 55(b)(2)(A)(ii), the Committee provides the following comment:

The State Bar investigated Complainant's charge that Respondent wrote a book, with his client's consent, which contained references to the existence and content of certain exhibits previously sealed by Court order. The Committee carefully reviewed the information provided in the Report of Investigation and Respondent's response regarding your complaint. This matter is being dismissed as Respondent obtained permission from his employer to disseminate information relative to his representation in the State v. Arias case. Similarly, while his book made general reference to the existence of sealed testimony and exhibits, the references did not contain specific content and was, in some circumstances, publically available despite the Court order(s) sealing the testimony and exhibits.

Respondent should be aware, however, that his decision and timing to publish the book is extremely concerning as it contained a number of extrajudicial comments that were not necessary to inform the public of the nature and extent of his actions and that did not served a legitimate law enforcement purpose. Similarly, while there is currently no apparent harm to the appellate proceedings, Rule 42, Ariz. R. Sup.

Ct., ERs 3.6(a) and 8.4(d) are violated when his extrajudicial statements are publically disseminated and there is a substantial likelihood of materially prejudicing future adjudicative proceedings. The better course of action in the future is to wait until all future adjudicative proceedings are final.

Finally, the perception created when a prosecutor attempts to immediately profit from his participation in a high profile case is also very concerning. The public expects much more from prosecutors and the book release shortly after the trial significantly risks undermining those expectations.

EXHIBIT 3

In The Matter Of:

Juan Martinez

Interview of Clark Wood

February 3, 2018

Reporter's Transcript of Recorded Interview

Griffin & Associates Court Reporters, LLC

2398 E. Camelback Road

Suite 260

Phoenix, AZ 85016

Original File CW020318.txt

Min-U-Script® with Word Index

In re:)
) Case No. 17-0624
Juan Martinez)

REPORTER'S TRANSCRIPT OF RECORDED INTERVIEW

INTERVIEW OF: CLARK WOOD
INTERVIEW BY: KAREN CLARK
 RALPH ADAMS
INTERVIEW DATE: 02/03/2018

PREPARED BY:
Debra Riggs Torres, RPR
Certified Reporter
Certificate No. 50647

PREPARED FOR:
Ms. Karen Clark

(Certified Copy)

1] the divorce to get the payment -- to get the credit cards
2] that I weren't aware of, that I heard allegations, then,
3] from her friends and close people where it was spent,
4] which was allegedly in Las Vegas, which I have no reason
5] to (indiscernible) and in the company of Juan Martinez,
6] and their wining and dining of people, or lawyers,
7] clients, the -- the witnesses were the allegations made.
8] And they were just a tip of the iceberg of the behaviors,
9] you know.
10] Like myself, I had found her -- I had
11] dialled her phone and she was -- I -- I don't know what
12] you call it, but you locate their phone with a locator. I
13] actually had my friend help me with it. I'm not
14] technologically advanced, but -- and her phone came
15] (indiscernible) in a motel room over on that side of town,
16] which was (indiscernible) miles away from our side of
17] town, over in Tempe, near --
18] MS. CLARK: You --
19] MR. WOOD: -- (indiscernible), first house,
20] which I had a lot of friends telling me that's what she
21] was doing. And she was in that neighborhood, I let it
22] go --
23] MS. CLARK: And I'm going to interrupt
24] 'because the -- it was difficult to hear you. You're
25] talking about near Martinez's house, right?

1] (Begin audio.)
2] MS. CLARK: All right. Today's date is
3] February the 3rd, and I'm Karen Clark, and this is my
4] partner, Ralph Adams.
5] MR. ADAMS: Ralph Adams.
6] MS. CLARK: We're partners at Adams & Clark,
7] PC, in Phoenix, and we are on the phone with Clark Wood
8] doing a telephonic interview about the Martinez bar
9] charge.
10] So thank you for talking to us, Clark.
11] MR. WOOD: Yeah, you're welcome.
12] MS. CLARK: All right.
13] MR. WOOD: (Indiscernible).
14] MS. CLARK: So I guess I'm going to ask it
15] this way. Did -- did -- you were married to Jennifer
16] Wood, and then the two of you were divorced; is that
17] right?
18] MR. WOOD: Yes, ma'am.
19] MS. CLARK: What was the reason for the
20] divorce?
21] MR. WOOD: Jennifer's behavior and the fact
22] that -- the evidence that she was having an affair was so
23] overwhelming. A lot of the things that were happening
24] while she was having an affair, like missing money out of
25] our account that was taken, and we had to work that out in

1] MR. WOOD: Yeah. (Indiscernible) near Juan
2] Martinez's house, that motel room where her phone pinged.
3] She was supposedly supposed to be at a neighbor's house a
4] couple blocks away, but I knew that wasn't the case. I
5] mean, not intuition, just what you know and what physical
6] proof, so I knew what was going on. So I pinged it.
7] There she was. She showed back up an hour later
8] screaming, yelling that she wasn't, you know
9] (indiscernible) defenses.
10] MR. ADAMS: Let's go outside.
11] MS. CLARK: It's him. It's not us.
12] MR. WOOD: There's no way. I mean --
13] MS. CLARK: It's him.
14] MR. WOOD: -- so much smoke and so many
15] things all pointed in the same direction. It's
16] overwhelming evidence of what she was doing and taking
17] money of our account and -- and pursuing this court and
18] these (indiscernible) in trouble with the blogging.
19] And the economic situation called for her to
20] pitch in, and -- and -- and help out and get a job, and
21] she refused and then started (indiscernible), you know,
22] attacking me and -- and threatening me with these lawyers,
23] that were now her friends, and her and her lawyer friends
24] were -- you know, I mean, she wouldn't settle or talk
25] because they were trying to keep it, so I had to go file

Page 5

1] for a divorce.
 2] MS. CLARK: Okay.
 3] MR. WOOD: And when I did that, that's --
 4] MS. CLARK: What?
 5] MR. WOOD: -- why.
 6] MS. CLARK: Is it -- is it -- so it's fair
 7] to say that Martinez was the reason for the end of your
 8] marriage?
 9] MR. WOOD: It's -- it's fair to say that she
 10] was psychologically, I don't know, (indiscernible) --
 11] MS. CLARK: Hey, Clark. I don't know what's
 12] going on. When we first started talking, the coverage was
 13] really clear on your cell phone, and now it's like not.
 14] And I'm --
 15] MR. WOOD: Is this better?
 16] MS. CLARK: That's better.
 17] MR. WOOD: Oh, okay.
 18] MS. CLARK: Much better.
 19] MR. WOOD: Okay. We got a lot of air and
 20] mountains and stuff in between us. I'll hold it right in
 21] the same spot.
 22] MS. CLARK: Oh, thank you. That's much
 23] better.
 24] MR. WOOD: Okay. Where did I -- let me --
 25] you can erase whatever I was saying, because I don't --

Page 6

1] forgot what I was --
 2] MS. CLARK: Oh, I was just asking, is it
 3] fair to say that Martinez was the cause of the divorce.
 4] And you were talking about some psychological stuff with
 5] Jennifer and then you cut out.
 6] MR. WOOD: Right.
 7] She -- I don't know where the politics of
 8] this land, but there's -- social media is very, very
 9] addictive, and she was addicted to the social media. And
 10] when she found Juan Martinez and he duped her into kind of
 11] working with him and stuff, and then the affair, which --
 12] the alleged affair, I guess. We still have to say that,
 13] but ...
 14] My -- my knowledge of what was going on with
 15] the affair, with Juan Martinez, and the activities that
 16] they started engaging into, yes.
 17] MS. CLARK: What kind of --
 18] MR. WOOD: I mean --
 19] MS. CLARK: -- what kind of activities that
 20] they were engaging in?
 21] MR. WOOD: Well, I had a son who was a
 22] diabetic, and she was not paying attention to him. She
 23] had no -- she was spending all of her days down at court
 24] and on the other side of the town.
 25] And then when the money started coming up

Page 7

1] missing, and her world there (indiscernible) I mean, to
 2] come missing. I mean, I had everyone around her saying,
 3] hey, man, you know she's opening up credit cards and
 4] running off to Vegas with this Juan Martinez and -- and
 5] that's why the people that were around her, working with
 6] her and everything, abandoned her because they were afraid
 7] of the fallout of the -- of what they were saying was the
 8] illegal activity, which I have no reason to believe,
 9] because I saw it too. And it was like, that's not right.
 10] And, I mean, with having the -- the attacks
 11] upon myself and my family, you know, how they were going
 12] to -- I was going to be poor, and she had lawyer friends
 13] and she was going to take everything and live in my house,
 14] and I was going to be working out at that marina forever.
 15] Just general, horrible stuff that goes along
 16] with people that are breaking up, and one of them's having
 17] an affair, especially when one of them that's having an
 18] affair with her is a lawyer and well versed at saying
 19] things, you know, at guiding. And so it was pretty
 20] obvious where her -- where her fight and where her anger
 21] and all the animosity was coming from, from her. That it
 22] was, you know, in getting bad advice, and so that's -- I
 23] forgot the question now.
 24] MS. CLARK: That's all right. That's all
 25] right. I'll -- I'll ask you where I need to -- to ask

Page 8

1] you.
 2] There -- there are lawyers that were
 3] involved with the case that said that it was a pretty --
 4] that there was a rumor, I guess all I can call it is a
 5] rumor, that Jennifer Wood and Martinez were meeting on
 6] Sundays at his office for her to help him with the case.
 7] And the rumors were that they were doing more than working
 8] on the case, that she was having sex with him at his
 9] office.
 10] Did she take off on Sundays? Did you
 11] suspect that she was seeing him on Sundays?
 12] MR. WOOD: Absolutely.
 13] MS. CLARK: Tell me about it.
 14] MR. WOOD: She would leave and get up at
 15] weird times and dress and leave and -- well, before this
 16] stuff, we used to go to church. And she never dressed
 17] like -- dressed that well to even go to church. And she
 18] never wore those types of clothes at all, ever. She never
 19] had a pair of high-heeled hooker pumps or leather
 20] miniskirts or plunging necklines and -- never.
 21] So you don't wake up to go help somebody
 22] with a case wearing orange Cuban platform heels, fishnet
 23] stockings, a leather miniskirt, and a tube top. That's
 24] not how you dress to go help somebody in a law office.
 25] MS. CLARK: So let me ask you this. This is

1] very important. Did she tell you that she was going to
 2] help him on these Sundays?
 3] MR. WOOD: Oh, no. She'd be -- I mean, she
 4] had ever excuse in the world, you know. She -- that was
 5] the thing is she would -- she's -- she still denies that
 6] any of this happens. She denies that she's even involved
 7] in any of it.
 8] MS. CLARK: Well, she can --
 9] MR. WOOD: And --
 10] MS. CLARK: -- deny the affair, but I --
 11] what I'm trying to get at is, did she admit to helping
 12] him, including --
 13] MR. WOOD: Yes.
 14] MS. CLARK: -- on Sundays?
 15] MR. WOOD: Yes, she admitted to helping him.
 16] And she admitted that she was -- before, when I was like
 17] this -- no, this isn't right. And I said, look, man,
 18] you're mixed up with bad people, you know. In the
 19] beginning, like you're mixed up with -- you don't even
 20] know what you're mixed up in, girl. This guy's -- people
 21] are trying to get you on TV and this is bad, you know.
 22] It's bad stuff.
 23] And, oh, you know, this and that. I'm
 24] helping him. And -- and her, oh, no, it's -- it's all
 25] good. All these people are around me, they're saying this

1] MS. CLARK: Was she going to his -- did she
 2] tell you she was going to his office or where did she say
 3] she was going?
 4] MR. WOOD: Downtown. She said going
 5] downtown and stuff. I mean, this girl hasn't told the
 6] truth in three years. So in between these excuses that,
 7] you know, I'm going to Walmart. Really, dressed like
 8] that, in the opposite direction? Yeah, right.
 9] Well, I had to run downtown and help out
 10] with the case and things like that. It was just -- yeah,
 11] knew where she was, and what she was doing, and -- but --
 12] MS. CLARK: Did --
 13] MR. WOOD: -- what she actually says, I
 14] mean -- she literally has not told the truth in three
 15] years. She can't tell the -- she couldn't tell the truth
 16] to serve her own purpose.
 17] When we were -- when we had her down with
 18] all this stuff that you're asking about, you know, and
 19] we're talking about it cost her a hundred thousand dollars
 20] to lie for this guy, at least.
 21] MS. CLARK: I don't know what you mean by
 22] that, but I'm going to ask the question that I'm --
 23] MR. WOOD: Well, I got a lot of money, and
 24] she had to walk away empty handed --
 25] MS. CLARK: Oh, I gotcha.

1] is going on, that's -- that's not true. This Juan
 2] Martinez has a girlfriend, and he and me and -- you know,
 3] herself -- and this Juan Martinez, and Juan Martinez's
 4] girlfriend, and Kurt (sic) Nurmi are all buddies, and they
 5] hang out together and everything.
 6] And she said at that point, that she was
 7] going to help him write a book, and she was going to get
 8] it, because she was the one helping him going to write a
 9] book.
 10] MS. CLARK: So --
 11] MR. WOOD: And all this time was her going
 12] to be the one helping him write a book. She admitted it.
 13] Said, yeah, I'm just helping him because I'm on the
 14] inside. But, no, his girlfriend is involved, and she's
 15] beautiful, and we're all friends, me and Juan and his
 16] girlfriend. And even Kurt. We call Kurt Nurmi. He's our
 17] friend too.
 18] MS. CLARK: So she admitted that -- so
 19] what -- what you know is that she's taking off on Sundays
 20] to go help him. And what you don't -- what she doesn't
 21] admit to is that they're having an affair. But she does
 22] admit that she did go to help him on Sundays and tell you
 23] that's what she was doing?
 24] MR. WOOD: Oh, yeah. She was going to help
 25] him write a book.

1] MR. WOOD: -- or come up with all the
 2] information.
 3] MS. CLARK: I see.
 4] MR. WOOD: Well, she didn't want to go to
 5] prison, so she walked away empty -- well, she took the
 6] little money she had and that forced her to pay off these
 7] bills and these unknown credit cards that she had run up
 8] in Las Vegas, allegedly. I didn't look on -- we all know
 9] what they were. It's like, look, this is the way it is,
 10] bitch. You -- I'm going to give you a -- half of your
 11] money. All that's got to be cleared or you ain't getting
 12] nothing and I'm going to put you in prison.
 13] And so she took half her money, did that,
 14] and I gave her a little bit more. She -- 'cause she was
 15] married to me. I'm rich.
 16] MR. ADAMS: Clark, can I ask you a question
 17] about what she might have told you about her work on the
 18] case. Did she ever give you any specifics of what she was
 19] doing on the case?
 20] MR. WOOD: She did, but I'm sure she was
 21] very careful. And she would say she was doing a lot of
 22] research in the law library, and that's where she
 23] needed -- that's where she normally said she was going,
 24] was to the county library there, the records office.
 25] (Indiscernible) papers and stuff --

1] MR. ADAMS: Well, she was --
 2] MR. WOOD: -- (indiscernible).
 3] MR. ADAMS: Clark, she was a blogger. Was
 4] she -- did she say that she was doing the research for
 5] herself or for Martinez?
 6] MR. WOOD: Well, she admitted that --
 7] that -- that they were friends and that -- that a lot of
 8] it they did. I mean, her facade was that she was this,
 9] you know, media star and that was her -- for her case
 10] mostly. I can't think of anything specifically, word for
 11] word that she said, I'm going to help Juan Martinez, other
 12] than, yeah, I know him. Me and her -- you know, I help
 13] him all the time.
 14] And, yeah, she did. She said she worked
 15] with them. And she was -- they -- the two of them,
 16] together -- I mean, while the case was still going on,
 17] they were going to write a book together and -- yeah, she
 18] did say that.
 19] MS. CLARK: All right. Did she ever tell
 20] you about being in his office, what his office looked like
 21] or, hey, he let me see this at his office? Did she ever
 22] talk to you about helping him with his computer, because
 23] he -- he wasn't good at computers and she was? Did she
 24] talk to you about anything like that?
 25] MR. WOOD: I'm really trying to think here

1] any -- it was so bad that anything she said in the truth
 2] could be slopped around right on her.
 3] MR. ADAMS: Clark, did --
 4] MR. WOOD: So were the (indiscernible), well
 5] this is true over here. You're a criminal.
 6] MR. ADAMS: Clark --
 7] MR. WOOD: And that's how I ran her off in
 8] the divorce. I never -- she was telling people I had
 9] private detectives and everything. I never used one. I'd
 10] walk right up to her. Oh, so this Juan Martinez guy, this
 11] is -- oh, no, and she'd spill her guts.
 12] MR. ADAMS: Clark, did she ever mention that
 13] she went to his house?
 14] MR. WOOD: I cannot say for a specific. I
 15] mean, she had alluded to that they were friends and --
 16] but, oh, when -- yeah, when they go to her -- to his
 17] house, to her -- his girlfriend's always there. Whenever
 18] he's around, she's around her, or been over to her house,
 19] that, you know, she's always there.
 20] Besides that, I have her friends telling me,
 21] look, she's going over to his house. She claims that
 22] she -- why would I know where she lived. How would I know
 23] where he lived, you know, other than her claiming that she
 24] was going to Tempe, which is supposedly where he lives,
 25] Tempe/Mesa area, and where my family lived.

1] of a specific.
 2] MS. CLARK: That's all right. You take your
 3] time.
 4] MR. WOOD: And ... no, I -- I can't think of
 5] anything specific.
 6] MS. CLARK: Okay.
 7] MR. WOOD: Just her parading around, about
 8] how wonderful he was because he didn't have any
 9] paralegals, and there was no one around to -- that he did
 10] everything by himself (indiscernible).
 11] You know when -- and, I mean, that's how she
 12] did. Whatever she's been saying over and over again,
 13] that's what she's doing. So just like that. Oh, he does
 14] all this by himself, and no one's helping and all this
 15] stuff.
 16] I'm sorry. I know this isn't helpful,
 17] but --
 18] MS. CLARK: No, it's all right.
 19] MR. WOOD: -- to me that means, oh, you're
 20] over there at his office. I mean, that's -- if she -- if
 21] this girls says it's sunny outside, go get your umbrella.
 22] For the last three years, she cannot tell you the truth
 23] about the weather, so ...
 24] And I'm not joking. I'm talking literally.
 25] Literally will tell you it's raining outside, because

1] And she was telling her partner she was
 2] going over to sign family business, over to my brother's
 3] house and stuff like that, and she -- and they knew what
 4] it was, and that they were -- so if they were telling me,
 5] dude, she's just going right over to his house. They're
 6] into that situation now.
 7] So the way I found out about it was absolute
 8] credible witnesses that were with her, and she told that
 9] they -- that she was in Mesa. No, you're not going there.
 10] You're going over here.
 11] MS. CLARK: But she --
 12] MR. WOOD: And then they had arguments up
 13] and down the -- the Internet on their blogs, you know,
 14] which I had kept for a while, but, you know, I just threw
 15] away once that -- you know at some point.
 16] MS. CLARK: But she did --
 17] MR. WOOD: I'm trying to think of --
 18] MS. CLARK: -- she did --
 19] MR. WOOD: -- specifics, that she was over
 20] to his house. But I had heard from her friends. I pinged
 21] her phone, but that ended up being a motel room near his
 22] house, when she was supposed to be in north Phoenix.
 23] MS. CLARK: So she did tell you that she
 24] went to his house, but she told you that his girlfriend
 25] was there when she would go?

1] MR. WOOD: Yeah. That they were all
 2] friends, that his girlfriend was always around.
 3] MS. CLARK: And were -- what was the purpose
 4] of going to --
 5] MR. WOOD: And his house specific, I don't
 6] know if I could be pinned down on that. She told me he
 7] had -- you know, that -- oh, she'd go over and they'd work
 8] together and, you know, that he was -- she was going to be
 9] the one to help him write a book and ...
 10] MS. CLARK: Okay. Can you recall how many
 11] times she went on a Sunday to help him? It just -- if you
 12] can tell. If you can't tell, it's okay. A range,
 13] anything.
 14] MR. WOOD: I -- I -- I couldn't. I mean, I
 15] had a lot going on. There's (indiscernible) -- you know,
 16] she wasn't really giving me the information. But she
 17] was --
 18] MS. CLARK: No. I mean, how many times did
 19] you see her take off --
 20] MR. WOOD: -- (indiscernible).
 21] MS. CLARK: -- on Sundays dressed in --
 22] where it was unusual and hadn't happened before? Was it a
 23] dozen times she did that?
 24] MR. WOOD: Oh, I would say, yeah, or a
 25] couple months. I mean (indiscernible) really was. I'd

1] Juan Martinez.
 2] So did I know that they were talking? She'd
 3] do it right in front of me out in the back yard, twirl her
 4] hair and talk about stuff. That ain't about no case and
 5] that ain't Stephanie.
 6] So she talked on the phone and texted him
 7] for a year solid. Now, she wasn't telling me, oh, I'm
 8] texting Juan Martinez. But I knew what was going on. You
 9] know, we're not talking about people who are very smart
 10] and they're -- their -- this whole media, the look at --
 11] they bought the look at me, oh, I'm trying to keep
 12] something secret. It was a huge conundrum for them.
 13] The whole case is about getting on TV. The
 14] six years was about getting on TV, not trying to found out
 15] whether or not this girl should be put to death.
 16] MS. CLARK: Right.
 17] MR. WOOD: And then the judge is only doing
 18] court on high ratings days. I have a problem, you know.
 19] Six years, I don't think so.
 20] MS. CLARK: So at the end of the trial,
 21] they're heading to the end of the trial, and there's a
 22] holdout juror, and there's a couple court days where
 23] the -- the press knows and does stories that there's a
 24] holdout juror, and then after that the mistrial's
 25] declared.

1] say half a dozen.
 2] MS. CLARK: Okay.
 3] MR. WOOD: Something like -- more like that,
 4] that I was -- noticed that, hey, it's Sunday and you're
 5] dressed like a hooker and you're leaving.
 6] MS. CLARK: Gotcha.
 7] MR. WOOD: While the rest of us are, you
 8] know. There's nowhere for her to go. The courts aren't
 9] open on Sunday, you know. And she did mention that she
 10] was helping write things and -- but I can't think of
 11] anything specific.
 12] MS. CLARK: Were there any times that she is
 13] in communication with him, like in your presence, like in
 14] the evening and she's helping him with the book or
 15] whatever else it was, and she's emailing him or texting
 16] him and she's tell -- you know, and you know of it and
 17] she's saying she has a legitimate purpose to do it? Did
 18] that ever happen?
 19] MR. WOOD: Where she admitted who she was
 20] talking to, maybe a -- no. But I knew -- I mean, her
 21] friends and everyone told me how they were communicating,
 22] and I looked through the phone and he would call and she
 23] would get up and go outside. It wasn't a conversation
 24] with her friend Stephanie, it was Steph. So if it came up
 25] on the phone, it was Steph. But it wasn't Steph, it was

1] Do you -- are you aware of her helping
 2] Martinez either of those two nights that -- that the --
 3] the holdout juror was holding out before the mistrial was
 4] declared? Are you aware of any work she was doing for him
 5] related to that?
 6] MR. WOOD: I don't know this -- I know what
 7] was going on, and that's what was going on. And whatever
 8] she -- you know, I -- I don't know what she was doing.
 9] But, yeah, she was involved. She was, you know, all with
 10] that. I just -- you know, I just remember the -- the --
 11] you know, saying to her later, it's like, you know,
 12] what -- you know, what if that girl would have voted yes?
 13] It was a lady, right? Because she would
 14] say, yeah, the name was going around. But what if the
 15] lady, or whoever the holdout, what if you would have --
 16] what would you have done if she would have voted for the
 17] death penalty? We wouldn't be talking about what we're
 18] talking about now, we'd be talking about attempted murder.
 19] You're trying to get somebody killed that
 20] you know doesn't -- you know. Well, you know what I'm
 21] saying. I'm -- I'm sorry. I use bad words, because I
 22] don't know the law. That's why I have to be careful,
 23] because I tell the truth. I don't do legal speak. I say
 24] the truth. And that gets me in trouble, and I can't -- I
 25] can't get into trouble over these cockroaches.

1] MR. ADAMS: Clark, can you explain to me
 2] what you meant by it -- we'd be talking about attempted
 3] murder? Help me understand what you meant by that.
 4] MR. WOOD: Well, if you're falsifying
 5] information and you're doing things that the court had
 6] accused them of, or him of, to try to get somebody put to
 7] death, so you can get on TV and write a book and make
 8] profit, I know that --I'm sorry. Let me retract that word
 9] on murder, because it's not used in court.
 10] In my -- in my -- in a non-court situation,
 11] when somebody's trying to get somebody killed and
 12] falsifying and lying and committing perjury and doing all
 13] the things they were doing to try to get somebody killed
 14] for their profit, that's the -- that's the sum that I come
 15] up with in my end.
 16] MR. ADAMS: Okay. That --
 17] MR. WOOD: You all can probably -- in court
 18] you-all can call it whatever you want to, but --
 19] MS. CLARK: We're not --
 20] MR. WOOD: -- if I'm a judge, we call it
 21] (indiscernible).
 22] MR. ADAMS: No, I -- I understand. That
 23] helps me understand what you were thinking.
 24] Can you tell me a little bit more about what
 25] you said, you know, committing lies and perjuring and

1] MS. CLARK: Clark, I'm going to ask you some
 2] more --
 3] MR. WOOD: I don't think the judge would
 4] have allowed it, if there wasn't a media payoff in the
 5] end. But that's just my personal opinion. I'm sorry.
 6] MS. CLARK: That's all right, Clark. I'm
 7] going to ask you a couple more questions.
 8] Tammy -- you know who Tammy Rose is, right?
 9] MR. WOOD: Yep.
 10] MS. CLARK: Tammy Rose says that Jen Wood
 11] called her and said that Martinez had told Jen Wood who
 12] the holdout juror was and asked Jen Wood to do some
 13] research on the Internet about Jen Wood to see if Jen Wood
 14] could get information about the holdout juror to get her
 15] knocked off the jury.
 16] And Tammy Rose says that Jen Wood called her
 17] in the evening around -- I think it was 5:00 or 6:00 and
 18] asked Tammy Rose for help with that. And then Jen Wood
 19] spent hours into the evening doing research on that. And
 20] then at 10:00 p.m., after 10 p.m., got back -- texted
 21] Tammy Rose to say, oh, I did the research and I couldn't
 22] find anything. I couldn't help him.
 23] So she'd be up until 10 o'clock that night
 24] trying to help Martinez. Do you have any knowledge about
 25] that?

1] things like that. What do you mean by that? What were
 2] they doing?
 3] MR. WOOD: Well, they were definitely --
 4] when she was accused of the leaking of the jurors' names
 5] and the covering up of the -- the accusation covering up
 6] evidence. And just generally not -- I mean, come on, I
 7] saw enough on TV to know that that girl was -- had some
 8] problems. And everybody knows that that boy exploited
 9] those problems. And then what they put on TV, why did it
 10] let go? Because you got naked pictures of her. Nobody
 11] else would have got drug through anything like that
 12] without the naked pictures and -- and all of that smut
 13] that just -- you know.
 14] MS. CLARK: I need to bring you back.
 15] MR. WOOD: Because if that was never
 16] (indiscernible), that's been -- in my opinion, this case
 17] was about the media's access, which was every day, and
 18] then she was -- they were -- and I know that they were
 19] both working on that to make sure that they kept the media
 20] in there and getting this on TV more than it was to find
 21] the problem (indiscernible). She admitted what happened.
 22] There was no reason for all of that and going for the
 23] death penalty. Nobody would have went for the death
 24] penalty in that situation, if there wasn't a media payoff
 25] at the end.

1] MR. WOOD: That was -- that was an issue
 2] that was going -- you know, at that time, I didn't know
 3] the -- that was -- what she was doing was really that
 4] illegal.
 5] So, yeah, they were -- they -- that was all
 6] going on. And, yes, she stayed up late into the nights
 7] doing this and saying she was helping -- the specifics of
 8] what she was doing, I don't know. But it was an issue and
 9] the -- you know, that -- it just kept -- that was the
 10] issue, that holdout juror and they were arguing.
 11] And, yeah, she was arguing about the holdout
 12] juror and this and that and -- I don't know the specifics
 13] of what she was doing, but, yeah, the holdout juror was --
 14] just kept going around and around in that conversation.
 15] And somehow was a big -- that's when they all -- you know,
 16] her and that Tammy Rose and everybody, there was a big
 17] blowup.
 18] MS. CLARK: I need my (indiscernible).
 19] MR. WOOD: And at that point, that's when --
 20] and that's what Tammy told me. So I heard the same
 21] stories, which I personally, and adding to the list of
 22] things that were going on, that, you know, these people
 23] who are very well versed at making a situation look the
 24] way they want it to look, and it was there.
 25] But I don't know specifics. But they were

1] working on this. I know she was working on that -- the
 2] holdout juror. And that's the -- when they came back
 3] and -- and said no. And then there was a question.
 4] That's when I looked at her and said, what would you have
 5] done if she would have voted to convict -- or to -- voted
 6] yea and they proceeded on? What would you have done?
 7] Because now you're just as guilty, in my
 8] opinion -- you know, what I'm telling her is, you're as
 9] guilty of attempting to commit this crime. If that lady
 10] would have voted yes, you would have been convicted of
 11] what I -- I would have -- in my opinion, you're guilty of
 12] what I said earlier. And I said that (indiscernible) only
 13] individual's whose opinion counts on my side on this one,
 14] so that's what I (indiscernible).
 15] Ain't no way I can sit down to prayer and
 16] say this ain't happening. No way.
 17] MS. CLARK: All right. I'm -- I'm sorry.
 18] I'm moving my papers because I'm looking for the dates
 19] that I -- that this happened, and it is -- just give me
 20] one second here. I can give you the date.
 21] Tammy Rose says that Jen Wood called her at
 22] 7:30 on March 3rd, and that would have been in two
 23] thousand and -- I think it's '15. And so these are the
 24] two nights where -- where the holdout juror is holding out
 25] before the mistrial.

1] out in the forest and look and inspect the tree. It's
 2] pretty well believed that you can -- you know. Yeah, no
 3] reason to not believe what these people are telling you.
 4] And, yeah, that's what they were telling me,
 5] and that seems to be what was going on at the time, and,
 6] you know --
 7] MS. CLARK: When you say --
 8] MR. WOOD: -- I was down at the hospital
 9] with my mother. I wasn't dealing with that.
 10] MS. CLARK: When you say "conversations,"
 11] conversations with who? Was she talking to Martinez about
 12] it? Conversations with who?
 13] MR. WOOD: With -- just the excuses of --
 14] you know, and what she was doing. Oh, you know. And by
 15] that time she was bragging -- yeah, she was bragging that
 16] she was helping him and -- you know, with the -- and all
 17] this book and stuff.
 18] But specifics that she was -- that was the
 19] conversation, this holdout juror, and they were all
 20] arguing and doing all this stuff around that time. I
 21] really didn't get involved. But, yeah, the holdout juror
 22] was a big issue. And supposedly, you know, I -- I accused
 23] her of it and never -- of course, you know, it's, oh, no,
 24] there's no, you know, improprieties of what we're doing or
 25] anything. And me and Juan Martinez's girlfriends are

1] So are you saying that it's your memory that
 2] she was -- I know at the time you didn't know exactly what
 3] she was doing, and at the time you didn't know it was
 4] improper. But you do know that at the time she was making
 5] efforts to research Juror 17, and that she was doing that
 6] to help Martinez?
 7] MR. WOOD: Yeah. I -- I can't say the
 8] extent of the research. I mean, she was up working and
 9] that was the issue. But I didn't look into her research
 10] on that or know how far she went with it, but -- I don't
 11] know about the date.
 12] But when that was going on, with the holdout
 13] juror, yeah, she was staying up and doing a lot of stuff.
 14] I didn't follow her to see exactly what she was doing, but
 15] she was somehow -- yeah, there was a lot of conversation
 16] and a lot of work going on. And I -- you know.
 17] By that time she had started going down to
 18] the Safeways and using other computers. I think she used
 19] my son's laptop a lot. And there was a lot of texts going
 20] on that I didn't look into (indiscernible).
 21] MS. CLARK: Oh, Clark, you just went
 22] out of --
 23] MR. WOOD: But when you know something is so
 24] real and everybody's standing there telling you that, I
 25] mean, the forest for the trees, you'd actually don't go

1] tight and we all hang out together.
 2] I mean, everything she's saying is a lie, so
 3] I just know what was going on, what the issues were, who
 4] she was hanging out with, and what a hundred percent of
 5] the people who were there witnessing it were saying, to no
 6] reason to say that. They were telling me that. That's
 7] what I'm seeing at the home. A couple -- yeah.
 8] There was a day that -- it was a day. I do
 9] happen to remember a day. I was out in the frond yard,
 10] and the two of them, Tammy Rose and Jen were together, and
 11] they -- I had my tractor out in the front yard. It's a
 12] big yard. I'm -- a big property. And was working on it,
 13] and they left.
 14] And when she came back -- when they came
 15] back, and then I talked to Tammy later, the same
 16] accusations that she was going to Juan Martinez's house
 17] and everything. I said, well, yeah. Well, I have -- she
 18] goes, well I can tell you a specific -- when this exactly
 19] happened. I said okay, Tammy, when was it? She said,
 20] well, did this happen after she got home and they had --
 21] and -- yeah. That -- that was that day. She said, well,
 22] that was the day that she went over there. The day -- I
 23] was with her, and she split off of me and went over there
 24] to whatever his -- was going to go meet him, whatever, and
 25] you were outside on the tractor. And then she put all the

Page 29

1] specifics. Yep, that. Yep, yep. And then she came home
 2] and started saying this about -- you know, whatever it
 3] was, the jury or whatever. I said, yeah, that's all true.
 4] And the things that she knew that was inside
 5] of our house, conversations between me and Jennifer, so
 6] she had talked intimately with Jennifer. She was -- Tammy
 7] Rose was telling Jennifer to divorce me before she
 8] (indiscernible). Tammy Rose is just as big of a ghoulish as
 9] the rest of those.
 10] And I threw her -- she came over to
 11] interview me, and I, you know, basically run her off.
 12] I'll tell her the truth, and she told me the truth. I
 13] mean, we -- we exchanged the information that we needed to
 14] share. But as far as any collaboration or anything with
 15] Tammy Rose, absolutely not. She's as big of a ghoulish as
 16] the rest of them and --
 17] MS. CLARK: Hey -- hey Clark.
 18] MR. WOOD: -- but I have no reason to
 19] believe her, because everything that she said that she
 20] didn't know about that only Jennifer knew about was
 21] exactly true.
 22] MS. CLARK: Let me -- I need to ask you a
 23] couple more questions. Okay? I really appreciate your
 24] time.
 25] MR. WOOD: Oh, and I'm -- I'm trying hard to

Page 30

1] think of specifics, but --
 2] MS. CLARK: I want to ask --
 3] MR. WOOD: -- that's what I was trying to
 4] put out of my mind to survive, you know, while these
 5] people were doing this to me and my family. While they
 6] were attacking and stealing and lying to my family.
 7] MS. CLARK: I need to ask you some more
 8] questions.
 9] MR. WOOD: Couldn't even -- wasn't even
 10] allowed to react.
 11] MS. CLARK: Yeah, I hear you.
 12] MR. WOOD: You know, and worked out great.
 13] (Indiscernible) don't even do it. Well, great. I look
 14] like an idiot, but I still win. And that's how it is in
 15] law --
 16] MS. CLARK: Hey, Clark --
 17] MR. WOOD: -- you know, but ...
 18] MS. CLARK: -- I want to ask you about
 19] something.
 20] MR. WOOD: Anymore -- go ahead. I'm sorry.
 21] MS. CLARK: That's all right.
 22] MR. WOOD: It makes me emotional too, so you
 23] got to fight through that.
 24] MS. CLARK: Hey, I understand that. And I'm
 25] really --

Page 31

1] MR. WOOD: Have to put down emotions that
 2] basically wrecked your life and ruined your kids' lives,
 3] so I'm kind of emotional. I apologize.
 4] MS. CLARK: Don't apologize. I really
 5] appreciate your time.
 6] MR. WOOD: You still there?
 7] MS. CLARK: I'm -- I'm -- oh, I'm sorry.
 8] I -- I said don't apologize. I really appreciate your
 9] time, and I know this is difficult. And you don't need to
 10] apologize at all. I really appreciate it.
 11] I wanted to ask you about something else,
 12] and that is somebody named Katie Wick. Did Jennifer ever
 13] tell you about Martinez having a -- a relationship with
 14] Katie Wick?
 15] MR. WOOD: No. The name's -- I mean, it's
 16] just one of those names that was in that pile of names
 17] going around, but I can't remember anything like that.
 18] MS. CLARK: Okay. That's all right.
 19] When she -- so you -- she took a -- where
 20] did she tell you she was going when -- on the trip that
 21] you later came to believe was to Las Vegas? Tell me about
 22] that.
 23] MR. WOOD: Well, she made this big, big
 24] to-do that she was going to go to Washington and, you
 25] know, all these -- I don't know. I call them -- where

Page 32

1] there was -- all the ghouls were going to get together
 2] and -- and talk about this. And she'd talk about her
 3] getting on TV again, on Nancy Grace or something like
 4] that. It was a big play, and then it went off. Nothing
 5] like that.
 6] And that -- during the other conversation --
 7] one of those other conversations with Tammy Rose, that's
 8] how I learned about that it was Las Vegas. So she was
 9] like, hey, you know, the specifics. Where did -- remember
 10] when she was telling you she was going to Washington?
 11] Said yeah. She didn't go to Washington. She went to
 12] Las Vegas with that Juan Martinez, and they took people
 13] they weren't supposed to take. And Jennifer admitted to
 14] her, but she -- this is Tammy Rose talking, I'm quoting
 15] Tammy Rose, that Jennifer admitted to her that she'd
 16] screwed up and went and started some -- and used some
 17] credit -- started a new credit line and started spending
 18] it over there, and she was worried about getting in
 19] trouble. That she spent it in Las Vegas.
 20] And if I had any questions, go look at my
 21] credit and it'll show that she had charges in Las Vegas on
 22] that weekend she was supposed to be in Washington. She
 23] was in Las Vegas with Juan Martinez and members of the --
 24] whatever she was saying. There was people that were
 25] family members of the -- of the deceased or -- or they

11 were juror -- whatever. I can't remember. But she was
 21 there and they were doing stuff.
 31 Not only that, she was spending money on --
 41 with my name on it and taking money out of my family to
 51 spend on this Juan Martinez and their trip to Vegas, and
 61 that ain't legal. And that's when they crapped their
 71 pants, and they wouldn't, and that's when they lost the
 81 case. Because, well, come up with that credit, come up
 91 with the charges, the times, the dates, where, who,
 101 everything, and I'll let you have some money.
 111 Oh, no, we ain't going to do that. Said, I
 121 know, because if you do, I'll put you in prison.
 131 MR. ADAMS: Clark, did you ever see any
 141 other evidence of her trip to Las Vegas, besides credit
 151 receipts or something like that?
 161 MR. WOOD: No, sir.
 171 MR. ADAMS: Who did --
 181 MR. WOOD: I didn't look, though. I didn't
 191 look at the credit. It was (indiscernible). There was
 201 credits that she had started. And we already knew, so I
 211 wasn't trying to find fact.
 221 MR. ADAMS: Okay.
 231 MR. WOOD: I don't need to find facts. I
 241 know for a fact.
 251 MR. ADAMS: You said a minute ago that they

11 got this inside thing that he gave me that's going to help
 21 me to be a -- you know, blogging and making money or
 31 anything like that?
 41 MR. WOOD: Well, no. She would allude to
 51 that she had the inside case and -- you know, the insider
 61 and -- and -- and this -- but nothing specific -- not one
 71 specific piece of information that I can think of.
 81 MS. CLARK: Well, I don't even mean that you
 91 have to know --
 101 MR. WOOD: And if I knew what it was, I
 111 could say, well, yeah, she mentioned that, or this or
 121 that, but --
 131 MS. CLARK: I don't -- I don't --
 141 MR. WOOD: -- (indiscernible).
 151 MS. CLARK: -- I don't mean that you had the
 161 specific information. I just mean that she told you that
 171 she got inside information from him that nobody else was
 181 getting.
 191 MR. WOOD: No. She would come home and say
 201 that -- I mean, nobody was even saying anything about
 211 that. But she'd make -- like I said, she'd make the
 221 excuse before it even came out. I came in -- I -- I got
 231 this information that I found at the library, and I'm here
 241 to make sure that nobody thinks that Juan gave it to me.
 251 That I just went down on my own and stumbled across this

11 might have been up there with some jurors or family
 21 members. What do you remember about that?
 31 MR. WOOD: Fam -- just what Tammy Rose said.
 41 It's who and why they were there. I said, they just went
 51 on a -- no, no. They -- you know, they were entertaining
 61 somebody up there.
 71 And then I -- and honest to goodness, I --
 81 only my memory of when it was kind of on TV, that that was
 91 in our accusation, that they had wined and dined somebody
 101 inappropriately and it was all a thing (indiscernible) the
 111 accusations from the court's on TV, but ...
 121 MS. CLARK: Clark --
 131 MR. WOOD: (Indiscernible). In my mind,
 141 I -- too much smoke for there not to be fire, but I'm not
 151 in law. I have to make my own decisions based on
 161 intuition.
 171 MS. CLARK: Clark, you know, in -- as far as
 181 Tammy always saying she was helping Martinez write the
 191 book, did she ever -- excuse me, Jen -- sorry. I'm -- I
 201 got it mixed up.
 211 As far as Jen telling you that she was
 221 helping Martinez write the book, did she ever tell you
 231 that he had told her something secret, something nobody
 241 else knew about the case, either for writing the book or
 251 for any other purpose? Did she ever tell you, oh, I've

11 and -- yeah, she'd say it over and over. But she -- her
 21 excuses for what actually happened preceded the
 31 accusations. And that's what she would do.
 41 Just like -- and that's what I'm saying.
 51 It's like, oh really? So now all I have to do is go find
 61 out -- now I know where to go look, if I were to, to what
 71 you did wrong, because you're already making excuses for
 81 it and nobody's even accused you of anything.
 91 So she was coming home (indiscernible), I
 101 went down and looked what I found all on my own. And I'm
 111 going to make sure nobody helped me find this. No, I
 121 found this all on my own. Like, there's nobody
 131 questioning what you found. In fact, nobody else is even
 141 watching. We don't give a crap about no stupid murder
 151 trial. We got things to do.
 161 So whatever you're saying is whatever
 171 (indiscernible) yeah, so that's what I'm doing. I found
 181 (indiscernible) and I'm so great, 'cause I found all this
 191 information on my own and no one helped me.
 201 So basically, I mean, if you knew her and
 211 you knew her relationship, she was telling me that she did
 221 it before she was even accused of it. She was already
 231 making excuses because she knew what was coming, but --
 241 MS. CLARK: Do you --
 251 MR. WOOD: -- you know, and it was --

1] MS. CLARK: Do you think that Martinez was
 2] telling her to cover their tracks? Is that what you
 3] believe? You might not have evidence of it, but is that
 4] what you believed?
 5] MR. WOOD: As I'm on record and -- okay.
 6] This is what I -- what I believe, right? Not legal, but
 7] what I believe and no -- that's for my opinion.
 8] Absolutely. It'd be ludicrous to say that that wasn't
 9] true. Did I answer that right?
 10] MS. CLARK: Yeah, you answered me exactly
 11] the question I asked.
 12] MR. WOOD: Yeah.
 13] MS. CLARK: You know, and that brings up a
 14] good --
 15] MR. WOOD: (Indiscernible) --
 16] MS. CLARK: -- point.
 17] MR. WOOD: -- my -- in my belief, in all the
 18] stuff that I saw, there's no question in my mind. So
 19] that's a yes.
 20] MS. CLARK: There's -- the -- that brings up
 21] a good question about the questions I'm asking you. And
 22] are there any questions that I should have asked you that
 23] I didn't? Is there anything else that you know that I
 24] didn't ask the right question to get at?
 25] MR. WOOD: Let me think of the whole thing

1] other two accusations, like I was telling you, are that he
 2] gave her access to his file, his office, that others did
 3] not get. And the third accusation --
 4] MR. WOOD: Yeah. And I don't know if I
 5] answered that one correctly, that -- the thing about it,
 6] well, yeah, she was bragging that she was on the inside
 7] and writing -- writing the book. She bragged about that.
 8] She bragged about being on the inside with him the whole
 9] time.
 10] MS. CLARK: Yeah.
 11] MR. WOOD: And the jealousy of which is what
 12] made these other people back off and then attack her when
 13] they found out that -- or believed, allegedly -- I keep
 14] throwing that word out there for obvious. But that's when
 15] it blew up, you know.
 16] MR. ADAMS: Clark, do you remember -- and I
 17] know this is going to tax your memory a little bit. Can
 18] you remember around when the first time that Jennifer told
 19] you she was going to help him write a book was? Do you
 20] remember?
 21] MR. WOOD: I -- I can just remember seasons,
 22] 'cause -- at some point I wasn't even in the house. I had
 23] to go over full-time care for my mother. So at right
 24] about the same time that all -- that that was blowing up
 25] with -- with the jurors and everything. And this is like,

1] on the -- the way through. I'm sorry. I'm kind of upset
 2] and my mind isn't really working real good here --
 3] MS. CLARK: Hey, you know what, you've
 4] done --
 5] MR. WOOD: -- especially when --
 6] MS. CLARK: -- you've done just fine, and
 7] this is an upsetting topic, and I'm very sorry that I had
 8] to bring it up for you all these years later.
 9] If you think of something else, you have my
 10] number and you just reach out to me and we can talk again.
 11] MR. WOOD: I will. If I think of anything,
 12] and I -- I don't think I'll leave a message. I'll just
 13] probably have you call me --
 14] MS. CLARK: That's fine.
 15] MR. WOOD: -- or I'll -- or whatever. I --
 16] MS. CLARK: That's fine.
 17] MR. WOOD: There may be. Is there anything
 18] that you can say that would put my mind more towards
 19] something that you're really trying to get at? Like a
 20] couple of -- a point that I could -- even talking with my
 21] friends and letting them know, hey, man, this is back
 22] and -- you know, they might say, hey, remember this or
 23] remember that, you know.
 24] MS. CLARK: Well, the -- the accusations are
 25] that he had the sexual affair with Jennifer Wood. But the

1] oh, no. No, no. This is way -- we're done and we're
 2] going to talk about divorce. But then we started in on
 3] that, and they just wouldn't even cooperate, keeps the
 4] divorce going for a year and a half.
 5] It was like, I'm offering you what you want,
 6] you know. (Indiscernible) offering what you want. No,
 7] they wouldn't take it. It was like --
 8] MR. ADAMS: Okay. Go.
 9] MR. WOOD: -- you're purposely not taking
 10] this and we know why, so. But none of this stuff. And it
 11] didn't get done with the trial. You know who was pushing
 12] her to keep the divorce going, you know.
 13] MS. CLARK: All right.
 14] MR. WOOD: So that nothing could be said
 15] because I -- can't testify against your wife in court.
 16] MS. CLARK: I have a couple last -- so you
 17] were just asking what should you be thinking about, and
 18] I'm going to let you think about it because --
 19] MR. WOOD: Yeah. I'm not sure if I answered
 20] Ralph's question. I got --
 21] MS. CLARK: That's okay.
 22] MR. WOOD: -- (indiscernible) myself.
 23] MS. CLARK: That's okay. You answered it
 24] before -- well, sort of. I mean, you've just said that as
 25] she's leaving the house to go help Martinez, she's telling

1] you that she's helping write a book, and I didn't --
 2] MR. WOOD: Yeah.
 3] MS. CLARK: -- you didn't place it exactly
 4] when, but it was during the trials.
 5] MR. WOOD: Yeah, it was a day. So that was
 6] my answer. It's like, I have seasons. I know when it
 7] was, and it was during, you know -- the book thing and
 8] everything was during that, when everybody abandoned her
 9] after this -- the juror thing. And no. She told me, you
 10] just don't know what I'm on to. It's going to be really
 11] lucrative, and I'm on the inside, and I'm going to be
 12] helping him write a book and stuff like that.
 13] So it was during that time, but I don't
 14] remember the date.
 15] MS. CLARK: That's all right.
 16] So what I was saying is, just -- you asked
 17] what things to think about, if you come up with anything
 18] else that jogs a memory for you. And that's, like I said,
 19] just evidence of the affair, number one; or any inside
 20] access that she had to his office or his file or his
 21] computer or anything like that. And number three is, any
 22] confidential or sealed information that she was -- he was
 23] sharing with her. Not that you know the sealed
 24] information, but that she ever told you that she had
 25] gotten such kind of information from him.

1] MS. CLARK: Right.
 2] MR. WOOD: That's how I knew you were coming
 3] in.
 4] MS. CLARK: And my apologies. I was given
 5] three potential phone numbers --
 6] MR. WOOD: No.
 7] MS. CLARK: -- for you, and I had no way of
 8] knowing which one was the correct one, so --
 9] MR. WOOD: No, no, no, no. No problems.
 10] I'm just saying that -- I'm trying to let you know, that's
 11] how I -- how do I know all this stuff? Because Jennifer
 12] denied it before it ever got accused.
 13] MS. CLARK: Was she warning -- has she
 14] warned you not to talk to people about what you know?
 15] MR. WOOD: Threatened me. Until -- until --
 16] until I got to the point where I said, look, you go do
 17] this or you're in trouble. There's no more with you and
 18] your lawyer friend threatening me. You better know that I
 19] know, and you and your lawyer friend better sign the
 20] papers, go walk away with nothing, or you and the lawyer
 21] friend are in deep shit.
 22] MS. CLARK: And you mean in your divorce is
 23] what you're talking about?
 24] MR. WOOD: Yeah. And that's what they got,
 25] so -- you know, and they did. But I forgot the question

1] I just want to ask you about something you
 2] told me in our first phone call that -- a couple days ago
 3] that was not recorded, and that is, you told me that you
 4] had been expecting to hear from the State Bar, but you
 5] never did. Why don't you tell me what you said about
 6] that. Were you expecting to hear from the State Bar about
 7] the Bar charge?
 8] MR. WOOD: Yeah. Yes, I was. I mean, you
 9] know, it was on TV and having -- and having a pretty good
 10] idea of what was going on, knowing what I know, and what
 11] they were accusing, I just assumed that -- that that
 12] was -- that this would have surfaced much earlier when
 13] they were -- returning to the Jodi Arias part of the
 14] accusations and allegations against him and her and ...
 15] MS. CLARK: But you never --
 16] MR. WOOD: And the fact that -- again, like
 17] I say, you have to know Jennifer, that -- she's kind of
 18] wanting to know who's been contacting me.
 19] As a matter of fact, I mean, before you hung
 20] up the phone with her, when you misdialed, she had already
 21] texted me that you had called her asking for me before you
 22] ever got the call made.
 23] MS. CLARK: Right.
 24] MR. WOOD: Before you hung up and made the
 25] next call.

1] again, but --
 2] MS. CLARK: That's all right.
 3] MR. WOOD: -- that's (indiscernible).
 4] She -- she's the one to tell me.
 5] In fact, when you said that she was looking
 6] for this, I was going to -- you know, do you want her to
 7] confess all this stuff? Because I can make her confess.
 8] She already told you, this is how I would do it. You --
 9] that mistake that you made? That's a lever that you
 10] wouldn't believe. All I have to do is call her and say,
 11] well, they were. I guess this isn't really over, Jen.
 12] You know what -- I think that you're getting in so much
 13] trouble, I think maybe you ought to call Marcia Clark and
 14] come clean. I think it's the only way you're going to
 15] save yourself. I -- all I have to do is say that. I
 16] guarantee she'll be calling you in an hour --
 17] MS. CLARK: My name's Karen.
 18] MR. WOOD: -- or she'll be calling her
 19] lawyers wanting to know what to do about it.
 20] MS. CLARK: My name's Karen, Clark, but
 21] that's okay. So, Clark, just --
 22] MR. WOOD: Oh.
 23] MS. CLARK: It's all right. Karen Clark,
 24] Clark Wood.
 25] MR. WOOD: This isn't Marcia Clark?

Page 45

1] MS. CLARK: It's all confusing. I just need
 2] to wrap it up and -- and ask you, the Bar never did call
 3] you, though? The State Bar never did call you, right?
 4] MR. WOOD: No. You're the only person
 5] that's ever called me.
 6] MS. CLARK: Well --
 7] MR. WOOD: And all I can do is tell you what
 8] I suspected and what I know. That's --
 9] MS. CLARK: Okay. Listen, that's all I
 10] have. But if you think of something else, anything at
 11] all, I'm -- I'm here. And I just want to tell you that, I
 12] just appreciate your time. This is not a pleasant subject
 13] for you. It doesn't give me any pleasure to be asking
 14] about it. I'm just trying to gather evidence about the
 15] Bar charge, and I -- I just can't tell you how much I
 16] appreciate your time. I really mean that.
 17] MR. ADAMS: Yeah, Clark --
 18] MR. WOOD: Well, I know. And I -- I want to
 19] reiterate -- well, I have to know that this is still --
 20] you know, but based on my speculation, it's my speculation
 21] too, because I'm asking you, please, not to get me or my
 22] kids any -- I'm this close to maybe getting the kids --
 23] and it just goes through, that kids have to see what
 24] really happened, that she had too much access to him,
 25] while during the whole time my mother was dying and I

Page 46

1] can't get the lies out of their head. She's got them
 2] thinking I did all this stuff. Yeah.
 3] MR. ADAMS: Clark --
 4] MR. WOOD: Some people won't tell the truth,
 5] and they're scary.
 6] MR. ADAMS: Clark, I want to reiterate what
 7] Karen said a minute ago, and that is that we so very much
 8] appreciate it. Opening up old wounds is very difficult.
 9] I know that it's very emotional, all of that turmoil that
 10] happened, and it's now coming back at you, and I -- I know
 11] that that's really difficult, and I just want to say thank
 12] you. Thank you very much. I appreciate your openness.
 13] MR. WOOD: Well, I try. And, you know what,
 14] I appreciate you guys doing this. I mean, at the -- at
 15] the end of the day, this is our country and this can't go
 16] on. The fact that they let this guy get away with these
 17] allegations again, this -- that's what's killing our
 18] country. We don't need no Trump. We don't need no
 19] Hillary. We need accountability.
 20] MS. CLARK: Well, listen --
 21] MR. WOOD: And that will end this.
 22] MS. CLARK: -- thank you, Clark. I really
 23] appreciate your time. And if you need anything, you give
 24] me a call. Okay?
 25] MR. WOOD: Thank you.

Page 47

1] MS. CLARK: All right. Bye-bye.
 2] (End of audio.)
 3]
 4]
 5]
 6]
 7]
 8]
 9]
 10]
 11]
 12]
 13]
 14]
 15]
 16]
 17]
 18]
 19]
 20]
 21]
 22]
 23]
 24]
 25]

Page 48

1] STATE OF ARIZONA)
 2] COUNTY OF MARICOPA) ss.
 3]
 4] BE IT KNOWN that the foregoing audio/video
 5] recording was transcribed by me; that the foregoing pages
 6] are a full, true, and accurate record of the audio
 7] recording, all done to the best of my skill and ability.
 8] I CERTIFY that I am in no way related to any of
 9] the parties hereto, nor am I in any way interested in the
 10] outcome hereof.
 11] [] Review and signature was requested.
 12] [] Review and signature was waived.
 13] [X] Review and signature not required.
 14]
 15] I CERTIFY that I have complied with the ethical
 16] obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
 17] J(1)(g)(1) and (2).
 18] Dated at Phoenix, Arizona, this 6th day of
 19] January, 2018.
 20]
 21] _____
 22] DEBRA RIGGS TORRES, RPR
 23] Certified Reporter
 24] Arizona CR No. 50647
 25] * * * * *
 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has
 complied with the ethical obligations set forth in ACJA
 7-206 (J)(1)(g)(1) through (6).

 GRIFFIN & ASSOCIATES, LLC
 Registered Reporting Firm
 Arizona RRF No. RL005

<p>A</p>	<p>again (6) 14:12;32:3;38:10; 42:16;44:1;46:17</p> <p>against (2) 40:15;42:14</p> <p>ago (3) 33:25;42:2;46:7</p> <p>ahead (1) 30:20</p> <p>ain't (7) 12:11;19:4,5;25:15, 16;33:6,11</p> <p>air (1) 5:19</p> <p>allegations (4) 3:2,7;42:14;46:17</p> <p>alleged (1) 6:12</p> <p>allegedly (3) 3:4;12:8;39:13</p> <p>allowed (2) 23:4;30:10</p> <p>allude (1) 35:4</p> <p>alluded (1) 15:15</p> <p>along (1) 7:15</p> <p>always (4) 15:17,19;17:2;34:18</p> <p>anger (1) 7:20</p> <p>animosity (1) 7:21</p> <p>answered (4) 37:10;39:5;40:19,23</p> <p>Anymore (1) 30:20</p> <p>apologies (1) 43:4</p> <p>apologize (4) 31:3,4,8,10</p> <p>appreciate (10) 29:23;31:5,8,10; 45:12,16;46:8,12,14,23</p> <p>area (1) 15:25</p> <p>arguing (3) 24:10,11;27:20</p> <p>arguments (1) 16:12</p> <p>Arias (1) 42:13</p> <p>around (16) 7:2,5;9:25;14:7,9; 15:2,18,18;17:2;20:14; 23:17;24:14,14;27:20; 31:17;39:18</p> <p>assumed (1) 42:11</p> <p>attack (1) 39:12</p> <p>attacking (2)</p>	<p>4:22;30:6</p> <p>attacks (1) 7:10</p> <p>attempted (2) 20:18;21:2</p> <p>attempting (1) 25:9</p> <p>attention (1) 6:22</p> <p>audio (2) 2:1;47:2</p> <p>aware (3) 3:2;20:1,4</p> <p>away (7) 3:16;4:4;11:24;12:5; 16:15;43:20;46:16</p>	<p>4:4</p> <p>blogger (1) 13:3</p> <p>blogging (2) 4:18;35:2</p> <p>blogs (1) 16:13</p> <p>blowing (1) 39:24</p> <p>blowup (1) 24:17</p> <p>book (17) 10:7,9,12,25;13:17; 17:9;18:14;21:7;27:17; 34:19,22,24;39:7,19; 41:1,7,12</p>	<p>cards (3) 3:1;7:3;12:7</p> <p>care (1) 39:23</p> <p>careful (2) 12:21;20:22</p> <p>case (16) 4:4;8:3,6,8,22;11:10; 12:18,19;13:9,16;19:4, 13;22:16;33:8;34:24; 35:5</p> <p>cause (4) 6:3;12:14;36:18; 39:22</p> <p>cell (1) 5:13</p> <p>charge (3) 2:9;42:7;45:15</p> <p>charges (2) 32:21;33:9</p> <p>church (2) 8:16,17</p> <p>claiming (1) 15:23</p> <p>claims (1) 15:21</p> <p>CLARK (141) 2:2,3,6,6,7,10,12,14, 19;3:18,23;4:11,13; 5:2,4,6,11,11,16,18,22; 6:2,17,19;7:24;8:13, 25;9:8,10,14;10:10,18; 11:1,12,21,25;12:3,16; 13:3,19;14:2,6,18;15:3, 6,12;16:11,16,18,23; 17:3,10,18,21;18:2,6, 12;19:16,20;21:1,19, 22;24:23:1,1,6,6,10; 24:18;25:17;26:21,21; 27:7,10;29:17,17,22; 30:2,7,11,16,16,18,21, 24;31:4,7,18;33:13; 34:12,12,17,17;35:8, 13,15;36:24;37:1,10, 13,16,20;38:3,6,14,16, 24;39:10,16;40:13,16, 21,23;41:3,15;42:15, 23;43:1,4,7,13,22;44:2, 13,17,20,20,21,23,23, 24,25;45:1,6,9,17;46:3, 6,20,22,22;47:1</p>
<p>abandoned (2) 7:6;41:8</p> <p>absolute (1) 16:7</p> <p>Absolutely (3) 8:12;29:15;37:8</p> <p>access (4) 22:17;39:2;41:20; 45:24</p> <p>account (2) 2:25;4:17</p> <p>accountability (1) 46:19</p> <p>accusation (3) 22:5;34:9;39:3</p> <p>accusations (6) 28:16;34:11;36:3; 38:24;39:1;42:14</p> <p>accused (6) 21:6;22:4;27:22; 36:8,22;43:12</p> <p>accusing (1) 42:11</p> <p>across (1) 35:25</p> <p>activities (2) 6:15,19</p> <p>activity (1) 7:8</p> <p>actually (4) 3:13;11:13;26:25; 36:2</p> <p>Adams (23) 2:4,5,5,6;4:10;12:16; 13:1,3;15:3,6,12;21:1, 16,22;33:13,17,22,25; 39:16;40:8;45:17;46:3, 6</p> <p>addicted (1) 6:9</p> <p>addictive (1) 6:9</p> <p>adding (1) 24:21</p> <p>admit (3) 9:11;10:21,22</p> <p>admitted (9) 9:15,16;10:12,18; 13:6;18:19;22:21; 32:13,15</p> <p>advanced (1) 3:14</p> <p>advice (1) 7:22</p> <p>affair (11) 2:22,24;6:11,12,15; 7:17,18;9:10;10:21; 38:25;41:19</p> <p>afraid (1) 7:6</p>	<p>B</p> <p>back (10) 4:7;19:3;22:14; 23:20;25:2;28:14,15; 38:21;39:12;46:10</p> <p>bad (6) 7:22;9:18,21,22; 15:1;20:21</p> <p>bar (7) 2:8;42:4,6,7;45:2,3, 15</p> <p>based (2) 34:15;45:20</p> <p>basically (3) 29:11;31:2;36:20</p> <p>beautiful (1) 10:15</p> <p>Begin (1) 2:1</p> <p>beginning (1) 9:19</p> <p>behavior (1) 2:21</p> <p>behaviors (1) 3:8</p> <p>belief (1) 37:17</p> <p>Besides (2) 15:20;33:14</p> <p>better (6) 5:15,16,18,23;43:18, 19</p> <p>big (10) 24:15,16;27:22; 28:12,12;29:8,15; 31:23,23;32:4</p> <p>bills (1) 12:7</p> <p>bit (3) 12:14;21:24;39:17</p> <p>bitch (1) 12:10</p> <p>blew (1) 39:15</p> <p>blocks (1)</p>	<p>both (1) 22:19</p> <p>bought (1) 19:11</p> <p>boy (1) 22:8</p> <p>bragged (2) 39:7,8</p> <p>bragging (3) 27:15,15;39:6</p> <p>breaking (1) 7:16</p> <p>bring (2) 22:14;38:8</p> <p>brings (2) 37:13,20</p> <p>brother's (1) 16:2</p> <p>buddies (1) 10:4</p> <p>business (1) 16:2</p> <p>Bye-bye (1) 47:1</p>	<p>C</p> <p>call (16) 3:12;8:4;10:16; 18:22;21:18,20;31:25; 38:13;42:2,22,25; 44:10,13;45:2,3;46:24</p> <p>called (6) 4:19;23:11,16;25:21; 42:21;45:5</p> <p>calling (2) 44:16,18</p> <p>came (10) 3:14;18:24;25:2; 28:14,14;29:1,10; 31:21;35:22,22</p> <p>can (22) 5:25;8:4;9:8;12:16; 17:10,12;21:1,7,17,18, 24;25:15,20;27:2; 28:18;35:7;38:10,18; 39:17,21;44:7;45:7</p>	

<p>cockroaches (1) 20:25</p> <p>collaboration (1) 29:14</p> <p>coming (6) 6:25;7:21;36:9,23; 43:2;46:10</p> <p>commit (1) 25:9</p> <p>committing (2) 21:12,25</p> <p>communicating (1) 18:21</p> <p>communication (1) 18:13</p> <p>company (1) 3:5</p> <p>computer (2) 13:22;41:21</p> <p>computers (2) 13:23;26:18</p> <p>confess (2) 44:7,7</p> <p>confidential (1) 41:22</p> <p>confusing (1) 45:1</p> <p>contacting (1) 42:18</p> <p>conundrum (1) 19:12</p> <p>conversation (5) 18:23;24:14;26:15; 27:19;32:6</p> <p>conversations (5) 27:10,11,12;29:5; 32:7</p> <p>convict (1) 25:5</p> <p>convicted (1) 25:10</p> <p>cooperate (1) 40:3</p> <p>correctly (1) 39:5</p> <p>cost (1) 11:19</p> <p>country (2) 46:15,18</p> <p>counts (1) 25:13</p> <p>county (1) 12:24</p> <p>couple (9) 4:4;17:25;19:22; 23:7;28:7;29:23;38:20; 40:16;42:2</p> <p>course (1) 27:23</p> <p>court (8) 4:17;6:23;19:18,22; 21:5,9,17;40:15</p> <p>courts (1)</p>	<p>18:8</p> <p>court's (1) 34:11</p> <p>cover (1) 37:2</p> <p>coverage (1) 5:12</p> <p>covering (2) 22:5,5</p> <p>crap (1) 36:14</p> <p>crapped (1) 33:6</p> <p>credible (1) 16:8</p> <p>credit (9) 3:1;7:3;12:7;32:17, 17,21;33:8,14,19</p> <p>credits (1) 33:20</p> <p>crime (1) 25:9</p> <p>criminal (1) 15:5</p> <p>Cuban (1) 8:22</p> <p>cut (1) 6:5</p>	<p>9:10</p> <p>detectives (1) 15:9</p> <p>diabetic (1) 6:22</p> <p>dialled (1) 3:11</p> <p>difficult (4) 3:24;31:9;46:8,11</p> <p>dined (1) 34:9</p> <p>dining (1) 3:6</p> <p>direction (2) 4:15;11:8</p> <p>divorce (10) 2:20;3:1;5:1;6:3; 15:8;29:7;40:2,4,12; 43:22</p> <p>divorced (1) 2:16</p> <p>dollars (1) 11:19</p> <p>done (7) 20:16;25:5,6;38:4,6; 40:1,11</p> <p>down (10) 6:23;11:17;16:13; 17:6;25:15;26:17;27:8; 31:1;35:25;36:10</p> <p>Downtown (3) 11:4,5,9</p> <p>dozen (2) 17:23;18:1</p> <p>dress (2) 8:15,24</p> <p>dressed (5) 8:16,17;11:7;17:21; 18:5</p> <p>drug (1) 22:11</p> <p>dude (1) 16:5</p> <p>duped (1) 6:10</p> <p>during (6) 32:6;41:4,7,8,13; 45:25</p> <p>dying (1) 45:25</p>	<p>34:24;35:17;36:13; 37:23;38:9;41:18; 45:10</p> <p>emailing (1) 18:15</p> <p>emotional (3) 30:22;31:3;46:9</p> <p>emotions (1) 31:1</p> <p>empty (2) 11:24;12:5</p> <p>end (9) 5:7;19:20,21;21:15; 22:25;23:5;46:15,21; 47:2</p> <p>ended (1) 16:21</p> <p>engaging (2) 6:16,20</p> <p>enough (1) 22:7</p> <p>entertaining (1) 34:5</p> <p>erase (1) 5:25</p> <p>especially (2) 7:17;38:5</p> <p>even (16) 8:17;9:6,19;10:16; 30:9,9,13;35:8,20,22; 36:8,13,22;38:20; 39:22;40:3</p> <p>evening (3) 18:14;23:17,19</p> <p>everybody (3) 22:8;24:16;41:8</p> <p>everybody's (1) 26:24</p> <p>everyone (2) 7:2;18:21</p> <p>evidence (7) 2:22;4:16;22:6; 33:14;37:3;41:19; 45:14</p> <p>exactly (6) 26:2,14;28:18;29:21; 37:10;41:3</p> <p>exchanged (1) 29:13</p> <p>excuse (3) 9:4;34:19;35:22</p> <p>excuses (5) 11:6;27:13;36:2,7,23</p> <p>expecting (2) 42:4,6</p> <p>explain (1) 21:1</p> <p>exploited (1) 22:8</p> <p>extent (1) 26:8</p>	<p style="text-align: center;">F</p> <p>facade (1) 13:8</p> <p>fact (8) 2:21;33:21,24;36:13; 42:16,19;44:5;46:16</p> <p>facts (1) 33:23</p> <p>fair (3) 5:6,9;6:3</p> <p>fallout (1) 7:7</p> <p>falsifying (2) 21:4,12</p> <p>Fam (1) 34:3</p> <p>family (8) 7:11;15:25;16:2; 30:5,6;32:25;33:4;34:1</p> <p>far (4) 26:10;29:14;34:17, 21</p> <p>February (1) 2:3</p> <p>fight (2) 7:20;30:23</p> <p>file (3) 4:25;39:2;41:20</p> <p>find (6) 22:20;23:22;33:21, 23;36:5,11</p> <p>fine (3) 38:6,14,16</p> <p>fire (1) 34:14</p> <p>first (4) 3:19;5:12;39:18; 42:2</p> <p>fishnet (1) 8:22</p> <p>follow (1) 26:14</p> <p>forced (1) 12:6</p> <p>forest (2) 26:25;27:1</p> <p>forever (1) 7:14</p> <p>forgot (3) 6:1;7:23;43:25</p> <p>found (11) 3:10;6:10;16:7; 19:14;35:23;36:10,12, 13,17,18;39:13</p> <p>friend (6) 3:13;10:17;18:24; 43:18,19,21</p> <p>friends (13) 3:3,20;4:23,23;7:12; 10:15;13:7;15:15,20; 16:20;17:2;18:21;</p>
	D			
	<p>date (4) 2:2;25:20;26:11; 41:14</p> <p>dates (2) 25:18;33:9</p> <p>day (9) 22:17;28:8,8,9,21,22, 22;41:5;46:15</p> <p>days (4) 6:23;19:18,22;42:2</p> <p>dealing (1) 27:9</p> <p>death (5) 19:15;20:17;21:7; 22:23,23</p> <p>deceased (1) 32:25</p> <p>decisions (1) 34:15</p> <p>declared (2) 19:25;20:4</p> <p>deep (1) 43:21</p> <p>defenses (1) 4:9</p> <p>definitely (1) 22:3</p> <p>denied (1) 43:12</p> <p>denies (2) 9:5,6</p> <p>deny (1)</p>	E		
		<p>earlier (2) 25:12;42:12</p> <p>economic (1) 4:19</p> <p>efforts (1) 26:5</p> <p>either (2) 20:2;34:24</p> <p>else (10) 18:15;22:11;31:11;</p>		

<p>38:21 frond (1) 28:9 front (2) 19:3;28:11 full-time (1) 39:23</p>	<p>guy (3) 11:20;15:10;46:16 guys (1) 46:14 guy's (1) 9:20</p>	<p>32:9;38:3,21,22 high (1) 19:18 high-heeled (1) 8:19 Hillary (1) 46:19 himself (2) 14:10,14 hold (1) 5:20 holding (2) 20:3;25:24 holdout (14) 19:22,24;20:3,15; 23:12,14;24:10,11,13; 25:2,24;26:12;27:19, 21 home (5) 28:7,20;29:1;35:19; 36:9 honest (1) 34:7 hooker (2) 8:19;18:5 horrible (1) 7:15 hospital (1) 27:8 hour (2) 4:7;44:16 hours (1) 23:19 house (19) 3:19,25;4:2,3;7:13; 15:13,17,18,21;16:3,5, 20,22,24;17:5;28:16; 29:5;39:22;40:25 huge (1) 19:12 hundred (2) 11:19;28:4 hung (2) 42:19,24</p>	<p>including (1) 9:12 Indiscernible (38) 2:13;3:5,15,16,19; 4:1,9,18,21;5:10;7:1; 12:25;13:2;14:10;15:4; 17:15,20,25;21:21; 22:16,21;24:18;25:12, 14;26:20;29:8;30:13; 33:19;34:10,13;35:14; 36:9,17,18;37:15;40:6, 22;44:3 individual's (1) 25:13 information (13) 12:2;17:16;21:5; 23:14;29:13;35:7,16, 17,23;36:19;41:22,24, 25 inside (9) 10:14;29:4;35:1,5, 17;39:6,8;41:11,19 insider (1) 35:5 inspect (1) 27:1 Internet (2) 16:13;23:13 interrupt (1) 3:23 interview (2) 2:8;29:11 intimately (1) 29:6 into (8) 6:10,16;16:6;20:25; 23:19;24:6;26:9,20 intuition (2) 4:5;34:16 involved (5) 8:3;9:6;10:14;20:9; 27:21 issue (5) 24:1,8,10;26:9;27:22 issues (1) 28:3</p>	<p>4:20 Jodi (1) 42:13 jogs (1) 41:18 joking (1) 14:24 Juan (19) 3:5;4:1;6:10,15;7:4; 10:1,3,3,15;13:11; 15:10;19:1,8;27:25; 28:16;32:12,23;33:5; 35:24 judge (3) 19:17;21:20;23:3 juror (16) 19:22,24;20:3;23:12, 14;24:10,12,13;25:2, 24;26:5,13;27:19,21; 33:1;41:9 jurors (2) 34:1;39:25 jurors' (1) 22:4 jury (2) 23:15;29:3</p>
<p>G</p>	<p>H</p>	<p>I</p>	<p>J</p>	<p>K</p>
<p>gather (1) 45:14 gave (4) 12:14;35:1,24;39:2 general (1) 7:15 generally (1) 22:6 gets (1) 20:24 ghoul (2) 29:8,15 ghouls (1) 32:1 girl (5) 9:20;11:5;19:15; 20:12;22:7 girlfriend (6) 10:2,4,14,16;16:24; 17:2 girlfriends (1) 27:25 girlfriend's (1) 15:17 girls (1) 14:21 given (1) 43:4 giving (1) 17:16 goes (3) 7:15;28:18;45:23 good (6) 9:25;13:23;37:14,21; 38:2;42:9 goodness (1) 34:7 gotcha (2) 11:25;18:6 Grace (1) 32:3 great (3) 30:12,13;36:18 guarantee (1) 44:16 guess (4) 2:14;6:12;8:4;44:11 guiding (1) 7:19 guilty (3) 25:7,9,11 guts (1) 15:11</p>	<p>hair (1) 19:4 half (4) 12:10,13;18:1;40:4 handed (1) 11:24 hang (2) 10:5;28:1 hanging (1) 28:4 happen (3) 18:18;28:9,20 happened (7) 17:22;22:21;25:19; 28:19;36:2;45:24; 46:10 happening (2) 2:23;25:16 happens (1) 9:6 hard (1) 29:25 head (1) 46:1 heading (1) 19:21 hear (4) 3:24;30:11;42:4,6 heard (3) 3:2;16:20;24:20 heels (1) 8:22 help (23) 3:13;4:20;8:6,21,24; 9:2;10:7,20,22,24; 11:9;13:11,12;17:9,11; 21:3;23:18,22,24;26:6; 35:1;39:19;40:25 helped (2) 36:11,19 helpful (1) 14:16 helping (17) 9:11,15,24;10:8,12, 13;13:22;14:14;18:10, 14;20:1;24:7;27:16; 34:18,22;41:1,12 helps (1) 21:23 herself (2) 10:3;13:5 Hey (12) 5:11;7:3;13:21;18:4; 29:17,17;30:16,24;</p>	<p>iceberg (1) 3:8 idea (1) 42:10 idiot (1) 30:14 illegal (2) 7:8;24:4 important (1) 9:1 improper (1) 26:4 improprieties (1) 27:24 inappropriately (1) 34:10</p>	<p>jealousy (1) 39:11 Jen (12) 23:10,11,12,13,13, 16,18;25:21;28:10; 34:19,21;44:11 Jennifer (14) 2:15;6:5;8:5;29:5,6, 7,20;31:12;32:13,15; 38:25;39:18;42:17; 43:11 Jennifer's (1) 2:21 job (1)</p>	<p>Karen (5) 2:3;44:17,20,23;46:7 Katie (2) 31:12,14 keep (4) 4:25;19:11;39:13; 40:12 keeps (1) 40:3 kept (4) 16:14;22:19;24:9,14 kids (3) 45:22,22,23 kids' (1) 31:2 killed (3) 20:19;21:11,13 killing (1) 46:17 kind (8) 6:10,17,19;31:3; 34:8;38:1;41:25;42:17 knew (15) 4:4,6;11:11;16:3; 18:20;19:8;29:4,20; 33:20;34:24;35:10; 36:20,21,23;43:2 knocked (1) 23:15 knowing (2) 42:10;43:8 knowledge (2) 6:14;23:24 knows (2)</p>

19:23;22:8 Kurt (3) 10:4,16,16	24:21 Listen (2) 45:9;46:20 literally (3) 11:14;14:24,25 little (4) 12:6,14;21:24;39:17 live (1) 7:13 lived (3) 15:22,23,25 lives (2) 15:24;31:2 locate (1) 3:12 locator (1) 3:12 look (17) 9:17;12:8,9;15:21; 19:10,11;24:23,24; 26:9,20;27:1;30:13; 32:20;33:18,19;36:6; 43:16 looked (4) 13:20;18:22;25:4; 36:10 looking (2) 25:18;44:5 lost (1) 33:7 lot (12) 2:23;3:20;5:19; 11:23;12:21;13:7; 17:15;26:13,15,16,19, 19 lucrative (1) 41:11 ludicrous (1) 37:8 lying (2) 21:12;30:6	married (2) 2:15;12:15 Martinez (28) 2:8;3:5;5:7;6:3,10, 15;7:4;8:5;10:2,3;13:5, 11;15:10;19:1,8;20:2; 23:11,24;26:6;27:11; 31:13;32:12,23;33:5; 34:18,22;37:1;40:25 Martinez's (5) 3:25;4:2;10:3;27:25; 28:16 matter (1) 42:19 may (1) 38:17 maybe (3) 18:20;44:13;45:22 mean (38) 4:5,12,24;6:18;7:1,2, 10;9:3;11:5,14,21; 13:8,16;14:11,20; 15:15;17:14,18,25; 18:20;22:1,6;26:8,25; 28:2;29:13;31:15;35:8, 15,16,20;36:20;40:24; 42:8,19;43:22;45:16; 46:14 means (1) 14:19 meant (2) 21:2,3 media (7) 6:8,9;13:9;19:10; 22:19,24;23:4 media's (1) 22:17 meet (1) 28:24 meeting (1) 8:5 members (3) 32:23,25;34:2 memory (4) 26:1;34:8;39:17; 41:18 mention (2) 15:12;18:9 mentioned (1) 35:11 Mesa (1) 16:9 message (1) 38:12 might (4) 12:17;34:1;37:3; 38:22 miles (1) 3:16 mind (5) 30:4;34:13;37:18; 38:2,18 miniskirt (1)	8:23 miniskirts (1) 8:20 minute (2) 33:25;46:7 misdialed (1) 42:20 missing (3) 2:24;7:1,2 mistake (1) 44:9 mistrial (2) 20:3;25:25 mistrial's (1) 19:24 mixed (4) 9:18,19,20;34:20 money (11) 2:24;4:17;6:25; 11:23;12:6,11,13;33:3, 4,10;35:2 months (1) 17:25 more (11) 8:7;12:14;18:3; 21:24;22:20;23:2,7; 29:23;30:7;38:18; 43:17 mostly (1) 13:10 motel (3) 3:15;4:2;16:21 mother (3) 27:9;39:23;45:25 mountains (1) 5:20 moving (1) 25:18 much (10) 4:14;5:18,22;34:14; 42:12;44:12;45:15,24; 46:7,12 murder (4) 20:18;21:3,9;36:14 myself (3) 3:10;7:11;40:22	necklines (1) 8:20 need (12) 7:25;22:14;24:18; 29:22;30:7;31:9;33:23; 45:1;46:18,18,19,23 needed (2) 12:23;29:13 neighborhood (1) 3:21 neighbor's (1) 4:3 new (1) 32:17 next (1) 42:25 night (1) 23:23 nights (3) 20:2;24:6;25:24 Nobody (9) 22:10,23;34:23; 35:17,20,24;36:11,12, 13 nobody's (1) 36:8 non-court (1) 21:10 none (1) 40:10 normally (1) 12:23 north (1) 16:22 noticed (1) 18:4 nowhere (1) 18:8 number (3) 38:10;41:19,21 numbers (1) 43:5 Nurmi (2) 10:4,16
L	M	N	O	
lady (3) 20:13,15;25:9 land (1) 6:8 laptop (1) 26:19 Las (9) 3:4;12:8;31:21;32:8, 12,19,21,23;33:14 last (2) 14:22;40:16 late (1) 24:6 later (5) 4:7;20:11;28:15; 31:21;38:8 law (5) 8:24;12:22;20:22; 30:15;34:15 lawyer (6) 4:23;7:12,18;43:18, 19,20 lawyers (4) 3:6;4:22;8:2;44:19 leaking (1) 22:4 learned (1) 32:8 least (1) 11:20 leather (2) 8:19,23 leave (3) 8:14,15;38:12 leaving (2) 18:5;40:25 left (1) 28:13 legal (3) 20:23;33:6;37:6 legitimate (1) 18:17 letting (1) 38:21 lever (1) 44:9 library (3) 12:22,24;35:23 lie (2) 11:20;28:2 lies (2) 21:25;46:1 life (1) 31:2 line (1) 32:17 list (1)	ma'am (1) 2:18 makes (1) 30:22 making (5) 24:23;26:4;35:2; 36:7,23 man (3) 7:3;9:17;38:21 many (3) 4:14;17:10,18 March (1) 25:22 Marcia (2) 44:13,25 marina (1) 7:14 marriage (1) 5:8	naked (2) 22:10,12 name (2) 20:14;33:4 named (1) 31:12 names (3) 22:4;31:16,16 name's (3) 31:15;44:17,20 Nancy (1) 32:3 near (4) 3:17,25;4:1;16:21	obvious (2) 7:20;39:14 o'clock (1) 23:23 off (11) 7:4;8:10;10:19;12:6; 15:7;17:19;23:15; 28:23;29:11;32:4; 39:12 offering (2) 40:5,6 office (11) 8:6,9,24;11:2;12:24; 13:20,20,21;14:20; 39:2;41:20 old (1)	

<p>46:8 once (1) 16:15 one (18) 7:16,17;10:8,12; 14:9;15:9;17:9;25:13, 20:31;16:32;7:35;6; 36:19;39:5;41:19;43:8, 8;44:4 one's (1) 14:14 only (7) 19:17;25:12;29:20; 33:3;34:8;44:14;45:4 open (1) 18:9 opening (2) 7:3;46:8 openness (1) 46:12 opinion (6) 22:16;23:5;25:8,11, 13;37:7 opposite (1) 11:8 orange (1) 8:22 others (1) 39:2 ought (1) 44:13 out (27) 2:24,25;4:20;6:5; 7:14;10:5;11:9;16:7; 19:3,14;20:3;25:24; 26:22;27:1;28:1,4,9, 11;30:4,12;33:4;35:22; 36:6;38:10;39:13,14; 46:1 outside (5) 4:10;14:21,25;18:23; 28:25 over (23) 3:15,17;14:12,12,20; 15:5,18,21;16:2,2,5,10, 19;17:7;20:25;28:22, 23;29:10;32:18;36:1,1; 39:23;44:11 overwhelming (2) 2:23;4:16 own (6) 11:16;34:15;35:25; 36:10,12,19</p>	<p>14:7 paralegals (1) 14:9 part (1) 42:13 partner (2) 2:4;16:1 partners (1) 2:6 pay (1) 12:6 paying (1) 6:22 payment (1) 3:1 payoff (2) 22:24;23:4 PC (1) 2:7 penalty (3) 20:17;22:23,24 people (18) 3:3,6;7:5,16;9:18,20, 25;15:8;19:9;24:22; 27:3;28:5;30:5;32:12, 24;39:12;43:14;46:4 percent (1) 28:4 perjuring (1) 21:25 perjury (1) 21:12 person (1) 45:4 personal (1) 23:5 personally (1) 24:21 Phoenix (2) 2:7;16:22 phone (13) 2:7;3:11,12,14;4:2; 5:13;16:21;18:22,25; 19:6;42:2,20;43:5 physical (1) 4:5 pictures (2) 22:10,12 piece (1) 35:7 pile (1) 31:16 pinged (3) 4:2,6;16:20 pinned (1) 17:6 pitch (1) 4:20 place (1) 41:3 platform (1) 8:22 play (1)</p>	<p>32:4 pleasant (1) 45:12 please (1) 45:21 pleasure (1) 45:13 plunging (1) 8:20 pm (2) 23:20,20 point (7) 10:6;16:15;24:19; 37:16;38:20;39:22; 43:16 pointed (1) 4:15 politics (1) 6:7 poor (1) 7:12 potential (1) 43:5 prayer (1) 25:15 preceded (1) 36:2 presence (1) 18:13 press (1) 19:23 pretty (4) 7:19;8:3;27:2;42:9 prisou (3) 12:5,12;33:12 private (1) 15:9 probably (2) 21:17;38:13 problem (2) 19:18;22:21 problems (3) 22:8,9;43:9 proceeded (1) 25:6 profit (2) 21:8,14 proof (1) 4:6 property (1) 28:12 psychological (1) 6:4 psychologically (1) 5:10 pumps (1) 8:19 purpose (4) 11:16;17:3;18:17; 34:25 purposely (1) 40:9 pursuing (1)</p>	<p>4:17 pushing (1) 40:11 put (9) 12:12;19:15;21:6; 22:9;28:25;30:4;31:1; 33:12;38:18</p> <p style="text-align: center;">Q</p> <p>quoting (1) 32:14</p> <p style="text-align: center;">R</p> <p>raining (1) 14:25 Ralph (2) 2:4,5 Ralph's (1) 40:20 ran (1) 15:7 range (1) 17:12 ratings (1) 19:18 reach (1) 38:10 react (1) 30:10 real (2) 26:24;38:2 really (21) 5:13;11:7;13:25; 17:16,25;24:3;27:21; 29:23;30:25;31:4,8,10; 36:5;38:2,19;41:10; 44:11;45:16,24;46:11, 22 reason (8) 2:19;3:4;5:7;7:8; 22:22;27:3;28:6;29:18 recall (1) 17:10 receipts (1) 33:15 record (1) 37:5 recorded (1) 42:3 records (1) 12:24 refused (1) 4:21 reiterate (2) 45:19;46:6 related (1) 20:5 relationship (2) 31:13;36:21 remember (13) 20:10;28:9;31:17;</p>	<p>32:9;33:1;34:2;38:22, 23;39:16,18,20,21; 41:14 research (8) 12:22;13:4;23:13,19, 21;26:5,8,9 rest (3) 18:7;29:9,16 retract (1) 21:8 returning (1) 42:13 rich (1) 12:15 right (37) 2:2,12,17;3:25;5:20; 6:6;7:9,24,25;9:17; 11:8;13:19;14:2,18; 15:2,10;16:5;19:3,16; 20:13;23:6,8;25:17; 30:21;31:18;37:6,9,24; 39:23;40:13;41:15; 42:23;43:1;44:2,23; 45:3;47:1 room (3) 3:15;4:2;16:21 Rose (15) 23:8,10,16,18,21; 24:16;25:21;28:10; 29:7,8,15;32:7,14,15; 34:3 ruined (1) 31:2 rumor (2) 8:4,5 rumors (1) 8:7 run (3) 11:9;12:7;29:11 running (1) 7:4</p> <p style="text-align: center;">S</p> <p>Safeways (1) 26:18 same (5) 4:15;5:21;24:20; 28:15;39:24 save (1) 44:15 saw (3) 7:9;22:7;37:18 saying (21) 5:25;7:2,7,18;9:25; 14:12;18:17;20:11,21; 24:7;26:1;28:2,5;29:2; 32:24;34:18;35:20; 36:4,16;41:16;43:10 scary (1) 46:5 screaming (1) 4:8</p>
P				
<p>pair (1) 8:19 pants (1) 33:7 papers (3) 12:25;25:18;43:20 parading (1)</p>				

<p>screwed (1) 32:16</p> <p>sealed (2) 41:22,23</p> <p>seasons (2) 39:21;41:6</p> <p>second (1) 25:20</p> <p>secret (2) 19:12;34:23</p> <p>seeing (2) 8:11;28:7</p> <p>seems (1) 27:5</p> <p>serve (1) 11:16</p> <p>settle (1) 4:24</p> <p>sex (1) 8:8</p> <p>sexual (1) 38:25</p> <p>share (1) 29:14</p> <p>sharing (1) 41:23</p> <p>shit (1) 43:21</p> <p>show (1) 32:21</p> <p>showed (1) 4:7</p> <p>sic (1) 10:4</p> <p>side (4) 3:15,16;6:24;25:13</p> <p>sign (2) 16:2;43:19</p> <p>sit (1) 25:15</p> <p>situation (5) 4:19;16:6;21:10; 22:24;24:23</p> <p>six (2) 19:14,19</p> <p>slopped (1) 15:2</p> <p>smart (1) 19:9</p> <p>smoke (2) 4:14;34:14</p> <p>smut (1) 22:12</p> <p>social (2) 6:8,9</p> <p>solid (1) 19:7</p> <p>somebody (9) 8:21,24;20:19;21:6, 11,13;31:12;34:6,9</p> <p>somebody's (1) 21:11</p> <p>somehow (2)</p>	<p>24:15;26:15</p> <p>son (1) 6:21</p> <p>son's (1) 26:19</p> <p>sorry (10) 14:16;20:21;21:8; 23:5;25:17;30:20;31:7; 34:19;38:1,7</p> <p>sort (1) 40:24</p> <p>speak (1) 20:23</p> <p>specific (9) 14:1,5;15:14;17:5; 18:11;28:18;35:6,7,16</p> <p>specifically (1) 13:10</p> <p>specifics (9) 12:18;16:19;24:7,12, 25;27:18;29:1;30:1; 32:9</p> <p>speculation (2) 45:20,20</p> <p>spend (1) 33:5</p> <p>spending (3) 6:23;32:17;33:3</p> <p>spent (3) 3:3;23:19;32:19</p> <p>spill (1) 15:11</p> <p>split (1) 28:23</p> <p>spot (1) 5:21</p> <p>standing (1) 26:24</p> <p>star (1) 13:9</p> <p>started (11) 4:21;5:12;6:16,25; 26:17;29:2;32:16,17, 17;33:20;40:2</p> <p>State (3) 42:4,6;45:3</p> <p>stayed (1) 24:6</p> <p>staying (1) 26:13</p> <p>stealing (1) 30:6</p> <p>Steph (3) 18:24,25,25</p> <p>Stephanie (2) 18:24;19:5</p> <p>still (6) 6:12;9:5;13:16; 30:14;31:6;45:19</p> <p>stockings (1) 8:23</p> <p>stories (2) 19:23;24:21</p>	<p>stuff (22) 5:20;6:4,11;7:15; 8:16;9:22;11:5,18; 12:25;14:15;16:3;19:4; 26:13;27:17,20;33:2; 37:18;40:10;41:12; 43:11;44:7;46:2</p> <p>stumbled (1) 35:25</p> <p>stupid (1) 36:14</p> <p>subject (1) 45:12</p> <p>sum (1) 21:14</p> <p>Sunday (3) 17:11;18:4,9</p> <p>Sundays (8) 8:6,10,11;9:2,14; 10:19,22;17:21</p> <p>sunny (1) 14:21</p> <p>supposed (4) 4:3;16:22;32:13,22</p> <p>supposedly (3) 4:3;15:24;27:22</p> <p>sure (5) 12:20;22:19;35:24; 36:11;40:19</p> <p>surfaced (1) 42:12</p> <p>survive (1) 30:4</p> <p>suspect (1) 8:11</p> <p>suspected (1) 45:8</p>	<p>telling (18) 3:20;15:8,20;16:1,4; 19:7;25:8;26:24;27:3, 4;28:6;29:7;32:10; 34:21;36:21;37:2;39:1; 40:25</p> <p>Tempe (2) 3:17;15:24</p> <p>Tempe/Mesa (1) 15:25</p> <p>testify (1) 40:15</p> <p>texted (3) 19:6;23:20;42:21</p> <p>texting (2) 18:15;19:8</p> <p>texts (1) 26:19</p> <p>them's (1) 7:16</p> <p>thinking (3) 21:23;40:17;46:2</p> <p>third (1) 39:3</p> <p>though (2) 33:18;45:3</p> <p>thousand (2) 11:19;25:23</p> <p>Threatened (1) 43:15</p> <p>threatening (2) 4:22;43:18</p> <p>three (5) 11:6,14;14:22;41:21; 43:5</p> <p>threw (2) 16:14;29:10</p> <p>throwing (1) 39:14</p> <p>tight (1) 28:1</p> <p>times (6) 8:15;17:11,18,23; 18:12;33:9</p> <p>tip (1) 3:8</p> <p>Today's (1) 2:2</p> <p>to-do (1) 31:24</p> <p>together (7) 10:5;13:16,17;17:8; 28:1,10;32:1</p> <p>told (18) 11:5,14;12:17;16:8, 24;17:6;18:21;23:11; 24:20;29:12;34:23; 35:16;39:18;41:9,24; 42:2,3;44:8</p> <p>took (4) 12:5,13;31:19;32:12</p> <p>top (1) 8:23</p>	<p>topic (1) 38:7</p> <p>towards (1) 38:18</p> <p>town (3) 3:15,17;6:24</p> <p>tracks (1) 37:2</p> <p>tractor (2) 28:11,25</p> <p>tree (1) 27:1</p> <p>trees (1) 26:25</p> <p>trial (4) 19:20,21;36:15; 40:11</p> <p>trials (1) 41:4</p> <p>trip (3) 31:20;33:5,14</p> <p>trouble (6) 4:18;20:24,25;32:19; 43:17;44:13</p> <p>true (5) 10:1;15:5;29:3,21; 37:9</p> <p>Trump (1) 46:18</p> <p>truth (10) 11:6,14,15;14:22; 15:1;20:23,24;29:12, 12;46:4</p> <p>try (3) 21:6,13;46:13</p> <p>trying (16) 4:25;9:11,21;13:25; 16:17;19:11,14;20:19; 21:11;23:24;29:25; 30:3;33:21;38:19; 43:10;45:14</p> <p>tube (1) 8:23</p> <p>turmoil (1) 46:9</p> <p>TV (11) 9:21;19:13,14;21:7; 22:7,9,20;32:3;34:8, 11;42:9</p> <p>twirl (1) 19:3</p> <p>two (7) 2:16;13:15;20:2; 25:22,24;28:10;39:1</p>
T				
<p>talk (9) 4:24;13:22,24;19:4; 32:2,2;38:10;40:2; 43:14</p> <p>talked (3) 19:6;28:15;29:6</p> <p>talking (17) 2:10;3:25;5:12;6:4; 11:19;14:24;18:20; 19:2,9;20:17,18,18; 21:2;27:11;32:14; 38:20;43:23</p> <p>Tammy (20) 23:8,8,10,16,18,21; 24:16,20;25:21;28:10, 15,19;29:6,8,15;32:7, 14,15;34:3,18</p> <p>tax (1) 39:17</p> <p>technologically (1) 3:14</p> <p>telephonic (1) 2:8</p>	<p>U</p>	<p>umbrella (1) 14:21</p> <p>unknown (1) 12:7</p>		

<p>unusual (1) 17:22</p> <p>up (39) 4:7;6:25;7:3,16;8:14, 21;9:18,19,20;12:1,7; 15:10;16:12,21;18:23, 24;21:15;22:5,5;23:23; 24:6;26:8,13;32:16; 33:8,8;34:1,6,20;37:13, 20;38:8;39:15,24; 41:17;42:20,24;45:2; 46:8</p> <p>upon (1) 7:11</p> <p>upset (1) 38:1</p> <p>upsetting (1) 38:7</p> <p>use (1) 20:21</p> <p>used (5) 8:16;15:9;21:9; 26:18;32:16</p> <p>using (1) 26:18</p>	<p>weekend (1) 32:22</p> <p>weird (1) 8:15</p> <p>welcome (1) 2:11</p> <p>weren't (2) 3:2;32:13</p> <p>what's (2) 5:11;46:17</p> <p>Whenever (1) 15:17</p> <p>whole (5) 19:10,13;37:25;39:8; 45:25</p> <p>who's (1) 42:18</p> <p>whose (1) 25:13</p> <p>Wick (2) 31:12,14</p> <p>wife (1) 40:15</p> <p>win (1) 30:14</p> <p>wined (1) 34:9</p> <p>wining (1) 3:6</p> <p>without (1) 22:12</p> <p>witnesses (2) 3:7;16:8</p> <p>witnessing (1) 28:5</p> <p>wonderful (1) 14:8</p> <p>Wood (139) 2:7,11,13,16,18,21; 3:19;4:1,12,14;5:3,5,9, 15,17,19,24;6:6,18,21; 8:5,12,14;9:3,9,13,15; 10:11,24;11:4,13,23; 12:1,4,20;13:2,6,25; 14:4,7,19;15:4,7,14; 16:12,17,19;17:1,5,14, 20,24;18:3,7,19;19:17; 20:6;21:4,17,20;22:3, 15;23:3,9,10,11,12,13, 13,16,18;24:1,19; 25:21;26:7,23;27:8,13; 29:18,25;30:3,9,12,17, 20,22;31:1,6,15,23; 33:16,18,23;34:3,13; 35:4,10,14,19;36:25; 37:5,12,15,17,25;38:5, 11,15,17,25;39:4,11, 21;40:9,14,19,22;41:2, 5;42:8,16,24;43:2,6,9, 15,24;44:3,18,22,24, 25;45:4,7,18;46:4,13, 21,25</p> <p>word (4)</p>	<p>13:10,11;21:8;39:14</p> <p>words (1) 20:21</p> <p>wore (1) 8:18</p> <p>work (5) 2:25;12:17;17:7; 20:4;26:16</p> <p>worked (2) 13:14;30:12</p> <p>working (10) 6:11;7:5,14;8:7; 22:19;25:1,1;26:8; 28:12;38:2</p> <p>world (2) 7:1;9:4</p> <p>worried (1) 32:18</p> <p>wounds (1) 46:8</p> <p>wrap (1) 45:2</p> <p>wrecked (1) 31:2</p> <p>write (13) 10:7,8,12,25;13:17; 17:9;18:10;21:7;34:18, 22;39:19;41:1,12</p> <p>writing (3) 34:24;39:7,7</p> <p>wrong (1) 36:7</p>	<p>3</p> <p>3rd (2) 2:3;25:22</p> <p>5</p> <p>5:00 (1) 23:17</p> <p>6</p> <p>6:00 (1) 23:17</p> <p>7</p> <p>7:30 (1) 25:22</p>
<p>V</p>	<p>W</p>	<p>Y</p>	<p>Y</p>
<p>Vegas (11) 3:4;7:4;12:8;31:21; 32:8,12,19,21,23;33:5, 14</p> <p>versed (2) 7:18;24:23</p> <p>voted (5) 20:12,16;25:5,5,10</p>	<p>wonderful (1) 14:8</p> <p>Wood (139) 2:7,11,13,16,18,21; 3:19;4:1,12,14;5:3,5,9, 15,17,19,24;6:6,18,21; 8:5,12,14;9:3,9,13,15; 10:11,24;11:4,13,23; 12:1,4,20;13:2,6,25; 14:4,7,19;15:4,7,14; 16:12,17,19;17:1,5,14, 20,24;18:3,7,19;19:17; 20:6;21:4,17,20;22:3, 15;23:3,9,10,11,12,13, 13,16,18;24:1,19; 25:21;26:7,23;27:8,13; 29:18,25;30:3,9,12,17, 20,22;31:1,6,15,23; 33:16,18,23;34:3,13; 35:4,10,14,19;36:25; 37:5,12,15,17,25;38:5, 11,15,17,25;39:4,11, 21;40:9,14,19,22;41:2, 5;42:8,16,24;43:2,6,9, 15,24;44:3,18,22,24, 25;45:4,7,18;46:4,13, 21,25</p> <p>word (4)</p>	<p>yard (4) 19:3;28:9,11,12</p> <p>yea (1) 25:6</p> <p>year (2) 19:7;40:4</p> <p>years (6) 11:6,15;14:22;19:14, 19;38:8</p> <p>yelling (1) 4:8</p> <p>Yep (4) 23:9;29:1,1,1</p> <p>you-all (1) 21:18</p>	<p>1</p>
<p>wake (1) 8:21</p> <p>walk (3) 11:24;15:10;43:20</p> <p>walked (1) 12:5</p> <p>Walmart (1) 11:7</p> <p>warned (1) 43:14</p> <p>warning (1) 43:13</p> <p>Washington (4) 31:24;32:10,11,22</p> <p>watching (1) 36:14</p> <p>way (11) 2:15;4:12;12:9;16:7; 24:24;25:15,16;38:1; 40:1;43:7;44:14</p> <p>wearing (1) 8:22</p> <p>weather (1) 14:23</p>	<p>wonderful (1) 14:8</p> <p>Wood (139) 2:7,11,13,16,18,21; 3:19;4:1,12,14;5:3,5,9, 15,17,19,24;6:6,18,21; 8:5,12,14;9:3,9,13,15; 10:11,24;11:4,13,23; 12:1,4,20;13:2,6,25; 14:4,7,19;15:4,7,14; 16:12,17,19;17:1,5,14, 20,24;18:3,7,19;19:17; 20:6;21:4,17,20;22:3, 15;23:3,9,10,11,12,13, 13,16,18;24:1,19; 25:21;26:7,23;27:8,13; 29:18,25;30:3,9,12,17, 20,22;31:1,6,15,23; 33:16,18,23;34:3,13; 35:4,10,14,19;36:25; 37:5,12,15,17,25;38:5, 11,15,17,25;39:4,11, 21;40:9,14,19,22;41:2, 5;42:8,16,24;43:2,6,9, 15,24;44:3,18,22,24, 25;45:4,7,18;46:4,13, 21,25</p> <p>word (4)</p>	<p>10 (2) 23:20,23</p> <p>10:00 (1) 23:20</p> <p>15 (1) 25:23</p> <p>17 (1) 26:5</p>	<p>1</p>

EXHIBIT 4

In The Matter Of:

Juan Martinez

Interview of Sharee Ruiz

February 6, 2018

Reporter's Transcript of Recorded Interview

Griffin & Associates Court Reporters, LLC

2398 E. Camelback Road

Suite 260

Phoenix, AZ 85016

Original File SR020618.txt

Min-U-Script® with Word Index

In re:)
Juan Martinez.) Case No. 17-0624

REPORTER'S TRANSCRIPT OF RECORDED INTERVIEW

INTERVIEW OF: SHAREE RUIZ

INTERVIEW BY: KAREN CLARK
RALPH ADAMS

INTERVIEW DATE: 02/06/2018

PREPARED BY:
Debra Riggs Torres, RPR
Certified Reporter
Certificate No. 50647

PREPARED FOR:
Ms. Karen Clark
(Certified Copy)

1] MS. RUIZ: Yes.
2] MS. CLARK: Okay. Why don't you tell me
3] about what you and Jennifer Wood were doing concerning the
4] case.
5] MS. RUIZ: We actually had started to attend
6] the trial originally just to kind of watch the trial, and
7] then we noticed a lot of the spectator interaction and
8] things like that. And so then we decided that we wanted
9] to start blogging about the trial, and kind of the
10] spectator side of it is where it really began.
11] And then -- so we would attend the trial
12] each day. And, you know, we kind of presented ourselves
13] as we were trial reporters bringing you the inside
14] observations of what was going on with the trial and, you
15] know, basically inside, outside, all -- the different
16] things that we felt like maybe some of the media was not
17] able to, you know, bring a view. You know, basic talk
18] about. We thought we would bring an unbiased view that
19] was different than what they were getting, you know,
20] through the news media.
21] And so that's how it originally started
22] was -- was what we were doing with the Jodi Arias trial.
23] MS. CLARK: Did you or Jennifer have any
24] background in journalism?
25] MS. RUIZ: No, we don't. Neither one of us

1] (Begin audio.)
2] MS. CLARK: This is Karen Clark, and present
3] in the room with me are Ralph Adams, my law partner.
4] MR. ADAMS: Hello, this is Ralph.
5] MS. CLARK: And today's date is February 6,
6] 2018. And we are doing a telephonic interview of Sharee
7] Ruiz, it's S-H-A-R-E-E, Ruiz, R-U-A -- R-U-I-Z, concerning
8] the Bar charge against Juan Martinez related to the Arias
9] case.
10] So hello, Sharee?
11] MS. RUIZ: Hi.
12] MS. CLARK: Thank you very much for agreeing
13] to do this interview with me today. I really appreciate
14] your time, and I'll try and make it as brief as I can.
15] Hello?
16] MS. RUIZ: Oh, are you there? I said okay.
17] Sorry about that.
18] MS. CLARK: Oh, okay. I didn't hear that.
19] All right. So I'm going to ask about the
20] facts that you know concerning the relationship between
21] Jennifer Wood and -- and Juan Martinez is mostly what I'm
22] getting at, and also any interactions that you personally
23] had with Juan Martinez as he was prosecuting the first
24] trial of Jodi Arias, which I guess started on January 2nd
25] of 2013. Does that sound about right?

1] has background in journalism, no.
2] MS. CLARK: Okay. Were you trying to make
3] it into a business and make money in any way?
4] MS. RUIZ: Yes, we definitely were. We saw,
5] you know, an opportunity that we would be able to, you
6] know, create an interest, gain followers. We created a
7] website, and the more people that visit our website, you
8] know, we were trying to put ads on our website and drive
9] traffic and definitely make money with it.
10] MS. CLARK: Okay. What was your
11] association -- you had a name for it. It was Trial
12] Diaries; is that right?
13] MS. RUIZ: No. That was hers on her own.
14] MS. CLARK: Oh, I'm sorry. Trial Divas. I
15] got it wrong.
16] MS. RUIZ: Yeah. It was Trial Divas,
17] correct, yes.
18] MS. CLARK: So it's -- what was the handle
19] that you had?
20] MS. RUIZ: Well, we were the Trial Divas.
21] And then when we would report, do our stuff with Twitter,
22] then we would -- I was Trial -- Trial Diva Sharee, and she
23] was Trial Diva Jen, and that's how we identified ourselves
24] on Twitter, because we each had our own Twitter accounts
25] that we would, you know, do live tweets from the courtroom

1] and things like that on.
 2] I mean, and Jodi Arias we weren't allowed to
 3] do it live inside the courtroom, so we would have to wait
 4] until recess, breaks, lunches and things like that. And
 5] then we would update information and things of that sort.
 6] MS. CLARK: How else did you make money?
 7] Just from -- in a general way, just a summary of how you
 8] folks made money off of it.
 9] MS. RUIZ: How we made money off of the
 10] reporting on the trial? How we made our money is that we
 11] created a website, TrialDivas.com, and we would write our
 12] stories at the end of the day of what had transpired, you
 13] know, on the trial side, the spectator side, and then we
 14] would post the stories to our website.
 15] It would -- every time somebody clicks on
 16] it, then it -- we would get paid a certain amount of
 17] money. I mean, it's very minuscule, so that's where the
 18] more traffic that is driven to your website is where the
 19] amount will increase.
 20] And then we also got donations, actually.
 21] People donated money to us because they liked what we did.
 22] They liked our image. They -- you know, we ended up
 23] creating a fan base and they would donate money. They
 24] would send us gifts. It was pretty interesting, but.
 25] Wow, it was -- people were very nice and

1] MS. RUIZ: Oh, my gosh. I'm not sure that I
 2] remember how much we charged. But I -- I believe my
 3] recollection, it was approximately \$5 per bracelet.
 4] MS. CLARK: Did at some point Martinez buy
 5] bracelets?
 6] MS. RUIZ: Both. He -- well, I say both.
 7] He bought bracelets and we gave him bracelets as well.
 8] MS. CLARK: Do you have a question, Ralph?
 9] MR. ADAMS: (No oral response.)
 10] MS. CLARK: Okay. At some point you learned
 11] that Jennifer Wood was having a sexual relationship with
 12] Martinez; is that right?
 13] MS. RUIZ: Yes.
 14] MS. CLARK: Why don't you tell me about
 15] that.
 16] MS. RUIZ: About the day I learned of the
 17] affair?
 18] MS. CLARK: Yes.
 19] MS. RUIZ: Okay. We were at court. We were
 20] actually at Marissa DeVault's, and we had known Juan. We
 21] met him through the Richard Chrisman trial, when he had
 22] originally approached us. That's how we met him.
 23] So we would talk with him after different
 24] court proceedings. Not really during the Jodi Arias
 25] trial, but from Richard Chrisman. And he would come to

1] very generous, so ...
 2] MS. CLARK: Didn't you guys sell some rubber
 3] bracelets also at some point?
 4] MS. RUIZ: Oh, we did, yes. Yes, thank you
 5] for reminding me. It's been a while. Yes, we did. We
 6] created merchandise where we'd have, like, wine glasses,
 7] Trial Divas.
 8] But the big thing was the Juanalicious
 9] bracelet because people, you know, really loved watching
 10] Juan Martinez while he was doing the trial. He had a lot
 11] of women fans who were pretty fanatical, and they had all
 12] kinds of crazy nicknames for him.
 13] And so Juanalicious was one that we had kind
 14] of made fun of and created, and so we created these
 15] bracelets and people loved them and they bought them.
 16] They were rubber blue bracelets, and they just said
 17] Juanalicious on them. That was pretty much it. They
 18] weren't fancy, but.
 19] MS. CLARK: What -- can you spell that word
 20] because -- I'd like it spelled, if you wouldn't mind.
 21] MS. RUIZ: Sure. So it's J-U-A-N -- I'm --
 22] hold on. Let me think about this. Juan, and then I -- I
 23] believe it was Juan-I -- Juan-I-L-I-C-I-O-U-S.
 24] MS. CLARK: How much did you guys charge for
 25] the bracelets?

1] Marissa DeVault trial as well, and he would kind of sit in
 2] there and we would talk with him in the hallways.
 3] And so that particular day, I had already
 4] kind of had my suspicions that she was sleeping with him,
 5] but that day -- somebody had made an "Eye of the Tiger"
 6] video of Juan. And it was like how wonderful he was and
 7] this, like, tribute to him and it was "Eye of the Tiger"
 8] in the background playing. It was like this lion roaring,
 9] it was like, rawr.
 10] And it was just -- I thought it was funny
 11] because I was not a huge fan of Juan. I thought he was
 12] kind of douchy.
 13] But anyways, so that day after -- I saw Juan
 14] in the hallway when I walked out of the court. And I
 15] said, hey, by the way, I said, have you seen the "Eye of
 16] the Tiger" video that was made about you? And he was
 17] like, no. And then he was like, are you F'ing kidding me,
 18] and we were laughing about it. And so he said, send it to
 19] me. And I said, well, where do you want me to send it to
 20] you? I said, do you want me to email it to you or -- he
 21] said, send it to me to my cell phone, but I didn't have
 22] his cell phone number prior to that. So I said, give it
 23] to me and I'll -- I'll send it to you through text,
 24] because it was really funny.
 25] So he provided me his phone number. And

1] Jennifer was -- I think she was in the restroom and -- I
 2] don't remember if she was in the restroom or the court,
 3] but I believe she was in the restroom. But she came
 4] around the corner and she saw me talking to Juan, and her
 5] eyes got kind of big and she kind of panicked. She had
 6] this look of panic on her face. And at that point I kind
 7] of knew. I was like, oh, she's nervous and upset that I'm
 8] talking to Juan, but it really wasn't anything big.

9] But anyways, so I said, oh, yeah, I'm
 10] telling Juan about the "Eye of the Tiger" video. And she
 11] was like, oh, okay. Okay. And then we just left court.
 12] That was pretty much it. We left court and we got in the
 13] car at the parking lot. We just -- right after that, we
 14] walked straight to her car in the parking lot and we drove
 15] out of the parking lot.

16] And all of a sudden she just blurted out,
 17] I'm having an affair. I was like, well, I already knew
 18] you were having an affair. I said, with who? And she
 19] said, it's bad, it's bad. I can't tell you. It's bad.

20] And I was like, well, who's it with? And I
 21] said, is it an attorney? She said, I can't tell you, it's
 22] so bad. And I said, well, I already know who it is, so
 23] you might as well tell me. I said, is it Juan? And she
 24] was just like, oh, my gosh, yes. And then that was it
 25] from there.

1] frame, where he would be texting her, and she'd be like,
 2] oh, he's texting me. And he'd be sitting in the courtroom
 3] and they would be texting back and forth. And then he
 4] would text her, hey, meet me out -- you know, out in the
 5] hall -- out of the courtroom. Not necessarily in the
 6] hallway, but out in the courtroom -- out of the courtroom.
 7] I'm sorry.

8] And then he'd leave first, and he would
 9] exit. And then she would leave behind him. She'd give
 10] him like a minute or two and then, you know, she would
 11] leave behind them, and then they would go disappear. I
 12] don't know where they would disappear to, but -- but they
 13] would disappear and that would -- she would run into him
 14] in the hallway and she'd be like, oh, I'll be right back.

15] And then he would disappear and she would disappear.
 16] But I -- I didn't see them, you know,
 17] necessarily -- like what specific area that they went
 18] into. But she would disappear a lot, you know, and --

19] MS. CLARK: You told me that --

20] MS. RUIZ: -- she always told --

21] MS. CLARK: You told me that Jennifer Wood
 22] told you that he took her into rooms for attorneys or even
 23] a closet one time, where they would -- and he would ask
 24] her for help while they're in. And you told me that the
 25] reason he was ducking into these nonpublic areas was so

1] MS. CLARK: Is there -- just in a summary
 2] kind of way, is there any -- first of all, let's place
 3] this in time. About what month and year was that?

4] MS. RUIZ: This was -- let me think back
 5] here. I believe it was 2000 -- 2014, and it was
 6] approximately, I would say, around the February --
 7] probably around the February to March -- maybe March time
 8] frame of 2014.

9] MS. CLARK: Okay. So you told me, and we
 10] did have a previous inter -- I interviewed you back on
 11] May 16th of 2017, and I'm looking at my notes of our
 12] conversation. You told me that you believed that the
 13] affair between Jennifer Wood and Martinez started in
 14] September of 2013; is that right?

15] MS. RUIZ: Yes, that's correct. So the
 16] affair started in September of 2013, but I officially
 17] learned from her mouth about it in about the
 18] February/March time frame of 2014, so that's correct.

19] MS. CLARK: Okay. You had told me about
 20] times where Martinez and Jennifer Wood would duck into
 21] nonpublic areas of the courthouse, closets and things.
 22] Can you tell me about that?

23] MS. RUIZ: Well, I just remember that there
 24] would be times when -- in the Marissa DeVault trial,
 25] again, that would have been in the February 2014 time

1] people couldn't hear what he was asking her to do. Do you
 2] remember telling me that?

3] MS. RUIZ: I remember when we were doing the
 4] Richard Chrisman trial, and we originally first met him,
 5] he actually took both of us into like a side -- the side
 6] room off of the court -- the courtroom. And so he took us
 7] in there, and that's where we originally gave him -- he
 8] bought some bracelets in that room, and that's where we
 9] gave him some.

10] And then subsequently, after that, then she
 11] would be at the Richard Chrisman trial, and I wouldn't be
 12] there certain days, because I was traveling back and forth
 13] between Arizona and Montana, because we had a place to
 14] live in both states. And then she would tell me that, oh,
 15] I met with him, and he took me into, you know, the side
 16] room, and he took me into a closet. And, you know, she
 17] said she gave him bracelets and -- and she would meet up
 18] with him.

19] And then she did tell me that he had asked
 20] her one day, when they were in that side -- the side room
 21] off of the courtroom -- once I learned about the affair,
 22] she said that when they were in that side room, he had
 23] said, hey, do you want to go get some lunch, and she said
 24] yes. And then they left to go get lunch. And then we
 25] were they at lunch, he had said, hey, my friend has a

Page 13

1] condo down the street. Do you want to go over there? And
 2] she said yes, and they went over there. And that's the
 3] first time that they slept together, and that's what she
 4] told me.
 5] MS. CLARK: They had sex on their first
 6] lunch date?
 7] MS. RUIZ: Correct.
 8] MS. CLARK: You told me also some things
 9] about how he had had -- taken off in January for glaucoma
 10] surgery, and that they were together at that point also.
 11] MS. RUIZ: Yeah. He had taken off for
 12] glaucoma surgery and he was out -- I believe it was like
 13] six weeks. And all these people were like, oh, where's he
 14] at? Where's he at? And Jen was like, oh, he's out on
 15] glaucoma. He told me he was going to be having this
 16] surgery.
 17] And, again, I was kind of traveling back and
 18] forth. But I would notice she would be gone -- like she'd
 19] say, oh, I can't. I'm not available to talk or work on
 20] the west side or anything on these dates and times. And
 21] I'm going to be busy with appointments. But she was
 22] always over in the Mesa area. And I knew that Juan lived
 23] over there, and there was only two people that lived
 24] there, and it was Juan and her brother-in-law.
 25] And so I thought it was very suspicious.

Page 14

1] And then she would say, oh, I'm on my way to the
 2] courthouse. I have to change clothes. I was in a slutty
 3] outfit. And she said I met my mother-in-law and my
 4] brother-in-law for lunch. And of course I'm thinking, you
 5] don't meet your mother-in-law in a slutty outfit, or your
 6] brother-in-law unless you're -- there's no other reason
 7] for you to do that.
 8] So that's what kind of started triggering me
 9] to believe that she was having an affair. Unless she was
 10] sleeping with her brother-in-law, the only person that I
 11] knew would be Juan, and it was the time frame when he was
 12] out on that glaucoma surgery.
 13] And then she later told me that she was over
 14] at his house, and that she would lay in bed with him at
 15] his house and he would read her the book that he was
 16] writing, like excerpts from it. And he would sing for
 17] her. And he liked Barry Manilow and he would sing Barry
 18] Manilow music to her. And they would stay over there
 19] during the day because his girlfriend at the time --
 20] live-in girlfriend was working and she didn't know, and so
 21] that's what she told me about it.
 22] MS. CLARK: You had told me in our previous
 23] interview that he was talking to her -- reading from his
 24] drafts of the book and that he told you -- told Jennifer
 25] that he'd wanted the case from the beginning because he

Page 15

1] knew it would be a big case, like Casey Anthony's case,
 2] and that his plan was to have the book done by the time
 3] the case was over, so that he could release it right when
 4] the trial ended. Do you remember telling me that?
 5] MS. RUIZ: Yes, I do. And, again, that is
 6] what Jen told me. And that when he was originally
 7] supposed -- when he originally got on the case, he wasn't
 8] supposed to get it. And he got the phone call from
 9] Detective Flores who had said, you're going to want this
 10] case. And he said is -- according -- Jen told me that
 11] Juan had told her, that once he got there, he knew that
 12] right away he wanted it, because he knew it would be big.
 13] It would be big for his career. He was able -- he knew he
 14] was going to write the book.
 15] And he had most of it done before the trial
 16] had ended and had planned to have it done at that time, to
 17] coincide, so that way he could make money off of it and
 18] essentially retire.
 19] MS. CLARK: Did Jennifer report any of
 20] the -- as she's telling you about this, is she telling you
 21] what's in the book at all? Is she saying, he read this to
 22] me and this was this cool part? Did she give you that
 23] information about what he was writing?
 24] MS. RUIZ: You know, she did give me certain
 25] information, and I don't recall. Nothing really stands

Page 16

1] out in my mind that was really too crazy. I don't recall
 2] everything that -- that she said that he had in the book,
 3] so I couldn't -- I couldn't say she did. But I don't
 4] remember what those -- what those portions are.
 5] MS. CLARK: But she was telling you that
 6] kind of thing at the time, you just don't remember?
 7] MS. RUIZ: Correct, yes.
 8] MS. CLARK: Okay.
 9] MR. ADAMS: Can you help me understand the
 10] time frame. I thought I heard you say that you suspected
 11] she was having an affair in '13, but then they first met
 12] for lunch at -- I don't know how to say it -- some sort of
 13] episode in March. How -- how -- what was it that you
 14] thought -- why did you think they were having an affair
 15] back in September of '13?
 16] MS. RUIZ: Okay. So let me clarify to make
 17] sure that I -- I've said it correctly.
 18] We originally met Juan in September of 2013
 19] at the Chrisman trial. And then it was -- I mean, the day
 20] that we met him, I think it was probably a week to two
 21] weeks later that Jen, in that September 2013 time frame,
 22] that she actually went to lunch with Juan and they went to
 23] the condo and they slept together, and that's when
 24] their -- their affair began was in September of 2013 time
 25] frame.

Page 17

1] I did not learn about the affair from her
 2] until March of '14. But between September 2013 and
 3] March of 2014, from her demeanor, things that were
 4] happening, and then, you know -- then I started kind of
 5] suspecting that the two had been having an affair.
 6] You know, she would talk on the phone a lot
 7] whenever we would get to court, but she'd be like 20 steps
 8] ahead of me. And it was always, oh, I'm talking to my
 9] friend Back East. And, you know, I have girlfriends and I
 10] talk to them on the phone, but I don't care --
 11] MS. CLARK: Okay. I think we're back
 12] recording again now.
 13] MS. RUIZ: Okay.
 14] MS. CLARK: Sorry.
 15] MS. RUIZ: That's okay.
 16] MS. CLARK: Go ahead. You can just pick up
 17] where you left off.
 18] MR. ADAMS: Yeah. I -- I'm curious about
 19] what days of the week you might have suspected they were
 20] getting together. Was there any particular day when Jen
 21] was helping him with his book?
 22] MS. RUIZ: That I can't say specifically
 23] what -- I have no idea what specific days it was because
 24] her -- I mean, she's lying to me. She's lying to
 25] everybody. So I don't know what specific days.

Page 18

1] I do know a lot of -- when he was out for
 2] glaucoma surgery, it was during the weekdays, during the
 3] day, 'cause his live-in girlfriend at the time was gone
 4] for work.
 5] There were times when she said that they
 6] would meet up occasionally on the weekends. So I don't
 7] know if there was, like, oh, it was always a Monday,
 8] Wednesday, Friday. I think it was very, very sporadic.
 9] Nothing -- I don't think it was like a set schedule or
 10] anything like that.
 11] MR. ADAMS: Are you aware of any particular
 12] Sundays that she was helping him?
 13] MS. RUIZ: That I -- I don't know. I
 14] couldn't say if it was any specific Sunday or not. I -- I
 15] wouldn't be able to say.
 16] MR. ADAMS: Okay.
 17] MS. CLARK: I think you told me, when we
 18] spoke the first time, that they would have sex at
 19] Martinez's house. They would be in bed and he would read
 20] from his -- drafts of his book to Jennifer; is that right?
 21] MS. RUIZ: Yes. Yeah, he -- she said they
 22] would lay in bed, and that he -- yeah, that he would read
 23] from the book. And he said what a great writer that he
 24] was.
 25] And I remember asking her, like, is he

Page 19

1] writing the book himself, or does he have a ghost writer?
 2] Does he have someone helping him? She said, no, he's
 3] doing it -- all of it himself. He's very talented. He's
 4] a very gifted writer. And she said they would read
 5] excerpts, and then they would stop and have sex because he
 6] was so sexy, had such a wonderful body. And then they
 7] would read more. And she'd call -- she referred to it as
 8] pillow talk.
 9] It's -- I'm sorry, it's all -- I'm like,
 10] (sound.) Anyway, yeah.
 11] MS. CLARK: I think you told -- I talked to
 12] you about details that she would have known about his
 13] house. And you talked to me, as I recall, about like his
 14] garden and what he was growing at his house, and that he
 15] was a good gardener. Can you talk about that?
 16] Anything that you heard from Jennifer Wood
 17] that would have shown details of actually being at his
 18] house as she was telling you she was.
 19] MS. RUIZ: Yeah. She told me that -- I
 20] remember we had had a conversation -- I don't know, for
 21] some reason. As awful as this sounds, we -- she'd said
 22] something to me one time about how -- I said, I just kind
 23] of picture his house being very sterile. I just -- he
 24] just -- and she said no. Actually, it's not. It's very
 25] homey. It's very comfortable. He's got it decorated very

Page 20

1] nicely.
 2] She said he gardens out -- you know, he's
 3] got a garden out back. She said, he's got a really good
 4] green thumb. And she said that he has a Mini Cooper. She
 5] said he had a Porsche in the garage, and that he drove his
 6] Mini Cooper to work.
 7] MS. CLARK: Did she tell you how the house
 8] was decorated, Sharee? Did she mention any decorations in
 9] the house?
 10] MS. RUIZ: You know, I think she did at the
 11] time. I don't remember exactly what -- what they were
 12] specifically, 'cause I guess at that point, I just didn't
 13] pay attention because I just didn't care.
 14] MS. CLARK: What kind of things was he
 15] growing?
 16] MS. RUIZ: I don't remember.
 17] MS. CLARK: Do you remember what kind of
 18] things he was growing?
 19] MS. RUIZ: She -- she said plants. I don't
 20] remember if she said flowers. She said that he had -- it
 21] was very green and very lush in the back yard. And I
 22] don't remember if she referenced flowers or not.
 23] MS. CLARK: Okay. All right. So tell me
 24] about what -- hearing her admit to the affair. She admits
 25] it to you in March of 2014. What did that mean for you?

1] MS. RUIZ: Well, I was concerned because we
 2] did have a -- we did have a -- a -- trying to think of the
 3] word. We had an instance where Juan had told Jen, and
 4] this is before the affair. I believe it was -- I think it
 5] was probably early 2000 -- I think it was early 2014. I'd
 6] have to go back and look at the date for sure, but I'm not
 7] positive.
 8] But she had told me that Juan was going to
 9] be releasing a motion to the court, and it was a public
 10] motion. It wasn't a -- you know, a sealed or anything.
 11] But it was a motion that he was using to F with the
 12] pros- -- with the defense because he had -- he was pissed
 13] that Michael Kiefer -- he felt Michael Kiefer, from the
 14] Arizona Republic, was getting information from the
 15] defense, and so he was pissed about that. So he was going
 16] to submit a motion to try and -- and F with the defense,
 17] to get them in trouble for releasing information to
 18] Michael Kiefer.
 19] So he gave a heads up to Jen and had said,
 20] hey, why don't you guys go ahead and be the first ones to
 21] release this motion? And originally, because it was a
 22] public motion, and it was like, oh, okay. This must be
 23] how the news media sometimes get their information, and it
 24] was public, then -- but he covered his bases very well,
 25] because he didn't give her the motion. He said, so I'm

1] comfortable, you know, mixing, like, all of that together.
 2] And so I guess that's how I felt about it
 3] originally. And I just -- I told her, I said, listen,
 4] if -- you're going to do what you're going to do. If you
 5] want to have your affair, you have your affair. You know,
 6] we're friends and I'm not judging you. I'm not anything.
 7] And I said, but we have to separate it. We can't cover
 8] Juan trial. I said, that's just -- that's just it.
 9] And we fought about it and we fought about
 10] it, and she didn't see my point of view. She said that
 11] her private life had nothing to do with me. But I felt
 12] like it did. I was like, this is our business, and you're
 13] dragging me through this, my family through this. I
 14] didn't ask for this, you know. And it became a very
 15] contentious subject for us.
 16] And she refused to separate the two, and so
 17] eventually I just dissolved the business, because I just
 18] didn't want that reputation attached to me, and I didn't
 19] want that kind of business, and this isn't why I started
 20] this was -- you know, because honestly, if I wanted to
 21] sleep with Juan, I could have slept with him, because
 22] he's, you know, made sexual innuendos to me, very
 23] inappropriate comments, things like that.
 24] You know, if I wanted to go that route, it
 25] would have been very easy and I wasn't interested and I

1] going to release it. But as soon as I release it, I will
 2] let you know right away (indiscernible) you go to the
 3] document house and get it.
 4] So Jen got it, and I took a picture. We
 5] posted it. And we were the first ones to get it, you
 6] know, posted online.
 7] And then right after that, she had -- Jen
 8] had told me that Juan had mentioned to her, hey, why don't
 9] you guys write a letter to Jodi Arias, and these are the
 10] things you guys should ask her. It would really help your
 11] careers, and this is the things that you should do. And I
 12] told Jen, I said no. I said, we are not going to do that,
 13] because I said, here's the problem. I said, Juan is going
 14] to try and use us as a pawn to get what he wants. And I
 15] said, and that's not why we're doing this. We're not
 16] doing this business to please Juan or to satisfy Juan.
 17] And I said, we are here to give an unbiased
 18] view of the criminal justice system, of the trials that
 19] are going on. And I said no. Tell him we're not going to
 20] do it.
 21] So my concern was, when -- and we didn't do
 22] it. And -- so my concern was, is that when -- she
 23] admitted the affair with Juan, that now things were going
 24] to get, like, mixed up and crossed together. And I just
 25] felt like it wasn't ethical, and I just didn't feel

1] didn't want to get tangled up in that at all.
 2] MS. CLARK: You told me that he flirted with
 3] you and came on to you sexually. You told me that he said
 4] to you -- well, what did he say to you about the
 5] "Bachelor" show and marriage?
 6] MS. RUIZ: Well, he would tell me, I don't
 7] believe that you could be happily married. Let me show
 8] you, and then -- he would tell me that all the time. He
 9] was just like, there's no way you can be happily married
 10] and -- so then --
 11] MS. CLARK: You told me that he told you, I
 12] can change your opinion about marriage, right?
 13] MS. RUIZ: Yes. Yes, he did say that.
 14] MS. CLARK: So he was --
 15] MS. RUIZ: I can change your opinion about
 16] marriage. Let me show you. And then it was the season of
 17] the "Bachelor" with Juan Pablo. And I'd watched it the
 18] night before with Jen, and she was texting somebody
 19] through the entire show. And I just thought it was one of
 20] her friends, like whatever.
 21] And then we got to court the next day.
 22] Again, it was at the Marissa DeVault trial. And he came
 23] up and -- one of the big things about this Juan Pablo
 24] season is that he would go, "it's okay," and people would
 25] make fun of him and they thought he was like a real jerk.

11 So Juan showed up the next day and he was
 21 like, oh, it's okay. And I was like, you watch "The
 31 Bachelor"? I was like, what? And so clearly at that
 41 point it dawned on me that Jen and him had been, you know,
 51 texting back and forth, you know, about the show. And
 61 then he had said, you know, he would be the bachelor if --
 71 if, you know, we were the bachelorette. And he said, if
 81 you're the bachelorette, I would be the bachelor. And I
 91 was like, what would I do with you, Juan? You're like
 101 4 feet tall. Like, what would I have to do, carry you on
 111 my hip, you know, so ...
 121 Yeah, so he's always making innuendos like
 131 that. Or he would get upset if he walked in the Marissa
 141 DeVault courtroom and he'd wave at me. I'd just be like
 151 whatever. And he'd come whisper in my ear and he'd say, I
 161 don't understand. I walk in the courtroom. I wave at
 171 you, and you're very flippant and dismissive of me. And I
 181 would just tell him, like, what'd you do take some
 191 estrogen this morning? Like, get over it.
 201 So he was just always very upset that I
 211 wasn't fawning over him, and he would just try and, you
 221 know, get me to change my view on him, which it didn't,
 231 so ...
 241 MS. CLARK: Getting back to -- thank you for
 251 that.

11 you tell me again about that.
 21 MS. RUIZ: Yeah. She had told us that he --
 31 he had mentioned to her, like, hey, you guys need to
 41 interview Jodi Arias. It will help -- you know, think of
 51 all the attention it's going to bring you guys. It'll
 61 help your careers. You guys can get some -- some great
 71 information.
 81 I don't remember the questions that he told
 91 us to ask, because it was, you know, over a phone call,
 101 when I was talking to Jen about this and I didn't write
 111 the questions down and I just -- I never entertained the
 121 idea because I knew that he wanted it for him, and he --
 131 she said he had mentioned to her about, you know, giving
 141 him the information and -- and I don't really know what
 151 this meant when he told her this, according to Jen.
 161 But she also said that he told her, look in
 171 the footnotes of all the minute entries and all the, you
 181 know, documents that are submitted through the court.
 191 There'll be clues in there of things that you guys should
 201 do. And I don't ever -- I don't understand what he meant
 211 by that. But it was -- he was trying to get us to do
 221 things and, you know, kind of give him the information and
 231 look at it. And, you know, whatever Jodi Arias said to
 241 us, he wanted us to, you know, tell him what she had said
 251 and ...

11 Getting back to your concerns that you
 21 expressed to Jennifer Wood about him trying to use the two
 31 of you in the trials. You told me that he was trying to
 41 use the two of you to get the upper hand in his cases.
 51 And you told me that I told Jennifer we can't help him, it
 61 would put the criminal justice system at risk, and it
 71 would put people's cases at risk. Do you remember telling
 81 me that?
 91 MS. RUIZ: I do, yes. And I -- I told that
 101 to Jennifer time and time again. You know, I mean, our
 111 big thing was that -- for me, was that I, you know, wanted
 121 to go into these cases and report unbiased. And, of
 131 course, you know, we have feelings and things that we
 141 believe on evidence, and I really wanted to -- to bring a
 151 different side to it. And, you know, bring people's
 161 (indiscernible) view, the real view, of what was going on
 171 and things like that.
 181 And by -- by getting involved with what he
 191 wanted us to do, it wasn't -- it wouldn't have, you know,
 201 given a pure process or a view of what -- what was
 211 happening. And that's, again, not why I got into this,
 221 so ...
 231 MS. CLARK: Did you -- you told me that he
 241 asked you and Jennifer to interview Jodi Arias, and that
 251 that's when you realized his -- what his game was. Can

11 I think there was approximately four to five
 21 different questions that she had mentioned that he wanted
 31 us to ask Jodi Arias, and I don't remember what they were,
 41 because, again, I just -- I never entertained the idea. I
 51 knew it was something that I wasn't going to be involved
 61 in.
 71 MS. CLARK: You told me that at that point,
 81 you knew his game -- and this is from my notes of our
 91 first interview -- and you said that it was -- I'm using
 101 the word quid pro quo. That he would give us something to
 111 help us with our social media coverage, and then would ask
 121 us for some help in return. Do you remember telling me
 131 that?
 141 MS. RUIZ: Yeah. I -- I don't know that he
 151 necessarily gave us anything at that point, that I knew
 161 about. But I was meaning that, like, his whole thing
 171 was -- you know, he was saying it would help us on our
 181 social media. But, in return, yes, we would report to him
 191 what Jodi Arias had said during the interview or what --
 201 you know, information that we had procured and we would,
 211 you know, give it to him.
 221 And so in the end, it would help our social
 231 media and get us more followers and things like that. And
 241 that's what I meant by that statement.
 251 MS. CLARK: So it seemed like a quid pro quo

1] and that made you uncomfortable. Is that what you're
 2] saying?
 3] MS. RUIZ: Absolutely, yes.
 4] MS. CLARK: Okay. You told me that you knew
 5] of other times when he continued to ask Wood to help him
 6] do things, but at that point it was getting contentious
 7] and -- and Wood knew that you knew about the affair, and
 8] so you kind of got shut out at that point. Is that what
 9] you told me?
 10] MS. RUIZ: Yeah. And it -- it wasn't
 11] necessarily as contentious because of the affair. It was
 12] contentious because she understood that I didn't want to
 13] mix the two. Like I think she thought I would be
 14] fascinated by the idea that Juan was asking us all this
 15] stuff, and to do, and that -- because everybody appeared
 16] to be so enamored by him, she didn't understand why, you
 17] know, I wasn't willing to just, you know, participate.
 18] So it was mainly contentious because she
 19] couldn't separate the two. And, again, I told her, you
 20] want to have an affair, you do that. You're still my
 21] friend. I'll be here as your friend. But as far as
 22] business is concerned, we cannot mix the two, and that's
 23] where the contention, you know, came into play, and that's
 24] where it played out, and that's why we ended up, you know,
 25] dissolving the business, was because she just couldn't

1] that she was having an affair, you said something I -- she
 2] said, oh my God, I'm having an affair. Something like
 3] that. What -- was there anything that made you believe
 4] the truth of that statement, or is there -- I'm -- what
 5] I'm trying to get at is, she's lied about this, that, and
 6] the other thing. What was it that made you think that
 7] that was actually a true statement?
 8] MS. RUIZ: You are correct. She has lied
 9] about a whole lot. So at first I -- you know, the thought
 10] did run through my mind, like, what if she were lying?
 11] But several different things automatically kind of made me
 12] believe her.
 13] Number one is that she was, you know, my
 14] friend, and I knew her demeanor and I knew a lot of stuff
 15] that was going on inside of her personal life with her
 16] husband at the time, and that they -- as -- as we got more
 17] involved with the trials, she started changing her
 18] demeanor. She was working out. She started disliking her
 19] husband more. They were fighting. She had told me that
 20] the two of them had stopped having sex approximately
 21] October of 2013, shortly after she met Juan. And so for
 22] months and months, she said that she hadn't been having
 23] sex with her husband.
 24] And so she was trying to make herself more
 25] attractive. And she was like, oh, I have a naked selfie

1] separate the two and she couldn't understand the
 2] difference and she didn't think that it mattered.
 3] MS. CLARK: I didn't ask you this last time,
 4] but I'm asking you this time. Did you -- were you ever
 5] directly or indirectly able to confirm from Martinez his
 6] affair with Jennifer Wood?
 7] MS. RUIZ: No, I didn't actually speak with
 8] him directly about it. But once I learned about the
 9] affair with -- you know, between the two of them, then she
 10] no longer would -- when we would arrive at the courthouse,
 11] she didn't walk 20 steps ahead of me. Then she would talk
 12] to him on the phone, and I would hear her talk to him on
 13] the phone and I would hear his voice and I would hear the
 14] two go back and forth and I would tell -- hear her tell,
 15] you know, how much she cared about him and he said how
 16] much he cared about her.
 17] So out -- you know, I didn't hear it
 18] directly from him, like, hey, are you guys having an
 19] affair? But I heard him talking to her on the phone
 20] and -- and at that point I knew -- I knew that it was
 21] true.
 22] MR. ADAMS: Can I ask you a follow-up on
 23] that one? When she first --
 24] MS. RUIZ: Sure.
 25] MR. ADAMS: When she first confessed to you

1] on my computer. Well, certainly you're not sending it to
 2] your husband, who you clearly at this point can't stand.
 3] I mean, she would treat him so poorly and she would talk
 4] to him very nasty.
 5] And then her husband started getting bitter,
 6] as we were getting further into the trials, because he --
 7] he started noticing her behavior changes. And they would
 8] fight when we would do Spreecasts, and he -- he didn't
 9] want her doing Spreecasts anymore. And he just --
 10] MS. CLARK: Can you tell me what --
 11] MS. RUIZ: -- you know, there was a lot
 12] of --
 13] MS. CLARK: -- what you're referring to. I
 14] don't know what term you're referring to.
 15] MS. RUIZ: A Spreecast is basically a video
 16] where we would -- it's a live video format. They're no
 17] longer in business now, but at the time -- so at the end
 18] of a trial, they then -- we would go to her house and we
 19] would set up the laptop. And then it's a live video where
 20] people could watch us as we would discuss what happened
 21] during the day at the trial. And people could ask us
 22] questions and we'd answer questions.
 23] And, you know, it sucks. I hate to say
 24] this, but sadly, you know, Juan got us a lot of -- a lot
 25] of followers. So we would make sure that, you know, we

1] pinpointed on Juan. And people loved it if we were like,
 2] oh, we saw Juan in the hallway today. And these women
 3] would just say things like, oh, give him a hug. I'd love
 4] to have sex with him. I mean, he just -- people were
 5] enamored with him.
 6] But her husband really -- when we would set
 7] up the Spreecast at her house, he would -- they would
 8] literally fight beforehand because -- I think he kind of
 9] started suspecting. So, again, her demeanor change. She
 10] was not staying at home a lot. She was in Mesa a lot.
 11] So a lot of her mannerisms and demeanor and
 12] things that I knew on the inside that other people didn't
 13] maybe know about Jen is what originally, you know, had
 14] triggered me to think that something was up.
 15] I knew she was having an affair. I -- I
 16] believed she was having an affair, I should say. I wasn't
 17] certain it was Juan at first, because I was like, no. I
 18] was like, she wouldn't -- she wouldn't do that. I was
 19] like, no. And then, you know, because of how Juan was
 20] very, you know -- he was -- his advances sexually towards
 21] us and me and I -- I knew how he was. I mean, he wasn't
 22] shy about it in any way.
 23] So between all of that, when she had told
 24] me, you know. Then at that point I just -- I believed it
 25] and I knew. And then of course I'd heard him on the phone

1] and that solidified it.
 2] And then after she told me about the affair,
 3] then, again, she would (indiscernible) before. She would
 4] walk 20 steps ahead of me into the court -- courthouse
 5] when we would get there, things like that, talk on her
 6] phone. And then after she told me the affair, then she no
 7] longer did that anymore, so she was no longer hiding
 8] because she now told me about it.
 9] So that was the difference. Like, once she
 10] did tell me, then now she's like, okay, you can hear me be
 11] on the phone with him. So a lot of it was the demeanor
 12] before, the demeanor after, the fact that I heard him on
 13] the phone talking to her. I mean, that's -- pretty much
 14] seals the deal there for me, but ...
 15] MR. ADAMS: Yeah. One -- one more question
 16] for me on that one, and that is, people have lots of
 17] different friends. Do you know whether she told anybody
 18] else about it?
 19] MS. RUIZ: At the time when she told me, I
 20] don't know that she had really told anybody else. She may
 21] have. I don't know. But I -- I don't believe she really
 22] said much about it. I think at that point they had kind
 23] of kept it, you know, pretty secret.
 24] Once she told me, and as more contentions
 25] happened between us. And then once I dissolved the

1] business between us, then it -- it appeared that she had
 2] just kind of gone on a campaign to get followers, and
 3] almost just kind of lost her mind. And then at that
 4] point, I think she told a bunch of people. I don't know
 5] who all she told, but, you know, there's several people on
 6] social media, Twitter, that, you know, started coming
 7] after me and attacking me and telling me things like, you
 8] know, so she had an affair? Who cares? I've had an
 9] affair too. And Jen told me about the affair, but -- you
 10] know, but I don't judge her for it.
 11] And people didn't understand the situation
 12] of what had happened and they didn't understand really
 13] what was going on, but -- and there was -- I -- I don't
 14] even know much about it. I just remember shortly after we
 15] dissolved it, she had had a group of people that they had
 16] wore these T-shirts that said, "I slept with Juan," and
 17] they were posting them as their profile pictures, you
 18] know, trying to -- I think there were quite a few people
 19] that she -- that she told. And then I know she told Tammy
 20] Rose about the affair as well.
 21] So I think she told more people after we
 22] dissolved the business because she was trying to get
 23] others on her bandwagon and on her side and to feel sorry
 24] for her. And, you know, I got messages from a Samantha
 25] Williams threatening me, telling me that she knew about

1] the affair. I don't even know who Samantha Williams is.
 2] So that's as much as I know about who -- who she's told.
 3] MR. ADAMS: Okay.
 4] MS. CLARK: And I guess for this interview,
 5] I should have you talk about the text messages that got
 6] posted up to the Internet. Can you just briefly talk
 7] about that?
 8] MS. RUIZ: Yeah. There's a lot of
 9] misinformation about that. I have never myself -- have
 10] never disseminated those text messages. I've never given
 11] them to anybody or Sandra Weber (phonetic) or George
 12] Barwood (phonetic), like I have been accused of. They
 13] have never, you know, been provided by myself.
 14] I had an issue with my phone where it had
 15] gone missing, and, you know --
 16] MS. CLARK: Well, let's -- let's take a step
 17] backwards, and can you talk about the -- there were text
 18] messages between you and Jennifer where -- when you
 19] dissolved the business and shut it -- her out of the Trial
 20] Divas, that she admitted the affair in text messages with
 21] you, right?
 22] MS. RUIZ: Yeah. She admitted the affair in
 23] text messages. She admitted in the text messages that she
 24] loved Juan. You know, he had at one point told me that
 25] she broke it off with him, and I told her I didn't believe

11 her. She -- you know, she said her personal life wasn't
 21 basically for me to -- to dissect. I think she regretted
 31 telling me about the affair, you know.
 41 So that was all in the text messages. And
 51 then, yeah, the -- the dissolving of the business because
 61 we just -- it's in the text messages, that we couldn't
 71 come to an agreement, as far as Juan and separating him
 81 from the trials that we were going to cover. She didn't
 91 understand it, and she said that in the text messages, you
 101 know.
 111 So that's -- and it's very obvious in the
 121 text messages that that's why we, you know, dissolved the
 131 business. As far as the business is concerned, it was all
 141 in my name. I would carry the bank account. Everything
 151 was in my name. So I didn't trust her at this point,
 161 because she's lying, even though I -- I know she was
 171 telling the truth about the affair with Juan, I believed
 181 that, but everything else around that was such a -- a lie,
 191 that I couldn't trust her, you know, with -- with any of
 201 that.
 211 And so -- but, yes, so the text messages I
 221 have on my phone do talk about, you know, her and Juan and
 231 how she loved him and ...
 241 MS. CLARK: Okay. And then they got posted
 251 to the Internet and -- you know, you didn't do that, but

11 made a fake boycott page about me, you know. They make
 21 fun of me. I don't care what they think of me.
 31 You know, I'm not concerned about my looks.
 41 I'm not, you know -- I know it sounds vain, I'm not an
 51 ugly person, so I'm not worried about it. I don't need
 61 their -- you know, I don't -- I'm not one of those people
 71 that I need others to tell me, you know, I'm great. I'm
 81 wonderful. I'm not that kind of a person.
 91 Stuff like that doesn't bother me. You made
 101 fun of me; I don't really care. They think it bothers me.
 111 That part doesn't. I worry about my family and the safety
 121 and the fact that things that I do in my life, they hunt
 131 me down. They -- you know, they take work that I do and
 141 they post it out there. They -- you know, even as private
 151 as I try and -- and be in my life, you know, they -- they
 161 still, Jen is behind it. And -- and I believe to a
 171 certain extent, Juan was behind a lot of it too.
 181 And it's just -- it's sad and it's sick and
 191 it's worrisome, that these people are out there doing this
 201 stuff (indiscernible) to me, but others, you know, as
 211 well. And it's -- it's -- I just -- I go on my life,
 221 because I have a good life, and she doesn't like that.
 231 And -- it's just, it's crazy. It's -- it's worrisome
 241 because one day she's scary enough that I'm afraid she's
 251 going to snap and somebody's going to get hurt from all of

11 it happened indirectly, because of the loss of your phone
 21 is basically what you told me.
 31 MS. RUIZ: Correct. Yeah, I did not ever
 41 give them to Sandra Weber. I did not ever give them to
 51 George Barwood. I have never released my text messages to
 61 anybody, which is something that I definitely want on the
 71 record, because I have been threatened. People have
 81 threatened to kill me. They've posted my address of where
 91 I physically live online.
 101 You know, I have kids and I have a family.
 111 And, you know, this has caused myself and my family a lot
 121 of stress because, you know, you worry. You got people
 131 taking pictures of where you live. It's -- it's
 141 disgusting.
 151 MS. CLARK: I'm really sorry about all of
 161 that. I appreciate you talking to me about it.
 171 MS. RUIZ: And here I am in 2018, things
 181 just -- it won't go away.
 191 MS. CLARK: I'm really sorry. You're still
 201 getting repercussions and threats about it?
 211 MS. RUIZ: Yeah. You know, every -- every
 221 once in a while. And -- and I still get them. Every
 231 couple months they screenshot everything. Everything I
 241 put on social media, which I don't put a lot anyway. But
 251 anything. I could say the sky's blue, you know. They

11 this. And it's all because she's trying to protect Juan,
 21 Juan's trying to protect himself over everything that
 31 they've done, whatever all of it is.
 41 It's just a crazy web that they've -- that
 51 they weave that needs to stop because it affects many
 61 different cases and the criminal justice system as a whole
 71 and people's life. It's -- it's just crazy.
 81 MS. CLARK: What did you think -- and I
 91 talked to you before we started recording, but tell me how
 101 you felt to hear about the State Bar dismissing the Bar
 111 charge.
 121 MS. RUIZ: You know, it's disturbing because
 131 I don't know what -- what they're basing their decision
 141 on. You know, if they would obtain, you know, Juan
 151 Martinez's phone records. I don't know if they did that
 161 or not. I can't say because, you know, they don't tell us
 171 what they're doing. They just want, you know, an
 181 interview.
 191 You know, so it's disturbing because this
 201 goes for me, you know, beyond -- and I see this is why I
 211 didn't want to continue with the Trial Divas is because I
 221 didn't -- I didn't want all this to get mixed in together,
 231 and it is.
 241 And so I feel like at this point Juan has
 251 like 20 lives, that they're -- they're protecting him.

Page 41

11 And, you know, the Richard Chrisman trial is a trial that
 12 I feel like needs to be looked at again, because I think
 13 there were some -- some stuff going on there. And I think
 14 that Juan is getting away with a lot.
 15 And so I just wish that they would pull his
 16 phone records, if they haven't, because, you know, if they
 17 do that, then they would maybe get a little bit more
 18 evidence.
 19 Maybe they did. I don't know. I think he's
 20 very careful about, you know, covering his tracks and
 21 trying to put everything on everybody else and throwing
 22 everybody else underneath the bus. So I just -- it's
 23 disappointing, you know, because, again, other people's
 24 lives are being affected by the things that he does, by
 25 the misconduct that he does. And I don't know how they
 26 can't consider it misconduct, unethical.
 27 I get he can sleep with who he wants to
 28 sleep with. But Jen Wood was a married woman. I'm a
 29 married woman. He's sexually harassing me in a courtroom,
 30 you know, at the courthouse. It's like, how is that okay
 31 for him to do that?
 32 MS. CLARK: Well, unless you have something
 33 else, and maybe I didn't ask the right question. If there
 34 are any other things you think I need to know and I didn't
 35 ask the right question to get them, please let me know.

Page 43

11 really, thank you very much. I appreciate it.
 12 MS. CLARK: Thank you.
 13 MS. RUIZ: You're welcome. I -- I hope it
 14 helps.
 15 MS. CLARK: Well, thanks. We'll see. Thank
 16 you, Sharee, very much.
 17 MS. RUIZ: All right. Thank you. Bye-bye.
 18 MS. CLARK: All right. Bye.
 19 (End of audio.)
 20
 21
 22
 23
 24
 25

Page 42

11 Is there anything else you want to say?
 12 MS. RUIZ: No. I think that's -- you know,
 13 that's pretty much it. I just -- I want to make sure too
 14 that it's clear that, you know, I -- I didn't come to
 15 anybody about this; that everyone has contacted me, you
 16 know, about the situation as well. It's -- you know, I'm
 17 not doing this to get back at Jen. I don't care what Jen
 18 does or what Juan does. It's the right thing to do.
 19 When I'm approached, you guys asked me, I
 20 tell you the truth, and that's -- and that's the bottom
 21 line. This isn't -- I'll be honest with you, I'm not
 22 doing this to help Jodi Arias. I'm doing this because
 23 this is what needs to be done to stop Juan from doing the
 24 things that he's doing for the many cases that he tries
 25 and the criminal justice system. So that's why I'm doing
 26 it, because it's the truth and it's the right thing to do
 27 and that's it.
 28 MS. CLARK: All right. Well, I'm going to
 29 stop the recording right now. Thank you very much,
 30 Sharee. I really appreciate your time.
 31 MS. RUIZ: You're welcome. Sorry, I didn't
 32 mean to get emotional, just sometimes.
 33 MR. ADAMS: No, that's -- that's a tough
 34 thing to have to go through and through and through and
 35 through, again and again and again and again. And,

Page 44

11 STATE OF ARIZONA)
 12 COUNTY OF MARICOPA) ss.
 13
 14 BE IT KNOWN that the foregoing audio/video
 15 recording was transcribed by me; that the foregoing pages
 16 are a full, true, and accurate record of the audio
 17 recording, all done to the best of my skill and ability.
 18 I CERTIFY that I am in no way related to any of
 19 the parties hereto, nor am I in any way interested in the
 20 outcome hereof.
 21
 22 Review and signature was requested.
 23 Review and signature was waived.
 24 Review and signature not required.
 25
 26 I CERTIFY that I have complied with the ethical
 27 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
 28 J(1)(g)(1) and (2).
 29 Dated at Phoenix, Arizona, this 9th day of
 30 February, 2018.
 31
 32 _____
 33 DEBRA RIGGS TORRES, RPR
 34 Certified Reporter
 35 Arizona CR No. 50647
 36 * * * * *
 37 I CERTIFY that GRIFFIN & ASSOCIATES, LLC, has
 38 complied with the ethical obligations set forth in ACJA
 39 7-206 (J)(1)(g)(1) through (6).
 40
 41 _____
 42 GRIFFIN & ASSOCIATES, LLC
 43 Registered Reporting Firm
 44 Arizona RRF No. R1005
 45

	2:8	31:25	2:1	41:12
S	agreeing (1) 2:12	audio (2) 2:1;43:9	beginning (1) 14:25	business (14) 4:3;22:16;23:12,17, 19;29:22,25;32:17; 35:1,22;36:19;37:5,13, 13
\$5 (1) 7:3	agreement (1) 37:7	automatically (1) 31:11	behavior (1) 32:7	busy (1) 13:21
A	ahead (5) 17:8,16;21:20;30:11; 34:4	available (1) 13:19	behind (4) 11:9,11;39:16,17	buy (1) 7:4
able (5) 3:17;4:5;15:13; 18:15;30:5	allowed (1) 5:2	aware (1) 18:11	beyond (1) 40:20	Bye (1) 43:8
Absolutely (1) 29:3	almost (1) 35:3	away (4) 15:12;22:2;38:18; 41:4	big (8) 6:8;9:5,8;15:1,12,13; 24:23;26:11	Bye-bye (1) 43:7
according (2) 15:10;27:15	always (6) 11:20;13:22;17:8; 18:7;25:12,20	awful (1) 19:21	bit (1) 41:7	
account (1) 37:14	amount (2) 5:16,19	B	bitter (1) 32:5	C
accounts (1) 4:24	Anthony's (1) 15:1	Bachelor (5) 24:5,17;25:3,6,8	blogging (1) 3:9	call (3) 15:8;19:7;27:9
accused (1) 36:12	anymore (2) 32:9;34:7	bachelorette (2) 25:7,8	blue (2) 6:16;38:25	came (4) 9:3;24:3,22;29:23
actually (9) 3:5;5:20;7:20;12:5; 16:22;19:17,24;30:7; 31:7	anyways (2) 8:13;9:9	back (17) 10:4,10;11:3,14; 12:12;13:17;16:15; 17:9,11;20:3,21;21:6; 25:5,24;26:1;30:14; 42:7	blurted (1) 9:16	campaign (1) 35:2
Adams (12) 2:3,4;7:9;16:9; 17:18;18:11,16;30:22, 25;34:15;36:3;42:23	appeared (2) 29:15;35:1	backwards (1) 36:17	body (1) 19:6	can (17) 2:14;6:19;10:22; 16:9;17:16;19:15;24:9, 12,15;26:25;27:6; 30:22;32:10;34:10; 36:6;17;41:17
address (1) 38:8	appointments (1) 13:21	background (3) 3:24;4:1;8:8	book (10) 14:15,24;15:2,14,21; 16:2;17:21;18:20,23; 19:1	car (2) 9:13,14
admit (1) 20:24	appreciate (4) 2:13;38:16;42:20; 43:1	bad (4) 9:19,19,19,22	Both (4) 7:6,6;12:5,14	care (5) 17:10;20:13;39:2,10; 42:7
admits (1) 20:24	approached (2) 7:22;42:9	bandwagon (1) 35:23	bother (1) 39:9	cared (2) 30:15,16
admitted (4) 22:23;36:20,22,23	approximately (4) 7:3;10:6;28:1;31:20	bank (1) 37:14	bothers (1) 39:10	career (1) 15:13
ads (1) 4:8	area (2) 11:17;13:22	Bar (3) 2:8;40:10,10	bottom (1) 42:10	careers (2) 22:11;27:6
advances (1) 33:20	areas (2) 10:21;11:25	Barry (2) 14:17,17	bought (3) 6:15;7:7;12:8	careful (1) 41:10
affair (38) 7:17;9:17,18;10:13, 16;12:21;14:9;16:11, 14,24;17:1,5;20:24; 21:4;22:23;23:5,5; 29:7,11,20;30:6,9,19; 31:1,2;33:15,16;34:2, 6;35:8,9,9,20;36:1,20, 22;37:3,17	Arias (12) 2:8,24;3:22;5:2; 7:24;22:9;26:24;27:4, 23;28:3,19;42:12	Barwood (2) 36:12;38:5	boycott (1) 39:1	cares (1) 35:8
affected (1) 41:14	Arizona (2) 12:13;21:14	base (1) 5:23	bracelet (2) 6:9;7:3	carry (2) 25:10;37:14
affects (1) 40:5	around (4) 9:4;10:6,7;37:18	bases (1) 21:24	bracelets (9) 6:3,15,16,25;7:5,7,7; 12:8,17	case (8) 2:9;3:4;14:25;15:1,1, 3,7,10
afraid (1) 39:24	arrive (1) 30:10	basic (1) 3:17	breaks (1) 5:4	cases (5) 26:4,7,12;40:6;42:14
again (18) 10:25;13:17;15:5; 17:12;24:22;26:10,21; 27:1;28:4;29:19;33:9; 34:3;41:2,13;42:25,25, 25,25	association (1) 4:11	basically (4) 3:15;32:15;37:2; 38:2	brief (1) 2:14	Casey (1) 15:1
against (1)	attached (1) 23:18	basing (1) 40:13	briefly (1) 36:6	cause (2) 18:3;20:12
	attacking (1) 35:7	became (1) 23:14	bring (5) 3:17,18;26:14,15; 27:5	caused (1) 38:11
	attend (2) 3:5,11	bed (3) 14:14;18:19,22	bringing (1) 3:13	cell (2) 8:21,22
	attention (2) 20:13;27:5	beforehand (1) 33:8	broke (1) 36:25	certain (5) 5:16;12:12;15:24; 33:17;39:17
	attorney (1) 9:21	began (2) 3:10;16:24	brother-in-law (4) 13:24;14:4,6,10	certainly (1)
	attorneys (1) 11:22	Begin (1)	bunch (1) 35:4	
	attractive (1)		bus (1)	

<p>32:1 change (5) 14:2;24:12,15;25:22; 33:9 changes (1) 32:7 changing (1) 31:17 charge (3) 2:8;6:24;40:11 charged (1) 7:2 Chrisman (6) 7:21,25;12:4,11; 16:19;41:1 clarify (1) 16:16 CLARK (62) 2:2,2,5,12,18;3:2,23; 4:2,10,14,18;5:6;6:2, 19,24;7:4,8,10,14,18; 10:1,9,19;11:19,21; 13:5,8;14:22;15:19; 16:5,8;17:11,14,16; 18:17;19:11;20:7,14, 17,23;24:2,11,14; 25:24;26:23;28:7,25; 29:4;30:3;32:10,13; 36:4,16;37:24;38:15, 19;40:8;41:22;42:18; 43:2,5,8 clear (1) 42:4 clearly (2) 25:3;32:2 clicks (1) 5:15 closet (2) 11:23;12:16 closets (1) 10:21 clothes (1) 14:2 clues (1) 27:19 coincide (1) 15:17 comfortable (2) 19:25;23:1 coming (1) 35:6 comments (1) 23:23 computer (1) 32:1 concern (2) 22:21,22 concerned (4) 21:1;29:22;37:13; 39:3 concerning (3) 2:7,20;3:3 concerns (1)</p>	<p>26:1 condo (2) 13:1;16:23 confessed (1) 30:25 confirm (1) 30:5 consider (1) 41:16 contacted (1) 42:5 contention (1) 29:23 contentions (1) 34:24 contentious (5) 23:15;29:6,11,12,18 continue (1) 40:21 continued (1) 29:5 conversation (2) 10:12;19:20 cool (1) 15:22 Cooper (2) 20:4,6 corner (1) 9:4 correctly (1) 16:17 couple (1) 38:23 course (3) 14:4;26:13;33:25 court (12) 7:19,24;8:14;9:2,11, 12;12:6;17:7;21:9; 24:21;27:18;34:4 courthouse (5) 10:21;14:2;30:10; 34:4;41:20 courtroom (11) 4:25;5:3;11:2,5,6,6; 12:6,21;25:14,16; 41:19 cover (2) 23:7;37:8 coverage (1) 28:11 covered (1) 21:24 covering (1) 41:10 crazy (5) 6:12;16:1;39:23; 40:4,7 create (1) 4:6 created (5) 4:6;5:11;6:6,14,14 creating (1) 5:23</p>	<p>criminal (4) 22:18;26:6;40:6; 42:15 crossed (1) 22:24 curious (1) 17:18</p> <p style="text-align: center;">D</p> <p>date (3) 2:5;13:6;21:6 dates (1) 13:20 dawned (1) 25:4 day (15) 3:12;5:12;7:16;8:3,5, 13;12:20;14:19;16:19; 17:20;18:3;24:21;25:1; 32:21;39:24 days (4) 12:12;17:19,23,25 deal (1) 34:14 decided (1) 3:8 decision (1) 40:13 decorated (2) 19:25;20:8 decorations (1) 20:8 defense (3) 21:12,15,16 definitely (3) 4:4,9;38:6 demeanor (7) 17:3;31:14,18;33:9, 11;34:11,12 details (2) 19:12,17 Detective (1) 15:9 DeVault (4) 8:1;10:24;24:22; 25:14 DeVault's (1) 7:20 Diaries (1) 4:12 difference (2) 30:2;34:9 different (8) 3:15,19;7:23;26:15; 28:2;31:11;34:17;40:6 directly (3) 30:5,8,18 disappear (6) 11:11,12,13,15,15,18 disappointing (1) 41:13 discuss (1)</p>	<p>32:20 disgusting (1) 38:14 disliking (1) 31:18 dismissing (1) 40:10 dismissive (1) 25:17 dissect (1) 37:2 disseminated (1) 36:10 dissolved (6) 23:17;34:25;35:15, 22;36:19;37:12 dissolving (2) 29:25;37:5 disturbing (2) 40:12,19 Diva (2) 4:22,23 Divas (6) 4:14,16,20;6:7; 36:20;40:21 document (1) 22:3 documents (1) 27:18 donate (1) 5:23 donated (1) 5:21 donations (1) 5:20 done (5) 15:2,15,16;40:3; 42:13 douchy (1) 8:12 down (3) 13:1;27:11;39:13 drafts (2) 14:24;18:20 dragging (1) 23:13 drive (1) 4:8 driven (1) 5:18 drove (2) 9:14;20:5 duck (1) 10:20 ducking (1) 11:25 during (6) 7:24;14:19;18:2,2; 28:19;32:21</p> <p style="text-align: center;">E</p> <p>ear (1)</p>	<p>25:15 early (2) 21:5,5 East (1) 17:9 easy (1) 23:25 else (8) 5:6;34:18,20;37:18; 41:11,12,23;42:1 email (1) 8:20 emotional (1) 42:22 enamored (2) 29:16;33:5 end (4) 5:12;28:22;32:17; 43:9 ended (4) 5:22;15:4,16;29:24 enough (1) 39:24 entertained (2) 27:11;28:4 entire (1) 24:19 entries (1) 27:17 episode (1) 16:13 essentially (1) 15:18 estrogen (1) 25:19 ethical (1) 22:25 even (5) 11:22;35:14;36:1; 37:16;39:14 eventually (1) 23:17 everybody (4) 17:25;29:15;41:11, 12 everyone (1) 42:5 evidence (2) 26:14;41:8 exactly (1) 20:11 excerpts (2) 14:16;19:5 exit (1) 11:9 expressed (1) 26:2 extent (1) 39:17 Eye (4) 8:5,7,15;9:10 eyes (1) 9:5</p>
--	--	---	--	---

F				I
face (1) 9:6	flowers (2) 20:20,22	19:4	heads (1) 21:19	
fact (2) 34:12;39:12	folks (1) 5:8	gifts (1) 5:24	hear (9) 2:18;12:1;30:12,13, 13,14,17;34:10;40:10	idea (4) 17:23;27:12;28:4; 29:14
facts (1) 2:20	followers (4) 4:6;28:23;32:25; 35:2	girlfriend (3) 14:19,20;18:3	heard (5) 16:10;19:16;30:19; 33:25;34:12	identified (1) 4:23
fake (1) 39:1	follow-up (1) 30:22	girlfriends (1) 17:9	hearing (1) 20:24	image (1) 5:22
family (4) 23:13;38:10,11; 39:11	footnotes (1) 27:17	given (2) 26:20;36:10	Hello (3) 2:4,10,15	inappropriate (1) 23:23
fan (2) 5:23;8:11	format (1) 32:16	giving (1) 27:13	help (12) 11:24;16:9;22:10; 26:5;27:4,6;28:11,12, 17,22;29:5;42:12	increase (1) 5:19
fanatical (1) 6:11	forth (5) 11:3;12:12;13:18; 25:5;30:14	glasses (1) 6:6	helping (3) 17:21;18:12;19:2	indirectly (2) 30:5;38:1
fancy (1) 6:18	fought (2) 23:9,9	glaucoma (5) 13:9,12,15;14:12; 18:2	helps (1) 43:4	indiscernible (4) 22:2;26:16;34:3; 39:20
fans (1) 6:11	four (1) 28:1	God (1) 31:2	here's (1) 22:13	information (10) 5:5;15:23,25;21:14, 17,23;27:7,14,22;28:20
far (3) 29:21;37:7,13	frame (7) 10:8,18;11:1;14:11; 16:10,21,25	goes (1) 40:20	herself (1) 31:24	innuendos (2) 23:22;25:12
fascinated (1) 29:14	Friday (1) 18:8	good (3) 19:15;20:3;39:22	hey (8) 8:15;11:4;12:23,25; 21:20;22:8;27:3;30:18	inside (5) 3:13,15;5:3;31:15; 33:12
fawning (1) 25:21	friend (5) 12:25;17:9;29:21,21; 31:14	gosh (2) 7:1;9:24	Hi (1) 2:11	instance (1) 21:3
February (4) 2:5;10:6,7,25	friends (3) 23:6;24:20;34:17	great (3) 18:23;27:6;39:7	hiding (1) 34:7	inter (1) 10:10
February/March (1) 10:18	fun (4) 6:14;24:25;39:2,10	green (2) 20:4,21	himself (3) 19:1,3;40:2	interaction (1) 3:7
feel (4) 22:25;35:23;40:24; 41:2	funny (2) 8:10,24	group (1) 35:15	hip (1) 25:11	interactions (1) 2:22
feelings (1) 26:13	further (1) 32:6	growing (3) 19:14;20:15,18	hold (1) 6:22	interest (1) 4:6
feet (1) 25:10	G	guess (4) 2:24;20:12;23:2; 36:4	home (1) 33:10	interested (1) 23:25
felt (6) 3:16;21:13;22:25; 23:2,11;40:10	gain (1) 4:6	guys (11) 6:2,24;21:20;22:9, 10;27:3,5,6,19;30:18; 42:9	homey (1) 19:25	interesting (1) 5:24
few (1) 35:18	game (2) 26:25;28:8	H	honest (1) 42:11	Internet (2) 36:6;37:25
fight (2) 32:8;33:8	garage (1) 20:5	hall (1) 11:5	honestly (1) 23:20	interview (9) 2:6,13;14:23;26:24; 27:4;28:9,19;36:4; 40:18
fighting (1) 31:19	garden (2) 19:14;20:3	hallway (4) 8:14;11:6,14;33:2	hope (1) 43:3	interviewed (1) 10:10
F'ing (1) 8:17	gardener (1) 19:15	hallways (1) 8:2	house (12) 14:14,15;18:19; 19:13,14,18,23;20:7,9; 22:3;32:18;33:7	into (14) 4:3;10:20;11:13,18, 22,25;12:5,15,16; 26:12,21;29:23;32:6; 34:4
first (15) 2:23;10:2;11:8;12:4; 13:3,5;16:11;18:18; 21:20;22:5;28:9;30:23, 25;31:9;33:17	gardens (1) 20:2	hand (1) 26:4	hug (1) 33:3	involved (3) 26:18;28:5;31:17
five (1) 28:1	gave (6) 7:7;12:7,9,17;21:19; 28:15	handle (1) 4:18	huge (1) 8:11	issue (1) 36:14
flippant (1) 25:17	general (1) 5:7	happened (4) 32:20;34:25;35:12; 38:1	hunt (1) 39:12	J
flirted (1) 24:2	generous (1) 6:1	happening (2) 17:4;26:21	hurt (1) 39:25	January (2) 2:24;13:9
Flores (1) 15:9	George (2) 36:11;38:5	happily (2) 24:7,9	husband (6) 31:16,19,23;32:2,5; 33:6	
	ghost (1) 19:1	harassing (1) 41:19		
	gifted (1)	hate (1) 32:23		

<p>Jen (21) 4:23;13:14;15:6,10; 16:21;17:20;21:3,19; 22:4,7,12;24:18;25:4; 27:10,15;33:13;35:9; 39:16;41:18;42:7,7</p> <p>Jennifer (18) 2:21;3:3,23;7:11; 9:1;10:13,20;11:21; 14:24;15:19;18:20; 19:16;26:2,5,10,24; 30:6;36:18</p> <p>jerk (1) 24:25</p> <p>Jodi (11) 2:24;3:22;5:2;7:24; 22:9;26:24;27:4,23; 28:3,19;42:12</p> <p>journalism (2) 3:24;4:1</p> <p>Juan (51) 2:8,21,23;6:10,22; 7:20;8:6,11,13;9:4,8, 10,23;13:22,24;14:11; 15:11;16:18,22;21:3,8; 22:8,13,16,16,23;23:8, 21;24:17,23;25:1,9; 29:14;31:21;32:24; 33:1,2,17,19;35:16; 36:24;37:7,17,22; 39:17;40:1,14,24;41:4; 42:8,13</p> <p>J-U-A-N (1) 6:21</p> <p>Juanalicious (3) 6:8,13,17</p> <p>Juan-I (1) 6:23</p> <p>Juan-I-L-I-C-I-O-U-S (1) 6:23</p> <p>Juan's (1) 40:2</p> <p>judge (1) 35:10</p> <p>judging (1) 23:6</p> <p>justice (4) 22:18;26:6;40:6; 42:15</p>	<p>38:8</p> <p>kind (27) 3:6,9,12;6:13;8:1,4, 12;9:5,5,6;10:2;13:17; 14:8;16:6;17:4;19:22; 20:14,17;23:19;27:22; 29:8;31:11;33:8;34:22; 35:2,3;39:8</p> <p>kinds (1) 6:12</p> <p>knew (24) 9:7,17;13:22;14:11; 15:1,11,12,13;27:12; 28:5,8,15;29:4,7,7; 30:20,20;31:14,14; 33:12,15,21,25;35:25</p> <p>known (2) 7:20;19:12</p>	<p>live (7) 4:25;5:3;12:14; 32:16,19;38:9,13</p> <p>lived (2) 13:22,23</p> <p>live-in (2) 14:20;18:3</p> <p>lives (2) 40:25;41:14</p> <p>longer (4) 30:10;32:17;34:7,7</p> <p>look (4) 9:6;21:6;27:16,23</p> <p>looked (1) 41:2</p> <p>looking (1) 10:11</p> <p>looks (1) 39:3</p> <p>loss (1) 38:1</p> <p>lost (1) 35:3</p> <p>lot (22) 3:7;6:10;9:13,14,15; 11:18;17:6;18:1;31:9, 14;32:11,24,24;33:10, 10,11;34:11;36:8; 38:11,24;39:17;41:4</p> <p>lots (1) 34:16</p> <p>love (1) 33:3</p> <p>loved (5) 6:9,15;33:1;36:24; 37:23</p> <p>lunch (7) 12:23,24,25;13:6; 14:4;16:12,22</p> <p>lunches (1) 5:4</p> <p>lush (1) 20:21</p> <p>lying (4) 17:24,24;31:10; 37:16</p>	<p>7:20;8:1;10:24; 24:22;25:13</p> <p>marriage (3) 24:5,12,16</p> <p>married (4) 24:7,9;41:18,19</p> <p>Martinez (9) 2:8,21,23;6:10;7:4, 12;10:13,20;30:5</p> <p>Martinez's (2) 18:19;40:15</p> <p>mattered (1) 30:2</p> <p>May (2) 10:11;34:20</p> <p>maybe (6) 3:16;10:7;33:13; 41:7,9,23</p> <p>mean (11) 5:2,17;16:19;17:24; 20:25;26:10;32:3;33:4, 21;34:13;42:22</p> <p>meaning (1) 28:16</p> <p>meant (3) 27:15,20;28:24</p> <p>media (8) 3:16,20;21:23;28:11, 18,23;35:6;38:24</p> <p>meet (4) 11:4;12:17;14:5; 18:6</p> <p>mention (1) 20:8</p> <p>mentioned (4) 22:8;27:3,13;28:2</p> <p>merchandise (1) 6:6</p> <p>Mesa (2) 13:22;33:10</p> <p>messages (13) 35:24;36:5,10,18,20, 23,23;37:4,6,9,12,21; 38:5</p> <p>met (9) 7:21,22;12:4,15; 14:3;16:11,18,20; 31:21</p> <p>Michael (3) 21:13,13,18</p> <p>might (2) 9:23;17:19</p> <p>mind (4) 6:20;16:1;31:10; 35:3</p> <p>Mini (2) 20:4,6</p> <p>minuscule (1) 5:17</p> <p>minute (2) 11:10;27:17</p> <p>misconduct (2) 41:15,16</p>	<p>misinformation (1) 36:9</p> <p>missing (1) 36:15</p> <p>mix (2) 29:13,22</p> <p>mixed (2) 22:24;40:22</p> <p>mixing (1) 23:1</p> <p>Monday (1) 18:7</p> <p>money (10) 4:3,9;5:6,8,9,10,17, 21,23;15:17</p> <p>Montana (1) 12:13</p> <p>month (1) 10:3</p> <p>months (3) 31:22,22;38:23</p> <p>more (11) 4:7;5:18;19:7;28:23; 31:16,19,24;34:15,24; 35:21;41:7</p> <p>morning (1) 25:19</p> <p>most (1) 15:15</p> <p>mostly (1) 2:21</p> <p>mother-in-law (2) 14:3,5</p> <p>motion (7) 21:9,10,11,16,21,22, 25</p> <p>mouth (1) 10:17</p> <p>much (15) 2:12;6:17,24;7:2; 9:12;30:15,16;34:13, 22;35:14;36:2;42:3,19; 43:1,6</p> <p>music (1) 14:18</p> <p>must (1) 21:22</p> <p>myself (3) 36:9,13;38:11</p>
<p style="text-align: center;">K</p> <p>Karen (1) 2:2</p> <p>kept (1) 34:23</p> <p>kidding (1) 8:17</p> <p>kids (1) 38:10</p> <p>Kiefer (3) 21:13,13,18</p> <p>kill (1)</p>	<p style="text-align: center;">L</p> <p>laptop (1) 32:19</p> <p>last (1) 30:3</p> <p>later (2) 14:13;16:21</p> <p>laughing (1) 8:18</p> <p>law (1) 2:3</p> <p>lay (2) 14:14;18:22</p> <p>learn (1) 17:1</p> <p>learned (5) 7:10,16;10:17;12:21; 30:8</p> <p>leave (3) 11:8,9,11</p> <p>left (4) 9:11,12;12:24;17:17</p> <p>letter (1) 22:9</p> <p>lie (1) 37:18</p> <p>lied (2) 31:5,8</p> <p>life (8) 23:11;31:15;37:1; 39:12,15,21,22;40:7</p> <p>liked (3) 5:21,22;14:17</p> <p>line (1) 42:11</p> <p>lion (1) 8:8</p> <p>listen (1) 23:3</p> <p>literally (1) 33:8</p> <p>little (1) 41:7</p>	<p style="text-align: center;">M</p> <p>mainly (1) 29:18</p> <p>making (1) 25:12</p> <p>Manilow (2) 14:17,18</p> <p>mannerisms (1) 33:11</p> <p>many (2) 40:5;42:14</p> <p>March (6) 10:7,7;16:13;17:2,3; 20:25</p> <p>Marissa (5)</p>	<p style="text-align: center;">N</p> <p>naked (1) 31:25</p> <p>name (3) 4:11;37:14,15</p> <p>nasty (1) 32:4</p> <p>necessarily (4) 11:5,17;28:15;29:11</p> <p>need (4) 27:3;39:5,7;41:24</p> <p>needs (3)</p>	

<p>40:5;41:2;42:13 Neither (1) 3:25 nervous (1) 9:7 news (2) 3:20;21:23 next (2) 24:21;25:1 nice (1) 5:25 nicely (1) 20:1 nicknames (1) 6:12 night (1) 24:18 nonpublic (2) 10:21;11:25 notes (2) 10:11;28:8 notice (1) 13:18 noticed (1) 3:7 noticing (1) 32:7 number (3) 8:22,25;31:13</p>	<p>opportunity (1) 4:5 oral (1) 7:9 originally (11) 3:6,21;7:22;12:4,7; 15:6,7;16:18;21:21; 23:3;33:13 others (3) 35:23;39:7,20 ourselves (2) 3:12;4:23 out (22) 8:14;9:15,16;11:4,4, 5,6,6;13:12,14;14:12; 16:1;18:1;20:2,3;29:8, 24,30;17;31:18;36:19; 39:14,19 outfit (2) 14:3,5 outside (1) 3:15 over (11) 13:1,2,22,23;14:13, 18;15:3;25:19,21;27:9; 40:2 own (2) 4:13,24</p>	<p>per (1) 7:3 person (3) 14:10;39:5,8 personal (2) 31:15;37:1 personally (1) 2:22 phone (19) 8:21,22,25;15:8; 17:6,10;27:9;30:12,13, 19;33:25;34:6,11,13; 36:14;37:22;38:1; 40:15;41:6 phonetic (2) 36:11,12 physically (1) 38:9 pick (1) 17:16 picture (2) 19:23;22:4 pictures (2) 35:17;38:13 pillow (1) 19:8 pinpointed (1) 33:1 pissed (2) 21:12,15 place (2) 10:2;12:13 plan (1) 15:2 planned (1) 15:16 plants (1) 20:19 play (1) 29:23 played (1) 29:24 playing (1) 8:8 please (2) 22:16;41:25 point (20) 6:3;7:4,10;9:6; 13:10;20:12;23:10; 25:4;28:7,15;29:6,8; 30:20;32:2;33:24; 34:22;35:4;36:24; 37:15;40:24 poorly (1) 32:3 Porsche (1) 20:5 portions (1) 16:4 positive (1) 21:7 post (2) 5:14;39:14</p>	<p>posted (5) 22:5,6;36:6;37:24; 38:8 posting (1) 35:17 present (1) 2:2 presented (1) 3:12 pretty (7) 5:24;6:11,17;9:12; 34:13,23;42:3 previous (2) 10:10;14:22 prior (1) 8:22 private (2) 23:11;39:14 pro (2) 28:10,25 probably (3) 10:7;16:20;21:5 problem (1) 22:13 proceedings (1) 7:24 process (1) 26:20 procured (1) 28:20 profile (1) 35:17 pros- (1) 21:12 prosecuting (1) 2:23 protect (2) 40:1,2 protecting (1) 40:25 provided (2) 8:25;36:13 public (3) 21:9,22,24 pull (1) 41:5 pure (1) 26:20 put (6) 4:8;26:6,7;38:24,24; 41:11</p>	<p>Ralph (3) 2:3,4;7:8 rawr (1) 8:9 read (6) 14:15;15:21;18:19, 22;19:4,7 reading (1) 14:23 real (2) 24:25;26:16 realized (1) 26:25 really (21) 2:13;3:10;6:9;7:24; 8:24;9:8;15:25;16:1; 20:3;22:10;26:14; 27:14;33:6;34:20,21; 35:12;38:15,19;39:10; 42:20;43:1 reason (3) 11:25;14:6;19:21 recall (3) 15:25;16:1;19:13 recess (1) 5:4 recollection (1) 7:3 record (1) 38:7 recording (3) 17:12;40:9;42:19 records (2) 40:15;41:6 referenced (1) 20:22 referred (1) 19:7 referring (2) 32:13,14 refused (1) 23:16 regretted (1) 37:2 related (1) 2:8 relationship (2) 2:20;7:11 release (4) 15:3;21:21;22:1,1 released (1) 38:5 releasing (2) 21:9,17 remember (20) 7:2;9:2;10:23;12:2, 3;15:4;16:4,6;18:25; 19:20;20:11,16,17,20, 22;26:7;27:8;28:3,12; 35:14 reminding (1) 6:5 repercussions (1)</p>
O	P			
<p>observations (1) 3:14 obtain (1) 40:14 obvious (1) 37:11 occasionally (1) 18:6 October (1) 31:21 off (9) 5:8,9;12:6,21;13:9, 11;15:17;17:17;36:25 officially (1) 10:16 once (7) 12:21;15:11;30:8; 34:9,24,25;38:22 one (15) 3:25;6:13;11:23; 12:20;19:22;24:19,23; 30:23;31:13;34:15,15, 16;36:24;39:6,24 ones (2) 21:20;22:5 online (2) 22:6;38:9 only (2) 13:23;14:10 opinion (2) 24:12,15</p>	<p>Pablo (2) 24:17,23 page (1) 39:1 paid (1) 5:16 panic (1) 9:6 panicked (1) 9:5 parking (3) 9:13,14,15 part (2) 15:22;39:11 participate (1) 29:17 particular (3) 8:3;17:20;18:11 partner (1) 2:3 pawn (1) 22:14 pay (1) 20:13 people (25) 4:7;5:21,25;6:9,15; 12:1;13:13,23;24:24; 32:20,21;33:1,4,12; 34:16;35:4,5,11,15,18, 21;38:7,12;39:6,19 people's (4) 26:7,15;40:7;41:13</p>			
			Q	
				R

<p>38:20 report (4) 4:21;15:19;26:12; 28:18 reporters (1) 3:13 reporting (1) 5:10 Republic (1) 21:14 reputation (1) 23:18 response (1) 7:9 restroom (3) 9:1,2,3 retire (1) 15:18 return (2) 28:12,18 Richard (5) 7:21,25;12:4,11;41:1 right (23) 2:19,25;4:12;7:12; 9:13;10:14;11:14;15:3, 12;18:20;20:23;22:2,7; 24:12;36:21;41:23,25; 42:8,16,18,19;43:7,8 risk (2) 26:6,7 roaring (1) 8:8 room (6) 2:3;12:6,8,16,20,22 rooms (1) 11:22 Rose (1) 35:20 route (1) 23:24 R-U-A (1) 2:7 rubber (2) 6:2,16 Ruiz (64) 2:7,7,11,16;3:1,5,25; 4:4,13,16,20;5:9;6:4, 21;7:1,6,13,16,19;10:4, 15,23;11:20;12:3;13:7, 11;15:5,24;16:7,16; 17:13,15,22;18:13,21; 19:19;20:10,16,19; 21:1;24:6,13,15;26:9; 27:2;28:14;29:3,10; 30:7,24;31:8,32;11:15; 34:19;36:8,22;38:3,17, 21;40:12;42:2,21;43:3, 7 R-U-I-Z (1) 2:7 run (2) 11:13;31:10</p>	<p style="text-align: center;">S</p> <p>sad (1) 39:18 sadly (1) 32:24 safety (1) 39:11 Samantha (2) 35:24;36:1 Sandra (2) 36:11;38:4 satisfy (1) 22:16 saw (4) 4:4;8:13;9:4;33:2 saying (3) 15:21;28:17;29:2 scary (1) 39:24 schedule (1) 18:9 screenshot (1) 38:23 sealed (1) 21:10 seals (1) 34:14 season (2) 24:16,24 secret (1) 34:23 seemed (1) 28:25 selfie (1) 31:25 sell (1) 6:2 send (5) 5:24;8:18,19,21,23 sending (1) 32:1 separate (4) 23:7,16;29:19;30:1 separating (1) 37:7 September (7) 10:14,16;16:15,18, 21,24;17:2 set (3) 18:9;32:19;33:6 several (2) 31:11;35:5 sex (6) 13:5;18:18;19:5; 31:20,23;33:4 sexual (2) 7:11;23:22 sexually (3) 24:3;33:20;41:19 sexy (1) 19:6</p>	<p>Sharee (6) 2:6,10;4:22;20:8; 42:20;43:6 S-H-A-R-E-E (1) 2:7 shortly (2) 31:21;35:14 show (5) 24:5,7,16,19;25:5 showed (1) 25:1 shown (1) 19:17 shut (2) 29:8;36:19 shy (1) 33:22 sick (1) 39:18 side (12) 3:10;5:13,13;12:5,5, 15,20,20,22;13:20; 26:15;35:23 sing (2) 14:16,17 sit (1) 8:1 sitting (1) 11:2 situation (2) 35:11;42:6 six (1) 13:13 sky's (1) 38:25 sleep (3) 23:21;41:17,18 sleeping (2) 8:4;14:10 slept (4) 13:3;16:23;23:21; 35:16 slutty (2) 14:2,5 snap (1) 39:25 social (5) 28:11,18,22;35:6; 38:24 solidified (1) 34:1 somebody (3) 5:15;8:5;24:18 somebody's (1) 39:25 someone (1) 19:2 sometimes (2) 21:23;42:22 soon (1) 22:1 Sorry (9) 2:17;4:14;11:7;</p>	<p>17:14;19:9;35:23; 38:15,19;42:21 sort (2) 5:5;16:12 sound (2) 2:25;19:10 sounds (2) 19:21;39:4 speak (1) 30:7 specific (4) 11:17;17:23,25; 18:14 specifically (2) 17:22;20:12 spectator (3) 3:7,10;5:13 spell (1) 6:19 spelled (1) 6:20 spoke (1) 18:18 sporadic (1) 18:8 Spreecast (2) 32:15;33:7 Spreecasts (2) 32:8,9 stand (1) 32:2 stands (1) 15:25 start (1) 3:9 started (15) 2:24;3:5,21;10:13, 16;14:8;17:4;23:19; 31:17,18;32:5,7;33:9; 35:6;40:9 State (1) 40:10 statement (3) 28:24;31:4,7 states (1) 12:14 stay (1) 14:18 staying (1) 33:10 step (1) 36:16 steps (3) 17:7;30:11;34:4 sterile (1) 19:23 still (4) 29:20;38:19,22; 39:16 stop (4) 19:5;40:5;42:13,19 stopped (1) 31:20</p>	<p>stories (2) 5:12,14 straight (1) 9:14 street (1) 13:1 stress (1) 38:12 stuff (6) 4:21;29:15;31:14; 39:9,20;41:3 subject (1) 23:15 submit (1) 21:16 submitted (1) 27:18 subsequently (1) 12:10 sucks (1) 32:23 sudden (1) 9:16 summary (2) 5:7;10:1 Sunday (1) 18:14 Sundays (1) 18:12 supported (2) 15:7,8 Sure (7) 6:21;7:1;16:17;21:6; 30:24;32:25;42:3 surgery (5) 13:10,12,16;14:12; 18:2 suspected (2) 16:10;17:19 suspecting (2) 17:5;33:9 suspicious (1) 8:4 suspicious (1) 13:25 system (4) 22:18;26:6;40:6; 42:15</p> <p style="text-align: center;">T</p> <p>talented (1) 19:3 talk (16) 3:17;7:23;8:2;13:19; 17:6,10;19:8,15;30:11, 12;32:3;34:5;36:5,6, 17;37:22 talked (3) 19:11,13;40:9 talking (8) 9:4,8;14:23;17:8; 27:10;30:19;34:13;</p>
---	--	--	---	--

38:16 tall (1) 25:10 Tammy (1) 35:19 tangled (1) 24:1 telephonic (1) 2:6 telling (13) 9:10;12:2;15:4,20, 20:16:5;19:18;26:7; 28:12;35:7,25;37:3,17 term (1) 32:14 texting (5) 11:1,2,3;24:18;25:5 thanks (1) 43:5 There'll (1) 27:19 thinking (1) 14:4 though (1) 37:16 thought (10) 3:18;8:10,11;13:25; 16:10,14;24:19,25; 29:13;31:9 threatened (2) 38:7,8 threatening (1) 35:25 threats (1) 38:20 throwing (1) 41:11 thumb (1) 20:4 Tiger (4) 8:5,7,16;9:10 times (5) 10:20,24;13:20;18:5; 29:5 today (2) 2:13;33:2 today's (1) 2:5 together (7) 13:3,10;16:23;17:20; 22:24;23:1;40:22 told (63) 10:9,12,19;11:19,20, 21,22,24;13:4,8,15; 14:13,21,22,24,24; 15:6,10,11;18:17; 19:11,19;21:3,8;22:8, 12;23:3;24:2,3,11,11; 26:3,5,5,9,23;27:2,8, 15,16;28:7;29:4,9,19; 31:19;33:23;34:2,6,8, 17,19,20,24;35:4,5,9, 19,19,21;36:2,24,25;	38:2 took (6) 11:22;12:5,6,15,16; 22:4 tough (1) 42:23 towards (1) 33:20 tracks (1) 41:10 traffic (2) 4:9;5:18 transpired (1) 5:12 traveling (2) 12:12;13:17 treat (1) 32:3 trial (36) 2:24;3:6,6,9,11,13, 14,22;4:11,14,16,20, 22,22,23;5:10,13;6:7, 10;7:21,25;8:1;10:24; 12:4,11;15:4,15;16:19; 23:8;24:22;32:18,21; 36:19;40:21;41:1,1 TrialDivascom (1) 5:11 trials (5) 22:18;26:3;31:17; 32:6;37:8 tribute (1) 8:7 tries (1) 42:14 triggered (1) 33:14 triggering (1) 14:8 trouble (1) 21:17 true (2) 30:21;31:7 trust (2) 37:15,19 truth (4) 31:4;37:17;42:10,16 try (5) 2:14;21:16;22:14; 25:21;39:15 trying (13) 4:2,8;21:2;26:2,3; 27:21;31:5,24;35:18, 22;40:1,2;41:11 T-shirts (1) 35:16 tweets (1) 4:25 Twitter (4) 4:21,24,24;35:6 two (14) 11:10;13:23;16:20; 17:5;23:16;26:2,4;	29:13,19,22;30:1,9,14; 31:20 U ugly (1) 39:5 unbiased (3) 3:18;22:17;26:12 uncomfortable (1) 29:1 underneath (1) 41:12 understood (1) 29:12 unethical (1) 41:16 unless (3) 14:6,9;41:22 up (14) 5:22;12:17;17:16; 18:6;21:19;22:24;24:1, 23;25:1;29:24;32:19; 33:7,14;36:6 update (1) 5:5 upper (1) 26:4 upset (3) 9:7;25:13,20 use (3) 22:14;26:2,4 using (2) 21:11;28:9 V vain (1) 39:4 video (6) 8:6,16;9:10;32:15, 16,19 view (8) 3:17,18;22:18;23:10; 25:22;26:16,16,20 visit (1) 4:7 voice (1) 30:13 W wait (1) 5:3 walk (3) 25:16;30:11;34:4 walked (3) 8:14;9:14;25:13 wants (2) 22:14;41:17 watch (3) 3:6;25:2;32:20 watched (1)	24:17 watching (1) 6:9 wave (2) 25:14,16 way (8) 4:3;5:7;8:15;10:2; 14:1;15:17;24:9;33:22 weave (1) 40:5 web (1) 40:4 Weber (2) 36:11;38:4 website (6) 4:7,7,8;5:11,14,18 Wednesday (1) 18:8 week (2) 16:20;17:19 weekdays (1) 18:2 weekends (1) 18:6 weeks (2) 13:13;16:21 welcome (2) 42:21;43:3 weren't (2) 5:2;6:18 west (1) 13:20 what'd (1) 25:18 what's (1) 15:21 whenever (1) 17:7 where's (2) 13:13,14 whisper (1) 25:15 whole (3) 28:16;31:9;40:6 who's (1) 9:20 Williams (2) 35:25;36:1 willing (1) 29:17 wine (1) 6:6 wish (1) 41:5 woman (2) 41:18,19 women (2) 6:11;33:2 wonderful (3) 8:6;19:6;39:8 Wood (12) 2:21;3:3;7:11;10:13, 20;11:21;19:16;26:2;	29:5,7;30:6;41:18 word (3) 6:19;21:3;28:10 wore (1) 35:16 work (4) 13:19;18:4;20:6; 39:13 working (2) 14:20;31:18 worried (1) 39:5 worrisome (2) 39:19,23 worry (2) 38:12;39:11 Wow (1) 5:25 write (4) 5:11;15:14;22:9; 27:10 writer (3) 18:23;19:1,4 writing (3) 14:16;15:23;19:1 wrong (1) 4:15 Y yard (1) 20:21 year (1) 10:3 1 13 (2) 16:11,15 14 (1) 17:2 16th (1) 10:11 2 20 (4) 17:7;30:11;34:4; 40:25 2000 (2) 10:5;21:5 2013 (8) 2:25;10:14,16;16:18, 21,24;17:2;31:21 2014 (7) 10:5,8,18,25;17:3; 20:25;21:5 2017 (1) 10:11 2018 (2) 2:6;38:17 2nd (1) 2:24
---	--	--	--	--

4				
4 (I) 25:10				
6				
6 (I) 2:5				

EXHIBIT 2

December 13, 2017

SENT VIA EMAIL AND REGULAR MAIL to:

Debbie MacKenzie
Custodian of Records – Maricopa County Attorney’s Office
301 W. Jefferson, 8th floor
Phoenix, AZ 85003
Email: mackenzd@mcao.maricopa.gov

Re: Public Records Request ARS § 39.101 *et seq.*; Rule 123, Ariz.R.S.Ct.

Dear Ms. MacKenzie:

This firm represents Jodi Ann Arias, the indigent defendant in *State v. Arias*, CR 2008-031021-001 DT, in civil/administrative matters related to the conduct of The Deputy County Attorney Juan Martinez. Mr. Martinez has published a book about this case entitled *Conviction: The Untold Story of Putting Jodi Arias Behind Bars* (hereinafter, “the book”).

Under Arizona’s Public Records Law, ARS § 39.121 *et seq.*, and Rule 123, Ariz.R.S.Ct., I request to inspect or obtain copies of public records maintained by the Maricopa County Attorney’s Office (MCAO) and/or Juan Martinez, as set forth below. As used herein, the term “record” includes all correspondence, emails, text messages, voice messages, calendars, notes and all other records of any kind whether maintained on MCAO equipment or Mr. Martinez’ personal phones, computers and any other personal recording device. We request that the records be provided in their native format.

The public records requested are as follows:

1. **MCAO policy and procedures in meta format, including metadata, regarding publication of books by its employees that relate in any way to their employment.**
2. **All communications between the body and/or person who determines whether an employee may publish a book about his/her employment (hereinafter, “the body”) and Mr. Martinez regarding the book.**
3. **All communications between and among the members of the body regarding the book.**

Adams & Clark, PC
Attorneys at Law

520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

4. All records regarding Mr. Martinez' request to MCAO for permission to write or publish the book.
5. All records memorializing the date Mr. Martinez requested permission from MCAO write or to publish the book.
6. All records memorializing the dates of deliberation of the body regarding consideration of Mr. Martinez' request for permission to write or publish the book.
7. All records of the deliberations of the body concerning Mr. Martinez' request for permission to write or publish the book.

This request is made for a noncommercial purpose.

If you can provide copies of the records electronically, please send them to me at the following email address: ralph@adamsclark.com. If they can be made available by disc. I will make arrangements with you to pick up a copy.

If you anticipate that copying costs will exceed \$50, please call me or reply to this email before incurring any excessive duplication charges. However, I also request a waiver of all fees in that Ms. Arias is indigent, and disclosure of the requested information is in the public interest and will contribute significantly to the ethical prosecution of criminal cases in Maricopa County.

As you know, "Public records" are defined broadly by Arizona law. All public records are presumed open to public inspection, absent a specific statutory exemption to the contrary. According to the Arizona attorney General's Office, any doubts about the scope of the public's right of access "should be resolved in favor of disclosure".

If you believe that portions of the records sought are exempt from disclosure, the law requires that you segregate or redact those portions of the records and make the non-exempt records available for inspection and copying.

If you believe that any of the records are not subject to inspection, please provide a brief written explanation of the basis and legal authority for withholding the records.

Arizona public records law requires that public bodies provide access to public records "promptly". Accordingly, I request that you make these records available for inspection and copying by January 1, 2017. If you will be unable to meet this deadline, please respond in writing as soon as possible concerning the reasons for any delay.

Adams & Clark, PC
Attorneys at Law

520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

ADAMS & CLARK, PC

December 13, 2017
Page 3

Thank you for your anticipated cooperation.

Sincerely,

ADAMS & CLARK, PC



Ralph Adams

Adams & Clark, PC
Attorneys at Law

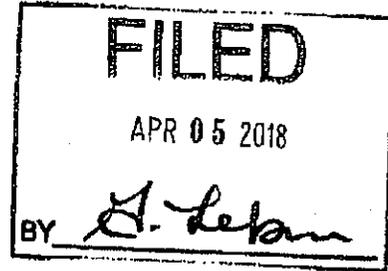
520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

EXHIBIT 3

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272
Email: LRO@staff.azbar.org



**BEFORE THE CHIEF BAR COUNSEL
OF THE STATE BAR OF ARIZONA**

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**JUAN M. MARTINEZ,
Bar No. 009510,**

Respondent.

State Bar No. 17-0624

**REQUEST FOR
SUBPOENA DUCES TECUM**

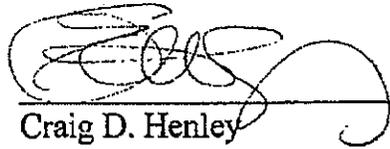
The State Bar of Arizona, by undersigned bar counsel and pursuant to Rule 47(h)(1), Ariz. R. Sup. Ct., requests that a subpoena duces tecum be issued to compel the production of seven sets of records outlined in the attached subpoena duces tecum in custody and control of the Maricopa County Attorney's Office.

Compliance with the subpoena is requested by or on May 7, 2018, at 4201 N. 24th Street, Suite 100, Phoenix, AZ 85016.

This request for a subpoena is made to further the investigation into allegation of improper communications and professional misconduct.

RESPECTFULLY SUBMITTED this 5th day of April, 2018.

STATE BAR OF ARIZONA



Craig D. Henley
Senior Bar Counsel

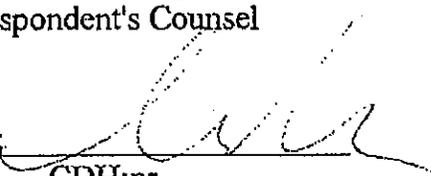
Original filed this 5th day of April, 2018, with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Copies of the foregoing mailed/emailed
this 5th day of April, 2018, to:

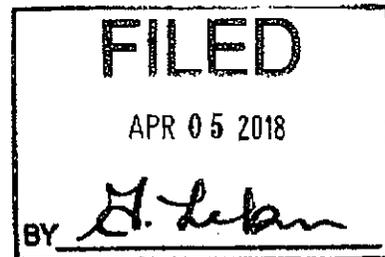
J. Scott Rhodes
Jennings Strouss & Salmon, PLC
One E. Washington Street, Suite 1900
Phoenix, AZ 85004-2554
Email: srhodes@jsslaw.com
Respondent's Counsel

by:



CDH:nr

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272
Email: LRO@staff.azbar.org



**BEFORE THE CHIEF BAR COUNSEL
OF THE STATE BAR OF ARIZONA**

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**JUAN M. MARTINEZ,
Bar No. 009510,**

Respondent.

State Bar No. 17-0624

**SUBPOENA DUCES TECUM
(And to Appear at Deposition)**

STATE OF ARIZONA

TO: Maricopa County Attorney's Office (MCAO)
Custodian of Records
c/o Debbie MacKenzie
301 W. Jefferson Avenue, 8th Floor
Phoenix, AZ 85003
Email: mackenzd@mcao.maricopa.gov

You are hereby directed to appear and attend before Craig D. Henley, Senior Bar Counsel, of the State Bar of Arizona, 4201 N. 24th Street, Suite 100, Phoenix, Arizona on **May 7, 2018**, at 3:00 p.m. then and there to produce the following:

1. Any and all billing records, call logs, e-mail logs, message logs or other record of any and all communications between Mr. Juan Martinez and Jennifer Wood occurring between July 31, 2013 and July 31, 2016 by any means including, but not limited to, cell phone number 602-725-5868 or e-mail martinej@mcao.maricopa.gov;

2. Any and all billing records, call logs, e-mail logs, message logs or record of any and all communications between Mr. Juan Martinez and Katherine Wick occurring between July 31, 2013 and July 31, 2016 by any means including, but not limited to, cell phone number 602-725-5868 or e-mail martinej@mcao.maricopa.gov;

3. Any and all billing records, call logs, e-mail logs, message logs or record of any and all communications between Mr. Juan Martinez and Melissa Garcia occurring between December 2, 2014 and February 31, 2016 by any means including, but not limited to, cell phone number 602-725-5868 or e-mail martinej@mcao.maricopa.gov;

4. Any and all visitation logs, documents, authorizations or records of any kind regarding all visits by Jennifer Wood to the MCAO offices between July 31, 2013 and July 31, 2016, both during and outside of ordinary business days and hours;

5. Any and all visitation logs, documents authorizations or records of any kind regarding all visits by Katherine Wick to the MCAO offices between July 31, 2013 and July 31, 2016, both during and outside of ordinary business days and hours;

6. Any and all documents, manuals, memorandum, guide or policy regarding the MCAO office visitation policy(ies) for office visits by the public, both during and outside of the ordinary business days and hours; and

7. Any and all complaints, responses, transcripts, recordings, notes, findings, memorandum, letters, sanctions or documents related to any internal investigation of allegations of misconduct of any nature by Juan Martinez during his tenure with the MCAO.

BE WARNED THAT for failure to appear and attend as herein required, you will be deemed to be in contempt and answerable in court as provided by these rules.

By order of the Chief Bar Counsel of the State Bar of Arizona, pursuant to Rule 47(h)(1), Ariz. R. Sup. Ct.

Issued on April 5th, 2018 at Phoenix, Arizona.

Maret Vessella

Maret Vessella
Chief Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite. 100
Phoenix, AZ 85016

YOUR DUTIES IN RESPONDING TO THIS SUBPOENA

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. *See* Rule 45(c)(3) of the Arizona Rules of Civil Procedure.

You have the duty to produce the documents requested as they are kept by you in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. *See* Rule 45(c)(4) of the Arizona Rules of Civil Procedure.

YOUR RIGHT TO OBJECT

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The presiding disciplinary judge enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within five (5) days after it is served upon you, or before the time specified for compliance, by filing a written objection with the Attorney Discipline Probable Cause Committee or the presiding disciplinary judge, as appropriate.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the documents, communication or item not produced so that the demanding party can contest the claim. *See* Rule 45(c)(5)(C) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until you are ordered to do so.

If you are not a party to the litigation, or an officer of a party, the presiding disciplinary judge may issue an order to protect you from any significant expense resulting from the inspection and copying commanded.

You may also file a motion with the presiding disciplinary judge to quash or modify the subpoena if the subpoena:

- (i) does not provide a reasonable time for compliance;

(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of the presiding disciplinary judge, except that a subpoena for you to appear and testify at hearing can command you to travel from any place within the state;

(iii) requires the disclosure of privileged or protected information and no waiver or exception applies;

(iv) subjects you to an undue burden. *See* Rules 45(c)(5)(B)(iii) and 45(e) of the Arizona Rules of Civil Procedure.

If this subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

the presiding disciplinary judge may either quash or modify the subpoena, or order you to appear or produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. *See* Rule 45(e) of the Arizona Rules of Civil Procedure.

EXHIBIT 4

Jennings Strouss

Jennings, Strouss & Salmon, P.L.C.
Attorneys at Law

One East Washington Street, Suite 1900
Phoenix, Arizona 85004-2554
Telephone: 602.262.5911
www.jsslaw.com

J. Scott Rhodes
Direct Dial: 602.262.5862
Direct Fax: 602.495.2648
srhodes@jsslaw.com

August 11, 2017

VIA EMAIL AND U.S. MAIL

Craig D. Henley, Esq.
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Re: State Bar No. 17-0624
Jodi Arias, Complainant
Juan M. Martinez, Respondent

Dear Mr. Henley:

This is our response on behalf of Juan M. Martinez ("Respondent" or "Mr. Martinez") to the follow-up questions posed in your July 17, 2017 letter. Thank you for giving us additional time to prepare this response.

As an initial matter, we disagree with your statement that "a number of [your] specific inquiries were not answered" in our initial response. As we explained in our initial response, and now repeat, except in limited circumstances that are not involved in this matter, the Ethical Rules do not regulate lawyers' private lives. Mr. Martinez, therefore, should not be asked to address rumor and innuendo about his private life. That was our answer, and still is our answer, to any "allegations" that you believe we overlooked.

In answer to your three follow-up questions:

1. Over the years, Mr. Martinez has provided after-hours access to the MCAO's offices to various individuals for various reasons. Such visits are rare. During these visits, he has never disclosed or revealed any confidential or sealed information about any case to anyone who was not authorized to receive that information.

Other than victims and victims' families, who have a right to meet with prosecutors, the individuals who on rare occasions have accompanied Mr. Martinez to the MCAO offices after regular business hours include his family members and some acquaintances. Ms. Wick was

Phoenix ▶ Peoria ▶ Washington, DC

5738314v1(49286.55)

allowed to visit the room where the MCAO stored mail received as a result of the publicity surrounding the *Arias* case. This occurred once, between the first and second *Arias* trials. She did not have access to, and did not receive, any information regarding the *Arias* case other than the aforementioned mail.

After the jury rendered their verdict in the second *Arias* trial, Mr. Martinez met with Ms. Wood in his MCAO office to discuss her request that he appear on her blog. These meetings occurred after the case was over. She was given no access to, and did not receive, any confidential or sealed information regarding the *Arias* case. Mr. Martinez does not recall Ms. Wick or Ms. Wood making any other after-hours visits to the MCAO offices.

2. Mr. Martinez never asked Ms. Wood or Ms. Ruiz to try to interview Jodi Arias during his prosecution of the *Arias* case.

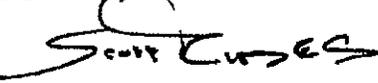
3. As a preliminary comment, this question is irrelevant to whether Mr. Martinez complied with his ethical obligations in his prosecution of the *Arias* case. Moreover, your question invades a third party's right to privacy and risks causing her additional embarrassment after the embarrassment she suffered when she was dismissed as a juror. Mr. Martinez should not be asked to respond to questions like this.

Nonetheless, in an effort to fully cooperate with the State Bar's investigation, Mr. Martinez responds that, *after Ms. Garcia was dismissed as a juror from the case*, she called Mr. Martinez. He had not given her his number and does not know how she got it. She expressed an interest in meeting him for lunch or dinner. He politely declined. Their conversation was not sexual. She subsequently texted Mr. Martinez partially nude pictures of herself. Mr. Martinez stopped answering her calls and never joined her for lunch or dinner.

For all of the reasons stated herein and in Mr. Martinez's previous response, we respectfully request that you dismiss this screening investigation for lack of probable cause. It is wholly inappropriate for the State Bar to continue with an investigation that is focused on moral issues unrelated to any violation of the Ethical Rules. Its willingness to become involved in such matters harms not only the individuals whose privacy rights are violated, but also the public and the legal profession.

Very truly yours,

JENNINGS, STROUSS & SALMON, P.L.C.


By

J. Scott Rhodes

cc: Juan M. Martinez, Esq.
Kerry Hodges, Esq.

EXHIBIT 5

December 13, 2017

SENT VIA EMAIL AND REGULAR MAIL to:

Debbie MacKenzie
Custodian of Records
Maricopa County Attorney's Office
301 W. Jefferson, 8th floor
Phoenix, AZ 85003
Email: mackenzd@mcao.maricopa.gov

Re: Public Records Request ARS § 39.101 *et seq.*: Rule 123. Ariz.R.S.Ct.

Dear Ms. MacKenzie:

This firm represents Jodi Ann Arias, the indigent defendant in *State v. Arias*, CR 2008-031021-001 DT, in civil/administrative matters related to the conduct of the prosecutor, Deputy County Attorney Juan Martinez.

Under Arizona's Public Records Law, ARS § 39.121 *et seq.*, and Rule 123, Ariz.R.S.Ct., We request to inspect or obtain copies of public records maintained by the Maricopa County Attorney's Office (MCAO) and/or Juan Martinez, as set forth below. As used herein, the term "record" includes all correspondence, emails, text messages, voice messages, calendars, notes and all other records of any kind whether maintained on MCAO equipment or Mr. Martinez' personal phones, computers and any other personal recording device. We request that the records be provided in their native format.

The public records requested are as follows:

1. **MCAO policy and procedures in meta format, including metadata, regarding determination of circumstances wherein MCAO and/or its employees authorize the disclosure of confidential information regarding criminal prosecutions to non-employees of MCAO.**
2. **All records regarding the consideration or determination that Jennifer Wood was authorized to receive confidential information regarding the MCAO's prosecution of *State v. Arias*.**
3. **All records regarding the consideration or determination that Katherine Wick was authorized to receive confidential information regarding the MCAO's prosecution of *State v. Arias*.**
4. **All communications between Mr. Martinez and Katherine Wick.**

Adams & Clark, PC
Attorneys at Law

520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

December 13, 2017
Page 2

5. All communications between Mr. Martinez and Jennifer Wood.
6. All communications between the MCAO and Katherine Wick.
7. All communications between the MCAO and Jennifer Wood.
8. All communications between Mr. Martinez and juror #3 in the sentencing retrial (who was removed from the panel prior to the verdict).
9. All records related in any manner to any and all visits by Jennifer Wood to the MCAO offices.
10. All records related in any manner to any and all visits by Katherine Wick to the MCAO offices.
11. All records regarding permission by MCAO or any of its representatives to Jennifer Wood to visit MCAO offices.
12. All records regarding permission by MCAO or any of its representatives to Katherine Wick to visit MCAO offices.

This request is made for a noncommercial purpose.

If you can provide copies of the records electronically, please send them to me at the following email address: ralph@adamsclark.com. If they can be made available by disc, I will make arrangements with you to pick up a copy.

If you anticipate that copying costs will exceed \$50, please call me or reply to this email before incurring any excessive duplication charges. However, I also request a waiver of all fees in that Ms. Arias is indigent, and disclosure of the requested information is in the public interest and will contribute significantly to the ethical prosecution of criminal cases in Maricopa County.

As you know, "Public records" are defined broadly by Arizona law. All public records are presumed open to public inspection, absent a specific statutory exemption to the contrary. According to the Arizona attorney General's Office, any doubts about the scope of the public's right of access "should be resolved in favor of disclosure".

If you believe that portions of the records sought are exempt from disclosure, the law requires that you segregate or redact those portions of the records and make the non-exempt records available for inspection and copying.

Adams & Clark, PC
Attorneys at Law

520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

December 13, 2017
Page 3

If you believe that any of the records are not subject to inspection, please provide a brief written explanation of the basis and legal authority for withholding the records.

Arizona public records law requires that public bodies provide access to public records "promptly". Accordingly, I request that you make these records available for inspection and copying by January 1, 2017. If you will be unable to meet this deadline, please respond in writing as soon as possible concerning the reasons for any delay.

Thank you for your anticipated cooperation.

Sincerely,
ADAMS & CLARK, PC



Ralph Adams

Adams & Clark, PC
Attorneys at Law

520 East Portland Street
Phoenix, Arizona 85004-1843

602 258-3542
602 258-1377 FAX

www.adamsclark.com

From: Ralph Adams [<mailto:Ralph@adamsclark.com>]
Sent: Tuesday, December 26, 2017 2:33 PM
To: MCAO Custodian of Records
Cc: Karen Clark
Subject: RE: Public Records Requests #2017-1218-02 and #2017-1218-03

Dear Ms. MacKenzie,

Regarding the date parameters for the requests, they are as follows:

Ms. Wick -- dates 1/2/13 to present
Ms. Wood-- dates 1/2/13 to present

Regarding the email addresses for Ms. Wick and Ms. Wood, I do not have email addresses for either. Therefore, please consider this email as a public records request that Mr. Martinez provide all email addresses and telephone numbers for both Ms. Wood and Ms. Wick.

Under Arizona's Public Records Law, ARS § 39.121 *et seq.*, and Rule 123, Ariz.R.S.Ct., We request to inspect or obtain copies of public records maintained by the Maricopa County Attorney's Office (MCAO) and/or Juan Martinez, as set forth below. As used herein, the term "record" includes all correspondence, emails, text messages, voice messages, calendars, notes and all other records of any kind whether maintained on MCAO equipment or Mr. Martinez' personal phones, computers and any other personal recording device. We request that the records be provided in their native format.

The public records requested are as follows:

1. All email addresses used by Mr. Martinez to communicate with Jennifer Wood from 1/2/13 to the present date.
2. All telephone numbers used by Mr. Martinez to communicate with Jennifer Wood from 1/2/13 to the present date.
3. All email addresses used by Mr. Martinez to communicate with Katherine Wick from 1/2/13 to the present date.
4. All telephone numbers used by Mr. Martinez to communicate with Katherine Wick from 1/2/13 to the present date.

This request is made for a noncommercial purpose.

If you can provide copies of the records electronically, please send them to me at the following email address: ralph@adamsclark.com. If they can be made available by disc, I will make arrangements with you to pick up a copy.

If you anticipate that copying costs will exceed \$50, please call me or reply to this email before incurring any excessive duplication charges. However, I also request a waiver of all fees in that

Ms. Arias is indigent, and disclosure of the requested information is in the public interest and will contribute significantly to the ethical prosecution of criminal cases in Maricopa County.

As you know, "Public records" are defined broadly by Arizona law. All public records are presumed open to public inspection, absent a specific statutory exemption to the contrary. According to the Arizona attorney General's Office, any doubts about the scope of the public's right of access "should be resolved in favor of disclosure".

If you believe that portions of the records sought are exempt from disclosure, the law requires that you segregate or redact those portions of the records and make the non-exempt records available for inspection and copying.

If you believe that any of the records are not subject to inspection, please provide a brief written explanation of the basis and legal authority for withholding the records.

Arizona public records law requires that public bodies provide access to public records "promptly". Accordingly, I request that you make these records available for inspection and copying by January 15, 2018. If you will be unable to meet this deadline, please respond in writing as soon as possible concerning the reasons for any delay. Any delay of this request will unreasonably delay our first request.

Thanks,
Ralph Adams

ADAMS & CLARK, PC
520 E. Portland Street, Suite 200
Phoenix, Arizona 85004
602-799-1353 cell
602-258-3542 office 602-258-1377 fax
email: ralph@adamsclark.com
web: www.adamsclark.com

ATTORNEY-CLIENT PRIVILEGED
PLEASE READ THIS ENTIRE DISCLAIMER:

This e-mail contains information that is intended to be privileged and confidential pursuant to attorney-client privilege and the work product doctrine. It is intended only for the addressee, or the employee or agent responsible for delivering it to the intended recipient. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. Please erase it from your computer system. Thank you.

EXHIBIT 1

BEFORE THE SUPREME COURT OF ARIZONA

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

JUAN M. MARTINEZ,

Bar No. 009510,

Respondent.

**Arizona Supreme Court
No. SB-17-0081-AP**

Office of the Presiding Disciplinary
Judge No. PDJ-2017-9044

State Bar No. 15-3363

STATE BAR OF ARIZONA'S OPENING BRIEF

Craig D. Henley, Bar No. 018801
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Telephone (602) 340-7272

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
STATEMENT OF THE CASE	3
STATEMENT OF THE FACTS	4
1. Martinez’s Unethical Conduct in <i>State v. Morris</i> , 215 Ariz. 324, 160 P.3d 203 (2007)	5
2. Martinez’s Unethical Conduct in <i>State v. Beemon</i> , 1 CA-CR 05-1161 / CR 2002-099001 (2008)	6
3. Martinez’s Unethical Conduct in <i>State v. Gallardo</i> , 225 Ariz. 560, 242 P.3d 159 (2010)	9
4. Martinez’s Unethical Conduct in <i>State v. Lynch (Lynch II)</i> , 238 Ariz. 84, 357 P.3d 119 (2015)	11
5. Martinez’s Unethical Conduct in <i>State v. Arias</i> , CR2008-031021 / 1 CA-CR 15-0302 (2015)	13
ISSUE PRESENTED	14
STANDARD OF REVIEW	14
ARGUMENT	14
I. Martinez Persistently Violated The Ethical Rules As A Prosecutor	15
II. The Panel Improperly Interpreted Rule 41(G) When It Adopted Martinez’s Expert’s Opinion That Rule 41(G) Is Merely “Aspirational.”	20
CONCLUSION	23

TABLE OF AUTHORITIES

CASES	PAGE
<i>Berger v. United States</i> 295 U.S. 78, 88 (1935)	1, 14
<i>Connick v. Thompson</i> 563 U.S. 51, 71 (2011)	14
<i>In re Alcorn and Feola</i> 202 Ariz. 62, 41 P. 3d 600 (2002)	23
<i>In re Alexander</i> 232 Ariz. 1, 7 ¶ 23, 300 P.3d 536, 542 (2013)	17
<i>In re Peasley</i> 208 Ariz. 27, 35–36 ¶ 34, 90 P.3d 764, 772–73 (2004)	1, 2, 14, 19
<i>In re Stout</i> 122 Ariz. 503, 504, 596 P. 2d 29, 30 (1979)	23
<i>In the Matter of Kent M. Nicholas</i> PDJ 2017-9010	16
<i>In the Matter of Robert C. Standage</i> PDJ 2015-9007	16
<i>In the Matter of Scott Lieberman</i> PDJ 2018-9007	16
<i>Maretick v. Jarrett</i> 204 Ariz. 194, 199 ¶ 19, 62 P.3d 120, 125 (2003)	14
<i>Pool v. Superior Court</i> 139 Ariz. 98, 103, 677 P.2d 261, 266 (1984)	1

<i>State v. Anderson</i> 210 Ariz. 327, 340–41 ¶ 45, 111 P.3d 369, 382–83 (2005)	21
<i>State v. Arias</i> CR2008-031021 / 1 CA-CR 15-0302 (2015)	13
<i>State v. Beemon</i> 1 CA-CR 05-1161 / CR 2002-099001 (2008)	6, 22
<i>State v. Gallardo</i> 225 Ariz. 560, 242 P.3d 159 (2010)	9
<i>State v. Hulsey</i> 243 Ariz. 367, 394 ¶ 123, 408 P.3d 408, 435 (2018)	2, 15, 20, 21
<i>State v. Lynch (Lynch II)</i> 238 Ariz. 84, 357 P.3d 119 (2015)	11
<i>State v. Minnitt</i> 203 Ariz. 431, 440 ¶ 41, 55 P.3d 774, 783 (2002)	14
<i>State v. Morris</i> 215 Ariz. 324, 160 P.3d 203 (2007)	5

RULES OF THE SUPREME COURT

Ariz. R. Sup. Ct. Rule 31(a)(2)(E)	15, 16
Ariz. R. Sup. Ct. Rule 41(g)	3, 15, 16, 18, 20, 21
Ariz. R. Sup. Ct. Rule 42	3, 17, 20
Ariz. R. Sup. Ct. Rule 58(j)(3)	14
Ariz. R. Sup. Ct. Rule 59	4
Ariz. R. Sup. Ct. Rule 59(j)	14

RULE OF PROFESSIONAL CONDUCT

ER 3.820

ER 4.43

ER 4.4(a)17, 19

ER 8.4(d)3, 17, 19

INTRODUCTION

Once again, the ethical conduct of long-time prosecutor Juan Martinez comes before this Court. This time to review the determination of a State Bar disciplinary proceeding against Martinez.

For at least a dozen years, Martinez has violated the Rules of Professional Conduct governing Arizona attorneys. Despite previous characterizations of Martinez's misconduct, neither this Court nor the Court of Appeals have formally sanctioned Martinez. As such, it is incumbent upon the State Bar to seek formal discipline against Martinez for his unprofessional conduct in the underlying cases at issue in this appeal.

A prosecutor "is not the representative of an ordinary litigant; he is a representative of a government whose obligation to govern fairly is as important as its obligation to govern at all." *Pool v. Superior Court*, 139 Ariz. 98, 103, 677 P.2d 261, 266 (1984). A prosecutor's "interest in a criminal prosecution," therefore, "is not that it shall win a case, but that justice shall be done." *Id.* (internal quotation marks omitted) (quoting *Berger v. United States*, 295 U.S. 78, 88 (1935)); see also *In re Peasley*, 208 Ariz. 27, 35–36 ¶ 34, 90 P.3d 764, 772–73 (2004) (describing a prosecutor as "a shepherd of justice" and observing that when a prosecutor abuses the power entrusted to the government, "he or she not only undermines the public trust, but inflicts damage beyond calculation to our system of justice" (internal citation omitted)).

Martinez has frequently fallen far short of the “high ethical standards” that the ethical rules impose on prosecutors. *See Peasley*, 208 Ariz. at 35 ¶¶ 34, 90 P.3d at 772. Indeed, this Court recently reminded prosecutors, “and particularly Mr. Martinez (whose misbehavior has been repeatedly noted in prior cases),” that they must act “as ministers of justice and exercise professionalism even in the heat of trial.” *State v. Hulsey*, 243 Ariz. 367, 394 ¶¶ 123, 408 P.3d 408, 435 (2018). Despite this Court’s recurrent reminders, Martinez has not received the message.

This disciplinary proceeding arises from a State Bar Complaint filed in April 2017, addressing Martinez’s misconduct in five separate cases from 2007 to 2013. Even though each appellate court was critical of Martinez’s ethical conduct to varying degrees, none of them found that Martinez’s conduct was so egregious that it called for the conviction to be reversed. While that is fair to note, the standard for overturning a criminal conviction for prosecutorial misconduct is vastly different than the standard for imposing discipline on any attorney engaged in ethical violations.

Because Martinez has exhibited a pervasive pattern of unprofessional conduct, the State Bar requests that this Court vacate the Hearing Panel’s erroneous conclusion that Martinez’s misconduct did not violate the ethical rules and impose a reprimand against Martinez.

STATEMENT OF THE CASE

Following Martinez's pattern of misconduct in five separate cases, the Attorney Discipline Probable Cause Committee ("ADPCC") found, on September 9, 2016¹, that probable cause existed that Martinez violated Arizona Rules of the Supreme Court 41(g) and 42 as well as Ethical Rules ("ERs") 4.4 and 8.4(d).² (IR 24, at 4). The ADPCC issued an Order of Admonition and Probation, solely requiring Martinez to successfully complete nine (9) hours of continuing legal education on professionalism and pay costs. *Id.*

Martinez objected to the ADPCC decision and demanded formal proceedings. *Id.* Almost a month later, the ADPCC vacated the Order of Admonition and Probation and authorized the State Bar to file a Complaint against Martinez. *Id.* Then, on April 7, 2017, the State Bar filed a Complaint, alleging that Martinez violated Rules 41(g) and 42, ERs 4.4 and 8.4(d). (IR 1 ¶¶ 1–6).

After Martinez filed an Answer, (IR 6), and the parties filed joint and individual prehearing statements, (IR 16, 18, 19), the parties appeared before a Panel on September 17, 2017, (IR 23). The State Bar called four witnesses and rested its case-in-chief. (IR 23, at 175:19). Martinez called only one witness and rested his case-in-chief. (IR 23, at 234:13). After a brief recess, the Panel then immediately

¹ Order of Admonition filed September 28, 2016.

² Hereinafter referred to as "Rules" unless expressly stated.

dismissed the State Bar's Complaint. A few months later, on November 27, 2017, the Panel issued a Decision and Order Dismissing the Complaint, finding, among other things, that the State Bar failed to prove by clear and convincing evidence that Martinez violated any Rule. (IR 24).

The State Bar timely appealed on December 7, 2017. (IR 25). In response, on January 18, 2018, this Court remanded the case to the Panel to make findings of fact and conclusions of law. (IR 33). Several months later, on September 21, 2018, the Panel issued its Supplemental Findings of Fact and Conclusions of Law, again finding that the State Bar failed to prove that Martinez violated any Rule. (IR 35).

The State Bar timely appealed again. This Court has jurisdiction under Rule 59.

STATEMENT OF THE FACTS

Martinez is an experienced prosecutor. He has been licensed to practice law in Arizona since 1984 and has worked as a prosecutor at the Maricopa County Attorney's Office since 1988. (IR 1, 6, 16).³ This disciplinary proceeding arises from a State Bar Complaint addressing Martinez's unethical conduct in five separate criminal prosecutions spanning more than a decade. (IR 1).

///

///

³ "IR" refers to the Electronic Index of Record.

1. Martinez’s Unethical Conduct in *State v. Morris*, 215 Ariz. 324, 160 P.3d 203 (2007).

Martinez behaved unprofessionally during this trial on multiple occasions. In the guilt phase, Martinez introduced the victim’s jacket into evidence and later commented during his closing argument about how “absolutely putrid” the smell was and how he exposed it to members of the jury for their “smelling pleasure.” (IR 1 ¶ 11; IR 6 ¶ 9; IR 27 at Ex. 1, Bates SBA000016–17; IR 27 at Ex. 2, Bates SBA000025–26). Specifically, Martinez said:

But one of the things that is interesting about [the victim] is that the smell is absolutely putrid, absolutely one of the worst things that you will ever probably experience. And you got a minimal exposure to it when the jacket was opened up for your, if you will, smelling pleasure, for lack of a better word.

Id. After Morris was convicted and sentenced to death, this Court noted on direct appeal that Martinez’s comments were perhaps “inappropriate.” *Id.*

Even more egregious, during his rebuttal to defense counsel’s closing argument in the aggravation phase, Martinez singled out individual members of the jury and asked them to put themselves in the place of the victims. (IR 1 ¶¶ 8–10; IR 6 ¶¶ 8, 9, 17; IR 27 at Ex. 1, Bates SBA000015–17; IR 27 at Ex. 1, Bates SBA000016; IR 27 at Ex. 2, Bates SBA000025–26). He also singled out individual members of the jury based on their appearance and gender. *Id.* Specifically, he said:

[W]hich one of you wants to volunteer? I want a show of hands on this one. Which one of you ladies – and we don’t need guys on this one, because he didn’t take guys. He only took women. Which one of you

want to volunteer to come sit here and have the defendant sit himself on your chest and say, [o]h, that didn't hurt? Because the defense attorney is saying throw common sense out of window. Which one? I challenge anybody to say, [t]hat is something I want to do.

And anyway, and on top of that, while he's sitting on my chest, which one of you, since the lower left-hand side has the longer hair of the jurors, maybe she wants to have him grab her hair while he's sitting on her chest . . . to grab it and pull it around her neck.

You think that's not going to hurt? You think one of you guys is going to volunteer for that? You can't leave your common sense aside. [Defense counsel] wants you to because he makes these arguments and says, well, we don't know what is in their heads. We don't know what is in Juror Number 1's head. Can you tell me you don't think it's not going to hurt when he sits on you?

Hey, Juror Number 1 or Juror Number 14, whatever it is, what if we put Winnie the Pooh tie around your neck? Are you going to enjoy that? Are you going to like it? Going to feel real good when you can't breathe?

Id. This Court aptly observed that Martinez's comments constituted "misconduct" and "impropriety" because he impermissibly played on the jurors' "sympathy for the victims and fears of the defendant." *Id.*

2. Martinez's Unethical Conduct in *State v. Beemon*, 1 CA-CR 05-1161 / CR 2002-099001 (2008).

Martinez made several inappropriate remarks at trial. During the guilt phase, the trial court ruled that, if the defendant testified, the State could impeach him with a 1997 drug conviction, but not a 1984 robbery conviction. (IR 1 ¶¶ 13–19; IR 6 ¶¶ 12–18; IR 27 at Ex. 3, Bates SBA000031–32, 36–37; IR 27 at Ex. 4, Bates SBA000059–

65). The defendant testified and, during direct examination, admitted the 1997 drug conviction. *Id.* He did not mention the 1984 robbery conviction. *Id.*

Despite the court's ruling, during his opening and closing arguments in the aggravation phase, Martinez maintained that the defendant wanted to "manipulate" the jury and only wanted jurors "to see it his way when it's to his benefit." *Id.* When "it's not to his benefit," said Martinez, the defendant will "attack" and tell the jury what he said before "wasn't true" and that he will "take it all back." *Id.* Indeed, Martinez said that, although the defendant was "quick to jump up there" and reveal his drug conviction, he had not revealed his "other on[e]." *Id.* When defense counsel objected, Martinez responded:

[S]o he can't stand up here now and say, well, you know, I'm going to pick and choose what I'm going to bring in. If he picks and chooses, he has to answer for that . . . So no, I don't think I stepped over the line. He withheld information when it was to his advantage and gave him information he did not need to and that the prosecutor was forbidden to go into. So, no, I don't agree with them.

Id. Following conviction, the Court of Appeals noted that Martinez had impermissibly "attacked" the defendant "as being dishonest for failing to reveal his robbery conviction to the jury during the guilt phase." *Id.* The Court concluded that Martinez's comments were "clearly improper" because the trial court had already precluded "use of the robbery conviction for impeachment purposes." *Id.* And the Court even commented that it was "baffled" by Martinez's "continued insistence" that the

defendant “had no right to ‘withhold information’ regarding the robbery conviction from the jury.” *Id.*

Further, during rebuttal to defense counsel’s closing argument in the aggravation phase, Martinez directly analogized defense counsel’s tactics to Adolf Hitler’s when he said:

One of the things defense counsel got up and told you was, well, the prosecutor has said that we’ve been sneaking, lying, cheating . . . And he said that at the top of his lungs.

As I said, if history teaches us anything, it’s that it comes around again and again. Remember Hitler? The big lie he told you? It was at the top of his lungs over and over, you are the superior people and people are going to believe it because they heard it over and over again[.] [A]nd that’s what he said over and over again was about the state calling him sneaking, calling him lying, calling him cheating. . . . Did that ever happen by the State? Of course it didn’t happen, but you know what? He wants you to believe that it did. You know, just like Hitler, that big lie: If you put it out there, even though the prosecutor didn’t say it, maybe you’ll believe it. And maybe when you go back there to decide this case, you won’t decide it on the facts.

. . .

He talks about America and wraps himself around the flag. Doesn’t wrap himself around the German flag when he calls somebody a cheater, a liar, and sneaking when in fact they never even used those words. And additionally, with regard to that, you don’t mention the full truth because that’s also not to your benefit.

(IR 1 ¶¶ 21–23; IR 6 ¶¶ 20–22; IR 27 at Ex. 4, Bates SBA000061–62). The Court of Appeals described Martinez’s colloquy as “reprehensive” and “completely inappropriate” and additionally noted that Martinez’s “Hitler analogy” was a “recurring theme” in his closing argument. *Id.* Defense counsel, Robert Stein, testified

before the Panel that he was particularly offended by Martinez's comments because he is Jewish. (IR 27 at Ex. 3, 4, Bates SBA000064 n.10; Tr. 40:5–40:11).

3. Martinez's Unethical Conduct in *State v. Gallardo*, 225 Ariz. 560, 242 P.3d 159 (2010).

Martinez made many improper arguments despite the trial court repeatedly sustaining defense counsel's objections to those arguments. During his closing argument in the guilt phase, Martinez responded to defense counsel's suggestion that a life sentence was sufficient given the "severe restriction" and isolation of incarceration by asserting that inmates are allowed to watch television, receive magazines, make phone calls and see visitors. (IR 1 ¶¶ 25–28; IR 6 ¶¶ 24–27; IR 27 at Ex. 5, Bates SBA000078; IR 27 at Ex. 6, Bates SBA000084–93). But Martinez went further. He then asked the jurors whether they think the victim's father is "going to be able to call his son." *Id.* Defense counsel objected, and the trial court sustained the objection. *Id.*

Unimpeded, Martinez merely reworded his argument to highlight the victim impact statement. *Id.* Martinez said:

There's no comparison. The point that's being made here is that the victim impact statement may be considered by you, and that impact statement indicated to you that they missed their son. That's not quite doing justice to how they told you, and they would love to make a call and would love to be able to talk to [their son]. And in their victim impact statement, they told you they couldn't.

Id. After Gallardo was convicted and sentenced to death, this Court concluded that reversal was not required even if Martinez’s comments were “improper” because the trial court instructed the jurors “not to be swayed by mere sympathy not related to the evidence presented during this phase” and to “disregard any question to which the judge sustained an objection.” *Id.* Thus, said this Court, the trial court’s instructions “negated the effect” of Martinez’s statements. *Id.*

Martinez continued. During the penalty phase, defense counsel presented expert testimony about the conditions of maximum security facilities in Arizona. (IR 1 ¶¶ 29–35; IR 6 ¶¶ 28–34; IR 27 at Ex. 5, Bates SBA000078; IR 27 at Ex. 6, Bates SBA000084–93). Martinez cross-examined the witness and elicited testimony regarding his fees and potential bias. *Id.* The witness originally testified that he was entitled to receive \$4,200, but later indicated that he was entitled to receive \$6,500. *Id.*

During his closing argument, Martinez characterized the witness’s testimony as inconsistent. *Id.* Although defense counsel objected to Martinez’s argument as misleading and the trial court sustained that objection, Martinez nevertheless proceeded with the same line of argument. *Id.* Specifically, Martinez said:

And there were some inconsistent statements, but the biggest one was the one involving money. Initially when I asked him the question, he said he really wasn’t sure how much money he was being paid. Then he indicated, well, it was \$4200. Then after doing the mathematics a little bit more and fine-tuning it—

...

Well, you heard, he told you \$4200, didn't he? Anybody not hear that? And then after questioning by the prosecutor, the figure changed, didn't it?

...

Well, he said on the stand from there, and that's the evidence that you are to consider. You were told—he said \$6500. That's what he said. And you were present when all of that happened, weren't you? That's something that you can consider, because it goes to his motive and his bias and—.

Id. The trial court ultimately sustained two more objections relating to Martinez's misleading argument. *Id.* At oral argument before this Court, Justice Hurwitz questioned Martinez's "inappropriate conduct" and observed that it seemed to him that "at least on several occasions," when the trial court sustained objections relating to Martinez's "improper" arguments, Martinez "ignored" those rulings. *Id.* Justice Ryan further reflected that there is "something about this prosecutor" because he was "accused of fairly serious misconduct" in "several cases." *Id.* Finally, in the opinion upholding Gallardo's convictions and sentences, this Court concluded that Martinez's "repeated statements" were "improper" and noted that a "prosecutor should not repeat an argument after it has been the subject of a sustained objection." *Id.*

4. Martinez's Unethical Conduct in *State v. Lynch (Lynch II)*, 238 Ariz. 84, 357 P.3d 119 (2015).

After this Court remanded *State v. Lynch* for a new penalty phase, Martinez "disturbingly made a number of inappropriate comments, prompting valid objections by Lynch that the trial court sustained." (IR 1 ¶¶ 37–46; IR 6 ¶¶ 36–45; IR 28 at Ex. 7, Bates SBA00094; IR 28 at Ex. 8, Bates SBA000122–29).

In particular, this Court observed that Martinez “improperly made argumentative statements” in his opening statement, including that (1) the defendant’s childhood should not be considered a mitigating circumstance because “it happened 30 years ago,” and (2) the defense wanted to “pull at [the jury’s] heart strings” in the presentation of mitigating evidence. *Id.* Also in his opening statement, this Court noted that Martinez improperly “invited the jurors to place themselves in the victim’s position and appealed to their fears” when he said:

So what happens is the defendant then, as [the victim] sits there, goes behind him and begins and cuts his throat from ear to ear. The problem of the unfortunate aspect of that, because in of itself, cutting somebody’s throat is a horrific, ghastly thing, you can only imagine. I don’t think you can even imagine what it’s like for somebody to approach you with a knife. You cannot move and you know they’re manhandling you and they are going to cut your throat.

Id. In addition, this Court recognized that Martinez’s cross-examination of defense witnesses was “aggressive,” and that the “trial court should have exercised more control” over Martinez’s questioning. *Id.* Martinez, for instance, commented to a defense expert that she should “just answer [his] question for once.” *Id.* And Martinez made “combative remarks” to defense witnesses, such as “[n]o, let me ask you the question.” *Id.*

That’s not all. This Court also identified several other “inappropriate” and “improper” remarks made by Martinez, including when he: (1) asked a defense expert, a clinical psychologist, “[d]idn’t you tell us about a case involving a guy named Braulio

Martinez yesterday where you said that he was mistaken because you can read minds?"; (2) suggested during cross-examination that the defense expert "can vouch for people"; and (3) misstated the law when he stated in his closing argument that the defendant's renting pornographic videos "shows a debasement in the part of [Lynch's] character" and "that has already been found, because this murder has been found . . . to be especially heinous and depraved." *Id.*

5. Martinez's Unethical Conduct in *State v. Arias*, CR2008-031021 / 1 CA-CR 15-0302 (2015).

Martinez disparaged defense counsel multiple times during the trial. In the guilt phase, Martinez and Jennifer Wilmott, one of Arias's attorneys, discussed the admissibility of an item of evidence at a bench conference. (IR 1 ¶¶ 51–54; IR 6 ¶¶ 50–53; IR 29 at Ex. 14, Bates SBA000227–28; IR 29 at Ex. 15, Bates SBA000236–37). Martinez stated at the bench, "[b]ut the thing is that if Ms. Wilmott and I were married, I certainly would say, 'I f'ing want to kill myself.'" *Id.* Wilmott testified before the Panel that Martinez actually used the full expletive and not the abbreviated term, "f'ing," reported in the trial transcript. *Id.* Wilmott immediately objected to Martinez's inappropriate comment, and Martinez apologized. *Id.* But at a subsequent bench conference, Martinez again disparaged Wilmott when he said, "[w]ell, then, maybe you ought to go back to law school." *Id.*

ISSUE PRESENTED

Did the Panel commit reversible error when it concluded that Martinez’s pattern of misconduct did not violate the ethical rules?

STANDARD OF REVIEW

This Court reviews questions of law *de novo*. Rule 59(j). This Court reviews findings of fact under a “clearly erroneous” standard. *Id.* The State Bar must prove the allegations in its Complaint by “clear and convincing” evidence. Rule 58(j)(3).

ARGUMENT

The Panel therefore committed reversible error by erroneously finding that “[t]his is a case involving a prosecutor *whose job it is to seek executions* and a prosecution of him that was not well executed.” (IR 35 at 1) (emphasis added)

“The role of a prosecutor is to see that justice is done.” *Connick v. Thompson*, 563 U.S. 51, 71 (2011). Occupying a “unique role,” a prosecutor “is in a peculiar and very definite sense the servant of the law.” *Maretick v. Jarrett*, 204 Ariz. 194, 199 ¶ 19, 62 P.3d 120, 125 (2003) (internal quotation marks omitted) (quoting *Berger*, 295 U.S. at 88). As such, a prosecutor has an “obligation” not only to “prosecute with diligence, but to seek justice,” and to see that “all defendants receive a fair trial.” *State v. Minnitt*, 203 Ariz. 431, 440 ¶ 41, 55 P.3d 774, 783 (2002).

Because prosecutors act as “shepherd[s] of justice,” this Court has recognized that “the ethical rules impose high ethical standards” on them. *Peasley*, 208 Ariz. at

35 ¶ 34, 90 P.3d at 772 (internal citation omitted). This Court has further recognized that Martinez violated those exacting standards on several occasions. *See Hulsey*, 243 Ariz. at 394 ¶ 123, 408 P.3d at 435 (reminding prosecutors, “and particularly Mr. Martinez, whose misbehavior has been repeatedly noted in prior cases,” that prosecutors must “act as ministers of justice and exercise professionalism even in the heat of trial”). The State Bar proved, in line with this Court’s observations, that Martinez exhibited unethical conduct in several cases.

I. MARTINEZ PERSISTENTLY VIOLATED THE ETHICAL RULES AS A PROSECUTOR.

Arizona Supreme Court Rules prescribe an attorney’s ethical obligations. Martinez’s misconduct in five separate cases violated many of those obligations. Specifically, Martinez’s unethical behavior violated Rules and ERs. Further, Martinez’s misconduct constitutes “unprofessional conduct” as defined by Rule 31(a)(2)(E).

Rule 41(g) mandates that attorneys must “avoid engaging in unprofessional conduct” and must not advance any fact “prejudicial to the honor or reputation of a party or a witness unless required by the duties to a client or the tribunal.”⁴ As a

⁴ The Panel found that Rule 41(g) is conjunctive, i.e., that an attorney violates that rule when there is clear and convincing evidence that he or she “engage[d] in unprofessional conduct *and* advance[d] a fact prejudicial to the honor or reputation of a party or witness.” (IR 35, at 8). Read in context, however, that rule is clearly disjunctive, i.e., an attorney violates it when there is clear and convincing evidence that he or she “engage[d] in unprofessional conduct” *or* “advance[d] a fact

comment to that rule further explains, attorneys should “act honorably and treat others with courtesy and respect.” Rule 41(g) cmt. 1.

“Unprofessional conduct” means “substantial or repeated violations of the Oath of Admission to the Bar or the Lawyer’s Creed of Professionalism.” Rule 31(a)(2)(E). The Oath of Admission states, as relevant here, that attorneys (1) “will avoid engaging in unprofessional conduct” and “will not advance any fact prejudicial to the honor or reputation of a party or witness” unless required by their duties to their clients or the tribunal, (2) “will support the fair administration of justice” and “professionalism among lawyers,” and (3) “will at all times faithfully and diligently adhere to the rules of professional responsibility and the Lawyer’s Creed of Professionalism.”

prejudicial to the honor or reputation of a party or witness.” For instance, Rule 41(f) requires an attorney to “fulfill the duty of confidentiality to a client” *and* to “not accept compensation for representing a client from anyone other than the client without the client’s knowledge and approval.” That rule, like Rule 41(g), is likewise plainly disjunctive despite the use of the word “and”. A disjunctive interpretation of these rules is consistent with how the Arizona disciplinary courts have previously determined whether an attorney violated his or her ethical obligations. *See, e.g., In the Matter of Kent M. Nicholas*, PDJ 2017-9010 (finding that an attorney violated Rule 41(g) when the attorney assaulted an incarcerated client); *In the Matter of Scott Lieberman*, PDJ 2018-9007 (finding that an attorney violated Rule 41(g) when the attorney engaged in sexually inappropriate texts with a client); *In the Matter of Robert C. Standage*, PDJ 2015-9007 (finding that an attorney violated Rule 41(g) when the attorney engaged in sexually inappropriate texts with a client). This Court should thus reject the Panel’s mistaken conjunctive interpretation of Rule 41(g).

The Lawyer's Creed of Professionalism in turn requires that attorneys (1) be "courteous and civil" to opposing parties and their counsel, (2) conduct themselves "with dignity" and avoid being "rude or disrespectful" in proceedings, and (3) be "honorable" advocates on behalf of their clients, recognizing that as officers of the court, "unprofessional conduct is detrimental to the proper function of our system of justice."

Finally, Rule 42 provides that attorneys' "professional conduct shall be governed" by the ERs. ER 4.4(a) prohibits attorneys from using "means that have no substantial purpose other than to embarrass, delay, or burden any other person." This Court applies an "objective standard" to determine whether attorneys have violated this rule. *See In re Alexander*, 232 Ariz. 1, 7 ¶ 23, 300 P.3d 536, 542 (2013). And ER 8.4(d) notes that it is "professional misconduct" for an attorney to "engage in conduct that is prejudicial to the administration of justice." A comment to that rule emphasizes: "A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation." ER 8.4 cmt. (2002).

As set forth in the attached Exhibit A, Martinez repeatedly violated his ethical obligations in five separate criminal prosecutions.

Faced with this mountain of evidence that Martinez engaged in a pervasive pattern of misconduct in five separate criminal prosecutions, the Panel inexplicably

isolated each instance of unethical behavior and wrongly concluded that the State Bar failed to prove that Martinez acted unethically at all. In doing so, the Panel misapplied the ERs and contradicted the prior findings of this Court and the Court of Appeals.

Indeed, this Court observed that Martinez's comments constituted "misconduct" and "impropriety," (IR 1 ¶¶ 8–10; IR 6 ¶¶ 8, 9, 17; IR 27 at Ex. 1, Bates SBA000015–17; IR 27 at Ex. 1, Bates SBA000016; IR 27 at Ex. 2, Bates SBA000025–26) (emphasis added), that his statements were "improper," (IR 1 ¶¶ 29–35; IR 6 ¶¶ 28–34; IR 27 at Ex. 5, Bates SBA000078; IR 27 at Ex. 6, Bates SBA000084–93) (emphasis added), and that he had "disturbingly made a number of inappropriate comments," (IR 1 ¶¶ 37–46; IR 6 ¶¶ 36–45; IR 28 at Ex. 7, Bates SBA000094; IR 28 at Ex. 8, Bates SBA000122–29) (emphasis added). The Court of Appeals noted that Martinez's "Hitler analogy" was "reprehensive" and "completely inappropriate." (IR 1 ¶¶ 21–23; IR 6 ¶¶ 20–22; IR 27 at Ex. 4, Bates SBA000061–62) (emphasis added).

Even Thomas Zlaket, Martinez's sole witness before the Panel, admitted that Martinez's comments "crosse[d] the line" and were "errors in judgment," "objectionable," "inappropriate," and "improper." (Tr. 192:17–192:24; 195:20–196:3; 197:15–197:24; 216:20–224:8; 226:14–228:15). He is right. Martinez repeatedly "engag[ed] in unprofessional behavior," Rule 41(g), used "means that

have no substantial purpose other than to embarrass . . . or burden” other people, ER 4.4(a), and “engage[d] in conduct that is prejudicial to the administration of justice,” ER 8.4(d). Martinez therefore violated his ethical obligations in multiple cases.

Simply put, Martinez persistently engaged in misconduct in his criminal prosecutions, falling far short of complying with the “high ethical standards” that the ERs impose on all prosecutors. *See Peasley*, 208 Ariz. at 35 ¶ 34, 90 P.3d at 772. The Panel erred in concluding that the State Bar did not prove that Martinez violated his ethical obligations.

The fact that none of the appellate courts that reviewed the criminal cases declared a mistrial is irrelevant to this lawyer discipline case, particularly considering the relief that the State Bar is seeking in this proceeding. The State Bar is not seeking disbarment or a suspension of Martinez’s license. Rather, the State Bar is seeking the least significant penalty: a reprimand.

Absent the imposition of discipline here, in the face of Martinez’s multiple Rule violations, neither Martinez nor other Arizona prosecutors have any incentive to take notice of their ethical obligations or ensure that their actions comply with the Rules. It is time that Martinez and all Arizona prosecutors understand and comply with the “high ethical standards” imposed on them. *See id.*

II. THE PANEL IMPROPERLY INTERPRETED 41(G) WHEN IT ADOPTED MARTINEZ’S EXPERT’S OPINION THAT RULE 41(G) IS MERELY “ASPIRATIONAL.”

The Panel erroneously deferred to Zlaket’s opinion that Rule 41(g) is merely “aspirational.” (IR 35, at 8).

Although Zlaket admitted that Martinez’s comments “crosse[d] the line” and were “errors in judgment,” “objectionable,” “inappropriate,” and “improper,” (Tr. 192:17–192:24; 195:20–196:3; 197:15–197:24; 216:20–224:8; 226:14–228:15), he also incongruously testified that the professionalism standards set forth in Rule 41(g) are only “aspirational.” (IR at 8, 65; Tr 187:20-10, 189:21-192:196:18). He even opined that violations of those standards may be excusable when committed during the “heat of a trial.” *Id.* The Panel accepted Zlaket’s “aspirational” standard, (IR 35, at 8), and additionally found Zlaket’s testimony to be “well reasoned,” (IR 35, at 67). Both Zlaket and, by extension, the Panel are flat wrong on both scores.

This Court squarely rejected Zlaket’s and the Panel’s mistaken “aspirational” interpretation and “heat of trial” defense earlier this year when it reminded prosecutors, “and particularly Mr. Martinez (whose misbehavior has been repeatedly noted in prior cases),” that they “*are to act* as ministers of justice and exercise professionalism *even in the heat of trial.*” *State v. Hulsey*, 243 Ariz. at 394 ¶ 123, 408 P.3d at 435 (emphasis added) (citing Rule 42, ER 3.8 cmt. 1). Because a prosecutor “[is] to act” as a “minister[] of justice,” *Hulsey*, 243 Ariz. at 394 ¶ 123, 408 P.3d at

435, the professionalism standards set forth in Rule 41(g) are not merely “aspirational.” They are mandatory. Additionally, because a prosecutor must “exercise professionalism *even in the heat of trial*,” *id.* (emphasis added), violations of the professionalism standards plainly cannot be excused by the “heat of trial.” This Court has expressly rejected Zlaket’s theory of a prosecutor’s ethical obligations.

Likewise, Zlaket and, again by extension, the Panel, wrongly equated “prosecutorial misconduct” with a prosecutor’s “ethical misconduct.” (IR 35, at 66). Zlaket testified that he does not “draw a distinction between prosecutorial misconduct as defined in appellate review of a criminal case and ethical misconduct by a prosecutor.” (Tr. 219:6–22). He further testified that he believes those things are “part and parcel of the same thing.” *Id.* But again, this Court has squarely rejected Zlaket’s odd interpretation of a prosecutor’s ethical obligations.

As this Court explained in *Hulsey*, to succeed in a *prosecutorial misconduct claim*, a defendant “must show that the prosecutor’s actions amounted to misconduct *and* that there is a ‘reasonable likelihood . . . that the misconduct could have affected the jury’s verdict, thereby denying defendant a fair trial.’” 243 Ariz. at 388 ¶ 89, 408 P.3d at 429 (quoting *State v. Anderson*, 210 Ariz. 327, 340–41 ¶ 45, 111 P.3d 369, 382–83 (2005)) (emphasis added). *Hulsey* could only show that “Martinez engaged in *several instances of misconduct or near misconduct*” but could not show that Martinez’s misconduct was “so prolonged or pronounced that it affected the fairness

of trial.” *Id.* (emphasis added). Stated differently, to succeed in a prosecutorial misconduct claim, a defendant must show both that (1) the prosecutor engaged in ethical misconduct, and (2) the ethical misconduct likely deprived him a fair trial. *Id.* A “prosecutorial misconduct” claim on appeal is distinct from a claim that a prosecutor engaged in “ethical misconduct” during the prosecution. *See id.* Zlaket opinion is contrary to Arizona law and the Panel erred in embracing his erroneous opinion.

While this commitment to prosecutorial professionalism and the potential harm were identified by the State Bar’s expert Paul Charlton, the Panel apparently rejected Charlton’s testimony. (IR 35 at 16; see also Tr. 91:15-98:14, 109:14-125:20, 127:1-14, 165:18-166:16)

Finally, as part of the Panel’s findings in the *Beemon, supra* case, the Panel erroneously found that “[t]he Court of Appeals instructed that their decision be forwarded to the State Bar for review. *The State Bar took no action.* We give it the weight it deserves.” (IR at 33) (emphasis added)

While the February 21, 2008 Court of Appeals Memorandum Decision contains a request that the decision be forwarded to the State Bar, there was no evidence that the State Bar actually received the *Beemon* matter for review and took no action. (IR 35 at 33; see also IR 27 at Ex. 4, Tr. 225:3-24)

CONCLUSION

Lawyer discipline serves multiple purposes, one of which is protection of the public. In *In re Stout*, 122 Ariz. 503, 504, 596 P. 2d 29, 30 (1979), this Court emphasized that:

Our duty lies in the assurance that the public will be protected in the performance of the high duties of the attorney rather than in an analysis of the reasons for his delinquency. Our primary concern must be the fulfillment of proper professional standards, whatsoever the unfortunate cause, emotional or otherwise of the attorney's failure to do so...Not only does [discipline] operate as a deterrent against the misconduct of others, but since the practice of law is a self-regulating profession, we deem it appropriate that the public be advised that the profession is acting to protect it from miscreants.

In the case at bar, the Panel's dismissal of the State Bar's complaint does nothing to protect the public or the integrity of the legal profession. If the dismissal is not overturned, the Panel's decision runs the risk of leaving the public with the unfortunate impression that prosecutors are not required to meet the most basic ethical standards of professionalism.

In *In re Alcorn and Feola*, 202 Ariz. 62, 41 P. 3d 600 (2002), this Court reiterated the importance of lawyer discipline as a deterrent to other attorneys: "Perhaps more important than rehabilitation of the individual attorney, however, is the value of discipline as a deterrent to other attorneys and as a process that maintains 'the integrity of the profession in the eyes of the public'." 202 Ariz. 62, 75, 41 P. 3d 600, 613. Thus, if the Panel's dismissal is upheld it runs the risk of failing to

maintain the integrity of the legal profession and will signal to other Arizona prosecutors that they may routinely engage in unprofessional conduct with impunity.

Based upon the foregoing, this Court should reverse the Panel's erroneous conclusion that Martinez's pervasive pattern of misconduct did not violate the ethical rules and reprimand Martinez for his unprofessional behavior.

RESPECTFULLY SUBMITTED, this 28th day of December, 2018.

STATE BAR OF ARIZONA

By: /s/ Craig D. Henley
Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6266

EXHIBIT A

CASE NAME**MARTINEZ’S STATEMENT(S)****RULE VIOLATION(S)**

State v. Morris,
215 Ariz. 324,
160 P.3d 203
(2007)

But one of the things that is interesting about [the victim] is that the smell is absolutely putrid, absolutely one of the worst things that you will ever probably experience. And you got a minimal exposure to it when the jacket was opened up for your, if you will, smelling pleasure, for lack of a better word.

Really, which one of you wants to volunteer? I want a show of hands on this one. Which one of you ladies - - and we don't need guys on this one, because he didn't take guys. He only took women. Which one of you want to volunteer to come sit here and have the defendant sit himself on your chest and say, [o]h, that didn't hurt? Because the defense attorney is saying throw common sense out of window. Which one? I challenge anybody to say, [t]hat is something I want to do.

And anyway, and on top of that, while he is sitting on my chest, which one of you, since the one lower left-hand side has the longer hair of the jurors, maybe she wants to have him grab her hair while he's sitting on her chest Burking her, to grab it and pull it around her neck.

You think that's not going to hurt? You think one of you guys is going to volunteer for that? You can't leave your common sense aside. He wants you to because he makes these arguments and says, well, we don't know what is in their heads. We don't know what is in Juror Number 1's head. Can you tell me you don't think it's not going to hurt when he sits on you.

Hey, Juror Number 1 or Juror Number 14, whatever it is, what if we put Winnie the Pooh tie around your neck? Are you going to enjoy that? Are you going to like it? Going to feel real good when you can't breathe?

a. Rule 41(g), Ariz. R. Sup. Ct. – Martinez engaged in unprofessional conduct during his closing argument by, among other things, making an unprofessional comment about presenting a stale piece of evidence for the juror’s “smelling pleasure”; and

b. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Martinez engaged in professional misconduct by engaging in conduct that is prejudicial to the administration of justice by, among other things, singling out and personally addressing certain jurors during closing argument.

State v. Beemon,
1 CA-CR 05-
1161 / CR 2002-
099001 (2008)

One of the things defense counsel got up and told you was, well, the prosecutor has said that we've been sneaking, lying, cheating, and he called him a dog and called him a beast. And he said that at the top of his lungs.

As I said, if history teaches us anything, it's that it comes around again and again. Remember Hitler? The big lie he told you? It was at the top of his lungs over and over, you are the superior people and people are going to believe it because they heard it over and over again[.] [A]nd that's what he said over and over again was about the state calling him sneaking, calling him lying, calling him cheating. . . . Did that ever happen by the State? Of course it didn't happen, but you know what? He wants you to believe that it did. You know, just like Hitler, that big lie: If you put it out there, even though the prosecutor didn't say it, maybe you'll believe it. And maybe when you go back there to decide this case, you won't decide it on the facts.

He talks about America and wraps himself around the flag. Doesn't wrap himself around the German flag when he calls somebody a cheater, a liar, and sneaking when in fact they never even used those words. And additionally, with regard to that, you don't mention the full truth because that's also not to your benefit.

a. Rule 41(g), Ariz. R. Sup. Ct. - Martinez engaged in unprofessional conduct during his closing argument by, among other things, using a "Hitler" analogy during closing argument to disparage opposing counsel; and

b. Rule 42, Ariz. R. Sup. Ct.:1. ER 4.4(a) – In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden any other person, or use methods of obtaining evidence that violate the legal rights of such a person by, among other things, improperly attacking the defendant during the aggravation phase of the case in light of the trial court's ruling precluding use of the robbery conviction for impeachment purposes in the guilt phase; and

c. Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Martinez engaged in

		<p>professional misconduct by engaging in conduct that is prejudicial to the administration of justice by, among other things, continuing to insist at the bench conference during the aggravation phase that the defendant had no right to ‘withhold information’ regarding the robbery conviction from the jury during the guilt phase.</p>
<p><i>State v. Gallardo</i>, 225 Ariz. 560, 242 P.3d 159 (2010)</p>	<p>There’s no comparison. The point that’s being made here is that the victim impact statement may be considered by you, and that impact statement indicated to you that they missed their son. That’s not quite doing justice to how they told you, and they would love to make a call and would love to be able to talk to [their son]. And in their victim impact statement, they told you they couldn’t.</p>	<p>Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Martinez engaged in professional misconduct by engaging in conduct that is prejudicial to the administration of justice by, among other things, personalizing his closing argument and repeating segments of his closing argument after it has been the subject of a sustained objection.</p>
<p><i>State v. Lynch (Lynch II)</i>, 238 Ariz. 84, 357 P.3d 119 (2015)</p>	<p>So what happens is the defendant then, as [the victim] sits there, goes behind him and begins and cuts his throat from ear to ear. The problem of the unfortunate aspect of that, because in of itself, cutting somebody’s throat is a</p>	<p>Rule 42, Ariz. R. Sup. Ct., ER 8.4(d) – Martinez engaged in professional</p>

	<p>horrific, ghastly thing, you can only imagine. I don't think you can even imagine what it's like for somebody to approach you with a knife. You cannot move and you know they're manhandling you and they are going to cut your throat.</p>	<p>misconduct by engaging in conduct that is prejudicial to the administration of justice by, among other things, a) asking whether an expert had previously stated that it was a waste of time to go over her notes and, in an apparent attempt to impeach the expert, playing a recording wherein the expert said that it would be a waste of time to go through every word of her notes and b) personalizing his closing argument and improperly inviting the jurors to place themselves in the victim's position.</p>
<p><i>State v. Arias</i>, CR2008-031021 / 1 CA-CR 15-0302 (2015)</p>	<p>But the thing is that if Ms. Wilmott and I were married, I certainly would say, 'I f'ing want to kill myself.'</p> <p>Well, then, maybe you ought to go back to law school.</p>	<p>Rule 41(g), Ariz. R. Sup. Ct. – Martinez has repeatedly engaged in unprofessional conduct by, among other things, demeaning opposing counsel at a bench conference.</p>

EXHIBIT 7

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; and adheres to all MCAO policies and procedures, and all other governing laws and directives.	<input checked="" type="checkbox"/> Critical	D
<p>Supervisor's Comments:</p> <p>Juan continues his fine work as a career prosecutor, embracing each new case as an opportunity to improve our community quality of life by getting the worst of the worst off the streets and into prison. His passion for justice remains strong, his commitment to ethical and successful prosecution intact, and his enthusiasm for the courtroom impressive. He is routinely sought by attorneys in other bureaus for tactical and legal advice on cases, and contributes to office moral by his can do attitude and willingness to tackle any assignment.</p> <p>Juan continues to have the respect of police agencies throughout the valley and continues to forge positive relations with victims. Despite his often strident and aggressive trial presentations Juan has earned the respect of the defense bar as well as the bench for his work ethic and willingness to go to the mat for victims of crime.</p> <p>Juan remains the professional prosecutor, proud of his job, this office, his coworkers, and the clients we serve. He is one of our two junk yard dogs and a huge asset to MCAO.</p>		
OCCUPATIONAL SKILLS	Importance	Rating
Automation Skills: Knowledge and appropriate use of personal computers; input, retrieval/interpretation of data; e-mail, word processing, Windows environment, spreadsheets and database software, i.e., CAIS, etc.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	G
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	C
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands and applies laws, court decisions and rules of evidence and procedure; completes all mandatory continuing legal education.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Legal Representation: Provides legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and the courts.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input checked="" type="checkbox"/> N/A	
Optional:	<input type="checkbox"/> Critical <input type="checkbox"/> Important	

Supervisor's Comments:

Juan continues to litigate homicide cases frequently and successfully. This last evaluation period Juan tried State v Sanchez, Andriano, Koos, and is currently in separate death penalty litigation in State v Morris, scheduled to conclude in July.

Sanchez, co defendant to Richard Rivas was convicted of First Degree Murder for his role in the shooting death of a bar patron. This was retrial back on appeal and an especially tough case in that the defendant's responsibility for the murder was a subtle communication to the co defendant requesting the elimination of the victim.

State v Koos was an acquittal of a homicide via directed verdict. Defendant was charged with felony murder for his role in a drug transaction as purchaser. During the transaction one of the sellers was killed went all went bad. Juan made all possible efforts to finesse the case to jury upon discovery of a drug case opinion that limits liability to sale of drugs to sellers only.

State v Andriano was an excellent presentation, conviction, and jury verdict of death for an incredibly greedy and morally corrupt young woman who could not wait for her cancer ridden husband to die of natural causes and consequently poisoned and beat him to death. Andriano is now one of a small number of women on death row as a result of Juan's hard work and dedication.

Juan demonstrated exceptional skills in the courtroom in both motion and trial practice. Juan remains one of our finest and most enthusiastic trial attorneys. His confidence in his abilities and his willingness to spend whatever time necessary to achieve quality results is an invaluable asset to this office.

Performance Goals and Objectives: List the goals and objectives the employee was rated against during the rating period.

1. Complete jury trial of death penalty case State v. Cory Deonn Morris, CR 2003-011506-001-DT.
2. Complete jury trial of death penalty case State v. Clarence Wayne Dixon, CR 2002-019595.
3. Complete CAIS III training.
4. Complete the death penalty jury trial in State v. Andriano.

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

5. Continue work for the Supreme Court disciplinary committee.
6. Mentor a younger attorney by seeking out a second chair in a non death penalty case.
7. Resolve the Brannon case by plea and determine feasibility of charges on conspirators.
8. Attend a death penalty seminar.

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE GOALS AND OBJECTIVES FORM**

Performance Goals and Objectives: List the goals and objectives the employee will be rated against during the current rating period.	
1. Complete the death penalty litigation in State v Morris	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important
2. Complete the death penalty litigation in State v Lopez-Cruz. Enlist the assistance of second chair (Kristin Larish if possible)	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important
3. Complete resolution of State v Brannon. Free talk Brannon and identify the shooter. See if we can charge the shooter and resolve the case with Brannon	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important
4. Get State v Dixon off the dime and into a trial posture. Complete the propensity hearing now set in July	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important
5. Get Sewhani-Lynch prepared for death penalty litigation	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important
6. Check in with Scott Evans and troubleshoot his trial issues	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important
7. Find a topic to teach in office	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important
8. Offer to mentor younger attorneys and instill in them an enthusiasm for trial work	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important
9.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
10.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
11.	<input type="checkbox"/> Critical <input type="checkbox"/> Important

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE GOALS AND OBJECTIVES FORM**

12.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
13.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
14.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
15.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
16.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
17.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
18.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
19.	<input type="checkbox"/> Critical <input type="checkbox"/> Important
20.	<input type="checkbox"/> Critical <input type="checkbox"/> Important

Employee's Signature: Juan Martinez Date: 7/11/05

Supervisor's Signature: [Signature] Date: 7/11/05

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; and adheres to all MCAO policies and procedures, and all other governing laws and directives.	<input checked="" type="checkbox"/> Critical	D
<p>Supervisor's Comments:</p> <p>Juan is a hard charging, no hold bars professional prosecutor. He conducts his business ethically and efficiently. His capacity and energy for high profile trial work is a huge asset to MCAO and the Homicide Bureau. Juan is respected by the bench, court staff, and law enforcement for his commitment to the prosecution of violent offenders. Juan is not a favorite of the defense bar but he does get their attention and does command their respect. One of our most accomplished and successful trial attorneys, Juan is committed to victims rights, volunteers for speaking engagements, and accepts any assignment with enthusiasm. Juan is Homicides polished junk yard dog. We are indeed fortunate to have him on our side.</p>		
OCCUPATIONAL SKILLS	Importance	Rating
Automation Skills: Knowledge and appropriate use of personal computers; input, retrieval/interpretation of data; e-mail, word processing, Windows environment, spreadsheets and database software, i.e., CAIS, etc.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	C
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands and applies laws, court decisions and rules of evidence and procedure; completes all mandatory continuing legal education.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	C
Legal Representation: Provides legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and the courts.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

<p>Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.</p>	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input type="checkbox"/> N/A	
<p>Optional:</p>	<input type="checkbox"/> Critical <input type="checkbox"/> Important	
<p>Supervisor's Comments:</p> <p>Juan spent a large portion of this past year in death penalty litigation. In <i>State v. Morris</i>, the defendant received five death penalty sentences for the murder of five prostitutes and the grizzly disposal of their bodies. <i>State v. Beemon</i>, the murder of another prostitute resulted in a murder 2 conviction. <i>State v. Lynch</i>, the kidnap, robbery, and throat slitting murder of a young man in his parents guest house by co defendants Lynch and Sewahni resulted in a hung jury on the death issue. True to his nature Juan refused to negotiate a separate plea, teed it up, and is currently retrying the penalty phase in the Lynch case. Juan volunteered to take over trial responsibilities in <i>State v. Grant</i>, the largely circumstantial and high profile 2001 murder of a young woman by her husband. Juan has most recently been working with me on the Miller case, the Mesa execution of five family members. While charges have been filed on Miller, there remains at least one uncharged co-defendant in the continuing investigation of one of the most vicious murders in recent memory.</p>		

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Performance Goals and Objectives: List the goals and objectives the employee was rated against during the rating period.

1. Complete the death penalty litigation in State v. Morris
2. Complete the death penalty litigation in State v. Lopez-Cruz. Enlist the assistance of second chair (Kristin Larish if possible)
3. Complete resolution of State v. Brannon. Free talk Brannon and identify the shooter. See if we can charge the shooter and resolve the case with Brannon
4. Get State v. Dixon off the dime and into a trial posture. Complete the propensity hearing now set in July
5. Get Sewhani-Lynch prepared for death penalty litigation
6. Check in with Scott Evans and troubleshoot his trial issues
7. Find a topic to teach in office
8. Offer to mentor younger attorneys and instill in them an enthusiasm for trial work

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

IDENTIFYING INFORMATION:

Name: Juan Martinez

Employee ID: [REDACTED]

Agency: MCAO

Division/Bureau: Major Crimes/Homicide

Job Title: Attorney

Period Covered by this Review (month/year): 07/2004 to 06/2005

Initial Probationary Semi-Annual Annual Transfer Special:

Performance Results Rating Scale (Overall):

- D - Distinguished Performance - Results achieved far exceeded performance expectations.
- C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations.
- G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan.
- P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period.
- N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating (Overall):

D

ANNUAL REVIEW COMMENTS AND JUSTIFICATION:

Supervisor's Comments (Attach additional pages, as needed):

This is Juan's annual review. During this evaluation period Juan tried three murder trials and currently is in death penalty litigation in State v Morris, accused of murdering five prostitutes, then discarding their bodies throughout the Phoenix area. In addition to Juan's excellent trial preparation and courtroom presentations Juan is a frequent speaker representing MCAO throughout the Valley. Juan is a dedicated and relentless prosecutor who once again deserves a distinguished rating for his contributions to this office and the community in and out of the courtroom.

Supervisor's Signature: Robert Annett

Date: 7-11-05

Division Chief's Signature: [Signature]

Date: 7/15/05

Employee's Comments: (Attach additional pages, as needed):

I agree with the above rating. I disagree with the above rating. I request a higher review.

Employee's Signature: Juan Martinez

Date: 7/11/05

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

HIGHER REVIEW (To be used only if employee requests a higher review):

The Evaluation stands, no changes were made.

The Evaluation has been revised.

Comments:

Signature of Reviewer: _____ *Date:* _____

County Attorney's Office M E M O R A N D U M



DATE: September 2, 2005
TO: Juan Martinez
FROM: Andrew Thomas, County Attorney
 Phil Macdonnell, Chief Deputy
 Sally Wells, Chief Assistant
RE: Market Salary Adjustment and Pay for Performance Increase

We are pleased to inform you that the Board of Supervisors has approved a significant salary adjustment for attorneys to better compete with other government attorneys working in similar market environments. The market increase took into consideration your years of experience, type of experience, complexity of work assignment and performance record. The market salary adjustment will be distributed in two phases, the first phase to be retroactive to July 4, 2005, and the second phase to be paid in January 2006.

In addition to the salary market adjustment, you may also be eligible for a pay for performance increase based upon your most recent performance evaluation. The pay for performance increase will be retroactive to July 4, 2005. If you received Non-permanent Special Work Assignment pay, e.g. Supervisor, Manager, or Capital pay, your pay for performance increase was also applied to the special assignment part of your pay effective July 4, 2005 for this fiscal year only. In the past, the pay for performance increase was applied to base pay only.

The following adjustments to your salary are recommended as a result of your new position classification: Senior Associate with Capital Assignment

Phase 1 Market Adjustment

Market adjustment from \$47.72 per hour to \$50.89 per hour effective July 4, 2005. The part of your new market adjustment that is Non-permanent Special Assignment Pay for your capital assignment is \$1.43 per hour.

Pay for Performance Adjustment

Based on your rating of Distinguished Performance, your base salary was increased from \$50.89 per hour to \$53.88 per hour effective July 4, 2005.

Phase 2 Market Adjustment

Market adjustment from \$53.88 per hour to \$57.05 per hour effective January 2006. The part of your new market adjustment that is Non-permanent Special Assignment Pay for your capital assignment capital assignment is \$1.42 per hour.

Final Salary After Market Adjustment

When fully implemented in January 2006, your salary will be \$57.05 per hour, or \$118,664.00 annually. The part of your salary that will be Non-permanent Special Assignment Pay for your capital assignment will be \$2.85 per hour.

If you have any questions about your pay adjustments, please address those questions by way of an e-mail to Jolene Hunt, Dwight Ochocki, or Doug Hill in our Administration Division. Again, we are happy to be able to reward your hard work and commitment to a career with the Maricopa County Attorney's Office and look forward many years of excellent service to our community together.

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block. Higher Review is not applicable to Transfer Evaluations.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.	<input checked="" type="checkbox"/> Critical	D
OCCUPATIONAL SKILLS	Importance	Rating
Legal Representation: Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and members of the community.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Automation Skills: Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word-processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	G
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input checked="" type="checkbox"/> N/A	
Optional:	<input type="checkbox"/> Critical <input type="checkbox"/> Important	
Supervisor's Comments: <p>Juan continues to prepare for and litigate high profile cases in timely and efficient manner. Juan spent the better part of the year preparing for the upcoming arson trial attached to the Miller death penalty litigation, motion practice and hearings regarding the admissibility of victim hearsay statements (can't silence a victim by killing them), and the highly contentious motion practice and pretrial work in State v Grant (domestic violence murder).</p> <p>Juan additionally found the time to complete 5 jury trials, while a sixth pled guilty to First Degree murder with no agreements during jury selection.</p> <p>State v Gall. The defendant was convicted of Murder 2 for the shooting death of the driver of a car following a dispute with the passenger.</p> <p>State v Vasquez-Fuentes. This was a hung jury involving a 1994 shooting death of a woman by her then boyfriend, who reacted to her unwillingness to move back to Mexico with him. The case was all circumstantial with little physical evidence to assist the jury.</p> <p>State v Pannel. A conviction for Murder 2 for the shooting death of the victim following a long standing history between the two or arguments and fistfights.</p> <p>State v Wilson. A conviction for Murder 1 resulting from a home invasion. The defendant pled straight up to the charge during jury selection.</p> <p>State v Palomba. A Murder 1 conviction of the defendant for the strangulation death of his wife followed by placing her in the freezer. He wanted the motor home for his own.</p> <p>State v Sermeno The defendant is facing death penalty litigation. In efforts to guarantee impeachment should he take the stand; Juan resurrected a theft charge and convicted him of same. This was an extremely difficult undertaking in that Juan on his own located a witness (the victim's young son) who was able to demonstrate the defendant did not have permission to take the car. The victim would later testify she gave the car the defendant voluntarily.</p> <p>Juan is currently in trial in State v Wade, the ASU ballplayer charged with Murder 1 for the shooting death of a young man hanging out with one of Wade's girlfriends.</p> <p>Juan remains one of our hardest working and most successful trial attorneys. He will take on any case, anybody, anytime. Juan loves trial work and his track record speaks for itself. He is successful because he prepares, he knows the law, and he is able to control the courtroom. He is respected by his fellow litigators, the bench, the defense bar, law enforcement and our victim clients.</p>		
Performance Goals and Objectives: List the goals and objectives the employee was rated against during the current rating period.		
1. Complete the death penalty litigation in State v. Lynch, currently in trial		

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

IDENTIFYING INFORMATION:

Name: Juan Martinez

Employee ID: [REDACTED]

Agency: MCAO

Division/Bureau: Homicide Major Crimes 1

Job Title: Capital Litigator

Period Covered by this Review (month/year): July 06 to April 06

Initial Probationary Semi-Annual Annual Transfer Special:

Performance Results Rating Scale (Overall):

D - Distinguished Performance - Results achieved far exceeded performance expectations.

C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations.

G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan.

P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period.

N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating (Overall):

D

ANNUAL REVIEW COMMENTS AND JUSTIFICATION:

Supervisor's Comments (Attach additional pages, as needed):

Juan is deserving of a distinguished evaluation for his contributions this past year to the Homicide Bureau. Juan conducted four capital trials during this evaluation period; State v. Morris, State v. Lynch, State v. Beemon, and the sentencing retrial in State v. Lynch. In addition to his excellent trial work Juan volunteered to accept the assignment of the high profile Grant case from family violence and is actively participating in the Miller continuing investigation in the Mesa murder of five family members.

Supervisor's Signature: Robert Shultz

Date: 5/5/06

Division Chief's Signature: [Signature]

Date: 5/12/06

Employee's Comments: (Attach additional pages, as needed):

I agree with the above rating. I disagree with the above rating. I request a higher review.

Employee's Signature: Juan Martinez

Date: 5/12/06

HIGHER REVIEW (To be used only if employee requests a higher review):

The Evaluation stands, no changes were made. The Evaluation has been revised.

Comments:

Signature of Reviewer: _____

Date: _____



Maricopa County Attorney

ANDREW P. THOMAS

301 WEST JEFFERSON STREET, SUITE 800
PHOENIX, AZ 85003
www.maricopacountyattorney.org

PH. (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

August 18, 2006

Juan Martinez

AT24

Dear Juan:

You are currently earning at the maximum or above the established salary range for your position. Therefore you are ineligible for a pay for performance increase to your base rate of pay. However, you have been approved for a one time "lump sum" payment in recognition of your work with the Maricopa County Attorney's Office during the past year. The one time "lump sum" amount is based on your performance and is calculated as a percentage of your base rate. Please be aware that Maricopa County withholds a higher amount for taxes on "lump sum" payments than you may be accustomed to.

Your pre-tax one time "lump sum" payment will be \$3,945.76. Based on information from County Human Resources, this payment is expected to appear in your August 18, 2006 paycheck. However, it is possible that it will appear in the paycheck on September 1, 2006 or September 15, 2006.

I want to thank you for your hard work, professionalism and loyalty that have made it possible to continue to provide the public with the highest quality service.

Sincerely,

Andrew P. Thomas
Maricopa County Attorney

cc: MCAO Personnel

**County Attorney's Office
MEMORANDUM**

DATE: October 30, 2006
TO: Juan Martinez
FROM: Dwight Ochocki, Director of Administration *DOO*
RE: Non-permanent Management Pay

The purpose of this memo is to inform you of the salary changes that have occurred since July 2005 following the attorney market study implementation. At the time of the market salary implementation, the structure used to determine Non-permanent Management Pay, e.g. Supervisor, Manager, or Capital pay, was also changed. You have been identified as an employee who is receiving non-permanent Management pay in your role as a Capital Attorney.

Prior to implementation of the market study, your base pay was \$47.72 and your management pay was \$0 .

	Base Pay	Management Pay	Total Hourly Pay	Total Annual Pay
Phase I Market July 4, 2005	\$49.46	\$1.43	\$50.89	\$105,851.20
05/06 Pay for Performance July 4, 2005	\$52.45	\$1.43	\$53.88	\$112,070.40
Phase II Market January 2, 2006	\$54.20	\$2.85	\$57.05	\$118,664.00
06/07 Pay for Performance July 3, 2006	\$54.20	\$2.85	\$57.05	\$118,664.00

If you have any questions about your pay adjustments, please address those questions by way of an e-mail to Jennifer Harvey or Catherine Martin in the Administration Division.

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block. Higher Review is not applicable to Transfer Evaluations.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.	<input checked="" type="checkbox"/> Critical	D
OCCUPATIONAL SKILLS	Importance	Rating
Legal Representation: Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and members of the community.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Automation Skills: Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word-processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	D

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

<p>Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.</p>	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input checked="" type="checkbox"/> N/A	
<p>Optional:</p>	<input type="checkbox"/> Critical <input type="checkbox"/> Important	
<p>Supervisor's Comments:</p> <p>Juan has additionally spent an incredible amount of time and energy in pre-trial preparation for the Grant trial, a Gilbert domestic murder. The case has been the subject of numerous and contentious pre trial motions regarding discovery and conflict issues and will ultimately morph into a contentious trial. Juan recently received an award from the Tempe Police Department for his excellent work in the Dixon case.</p> <p>Juan continues to be one of our most prolific and successful litigators. Juan's approach to litigation is thorough and exhaustive, often requesting that investigators expand their search for evidence and witnesses. Examples of his excellent trial work and unending quest for justice is the Vasquez-Fuentes case. The defendant was originally charged with Murder 2 for the shooting death of his girlfriend on a Sunnyslope hilltop. The evidence against the defendant was weak and the first trial resulted in a hung jury. Juan re indicted the defendant for Murder 1, located an additional witness, and obtained a First Degree conviction the second time around.</p> <p><i>State v Dixon.</i> This case was the rape/murder of in 1978 ASU coed, eventually solved in 1996 from a codis hit in a DNA database, resulting from the defendant's earlier conviction for a separate sexual assault. Clarence Dixon ultimately proceeded pro per and following his conviction for the Murder, was appropriately sentenced to death by a jury.</p> <p><i>State v Wade.</i> The defendant was an ASU football player. In March of 2002 his girlfriend was partying at a local nightclub without either his knowledge or permission (nice fellow). Wade went to the Scottsdale nightclub, found his girlfriend in a car with some other young people, then shot and killed the driver of the car. The defense offered that this was an accident and should be resolved by a verdict of manslaughter or negligent homicide. The jury returned A verdict of guilt on murder 2 and the defendant was sentenced to an aggravated term at DOC; largely a result of his earlier violent treatment of young women and propensity to threaten others with a gun.</p> <p>Juan was in trial in excess of 50 days this past evaluation period. He continues to be one of the top prosecutors in the State. He is respected by the defense bar for his trial successes and willingness to litigate any case, regardless of its strength. Juan continues to have positive and productive contacts with victims and law enforcement. His reputation as a capital litigator is well known throughout the criminal justice system. We are indeed fortunate to have Juan as a member of our homicide team.</p>		

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

IDENTIFYING INFORMATION:

Name: Juan Martinez

Employee ID: [REDACTED]

Agency: MCAO

Division/Bureau: MJC1/Homicide

Job Title: Attorney

Period Covered by this Review (month/year): 06/2006 to 05/2007

Initial Probationary Semi-Annual Annual Transfer Special:

Performance Results Rating Scale (Overall):

D - Distinguished Performance - Results achieved far exceeded performance expectations.

C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations.

G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan.

P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period.

N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating (Overall):

D

ANNUAL REVIEW COMMENTS AND JUSTIFICATION:

Supervisor's Comments (Attach additional pages, as needed):

This is Juan's annual review. Juan is once again deserving of a distinguished evaluation for his successes in trial, his excellent motion practice and trial preparation in State v Miller and Grant, his willingness to litigate difficult and high profile cases, and his incredible work ethic. Bulldogs that make the streets a safer place should be rewarded.

Supervisor's Signature: [Signature]

Date: 5/21/07

Division Chief's Signature: [Signature]

Date: 5/21/07

Employee's Comments: (Attach additional pages, as needed):

I agree with the above rating. I disagree with the above rating. I request a higher review.

Employee's Signature: Juan Martinez

Date: 5/21/07

HIGHER REVIEW (To be used only if employee requests a higher review):

The Evaluation stands, no changes were made.

The Evaluation has been revised.

Comments:

Signature of Reviewer: _____

Date: _____

April 2007



Management/Professional Assignment Acknowledgement Form

Fiscal Year	Dep. No.	Department Name	Date of Request
2006-2007	190	County Attorney	06/21/07

Action Requested	Begin Capital Mgt Assgmt
------------------	--------------------------

I. GENERAL POSITION INFORMATION

Employee ID:	Employee Name:	Market Range Title (MRT):	Working Title:
	Juan Martinez	Attorney - Senior	Capital Attorney
Org:	Mgmt/Prof. Assignment Pay Rate:	Base Pay Rate:	Beginning Date:
1950	62.61	54.20	3/12/2007

II. MANAGEMENT/PROFESSIONAL ASSIGNMENT SUMMARY

Under the Management/Professional Assignment Career Path, employees will be allowed to receive a temporary stipend amount of additional pay added to their current base pay. Once removed from Management/Professional Assignment, the stipend amount shall be removed and the employees pay will be reduced to reflect their original base pay rate (plus any applicable increases received during the term of the Management/Professional Assignment). Management/Professional Assignments are contingent upon Board of Supervisors approval.

III. DEPARTMENT AUTHORIZATION

I certify that sufficient funding is available within the department budget to support this request and to maintain compliance with the Funded Position Policy:

 Appointing Authority's Name

Dorothy A. DeLoach
 Appointing Authority's Signature

7-5-07
 Date

IV. EMPLOYEE ACKNOWLEDGEMENT

I understand that this is a Management/Professional Assignment and that the increase I receive for this Management/Professional Assignment is temporary. My base pay will return to its original amount (plus any applicable increases received during the term of the Management/Professional Assignment) once the assignment is completed. I further understand that the Management/Professional Assignment may end at any time. Any reduction or rescission of the Management/Professional Assignment does not constitute a demotion and is not subject to appeal to the Merit Commission.

Juan Marti
 Employee's Signature

6/27/07
 Date



Maricopa County Attorney

ANDREW P. THOMAS

301 W. JEFFERSON, SUITE 800
PHOENIX, AZ 85003
www.maricopacountyattorney.org

PH. (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

August 17, 2007

Juan Martinez

AT05

Dear Juan:

You are currently earning at the maximum or above the established salary range for your position. Therefore you are ineligible for a pay for performance increase to your base rate of pay. However, you have been approved for a one time "lump sum" payment in recognition of your work with the Maricopa County Attorney's Office during the past year. The one time "lump sum" amount is based on your performance and is calculated as a percentage of your base rate. Please be aware that Maricopa County withholds a higher amount for taxes on "lump sum" payments than you may be accustomed to.

Your one time "lump sum" payment will be \$4,866.29.

I want to thank you for your hard work, professionalism and loyalty that have made it possible to continue to provide the public with the highest quality service.

Sincerely,

Andrew P. Thomas
Maricopa County Attorney

cc: MCAO Personnel



JONES, SKELTON & HOCHULI, P.L.C.

A. MELVIN McDONALD
 TELEPHONE: (602) 263-1766
 FAX: (602) 266-7847
 E-MAIL: mcDONALDM@AOL.COM
 FILE NO. 16453-002

2901 NORTH CENTRAL AVENUE
 SUITE 800
 PHOENIX, ARIZONA 85012
 PHONE: (602) 263-1700
 FAX: (602) 263-1784
WWW.JSHFIRM.COM

September 13, 2007

Anthony M. Novitsky (Via Facsimile 602-506-8173)
 Robert J. Shutts (Via Facsimile 602-506-7950)
 Maricopa County Attorney's Office
 301 West Jefferson
 Phoenix, Arizona 85003

Re: State v. Douglas Grant

Dear Tony and Bob:

This letter is intended to follow up on our phone conversation from Monday, September 10, 2007. The continued prosecution of this case remains deeply troubling, and the way that my complaint has been handled, is also deeply troubling. The Gilbert Police Department investigation reveals serious problems involving perjured testimony and the concealment of clearly exculpatory evidence. Your office has a duty to preserve the integrity of the criminal justice system. With utmost respect, I feel you have abdicated that responsibility as it pertains to Sy Ray.

The record in this case clearly demonstrates that Detective Sy Ray has engaged in a corrupt and dishonest investigation, lacking in integrity or fairness. I find it extremely troubling that the Maricopa County Attorney's Office has apparently employed Juan Martinez to "investigate" the extensive allegations outlined in my original letter. He stood at the center of the controversy. He made avowals in open court which supported false avowals of Detective Ray. Given Juan's role in the process, I find it inconceivable that you involved Juan in the decision making process.

Many of those allegations directly relate to Juan's conduct in the course of these proceedings. Specifically, Mr. Martinez made false avowals in open court regarding his personal knowledge pertaining to exculpatory evidence. For instance (1) Juan claimed that he had personally spoken to the Eaves family and was convinced that there were no additional exculpatory farewell letters in their possession; and (2) Juan claimed that he had personally reviewed the evidence at the Gilbert Police Department and determined that the Maricopa County Attorney's Office had disclosed all interview tapes. In spite of his so-called personal knowledge, his repeated avowals were proven to be false. How could an attorney with his superb ability not know that letters from the

family, if turned over at the beginning of the case, were missing.

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky
Robert J. Shutts
September 13, 2007
Page 2

While it is logical to expect that your office might notify Mr. Martinez as to this internal investigation and seek his explanation, it is simply untenable that the Maricopa County Attorney's Office would assign him as one of the so-called "fact-finders" or "consultants" in the process itself. Due to the fact that Mr. Martinez is at the center of the wrongdoing, his role in the investigation creates an obvious conflict of interest.

It is simply impossible to conclude that Detective Ray's misconduct could somehow be explained by purported "memory problems" or innocent lapses in judgment. His concealment of evidence, witness coercion, and perjured testimony illustrate a total lack of integrity associated with his investigation. Several of the major examples are listed below.

1. Detective Ray lied about the existence of two taped interviews of Page Dewitt. After taping an interview with Page on September 8, ONLY three weeks later he avowed to the court that he did not record any interview with her.

There is no way that a Detective could be informed by Frankie Grimsman of my production request of all tapes of Page Dewitt between August 28 and September 5th, then interview, audiotape and label a tape of a key witness in a possible homicide case on September 8, 2005 and then within 21 days on September 27, 2005, forget about it, telling the prosecutor and the judge that the event didn't happen. See Exhibit 10 (state's response to motion to compel). The concealed September 8th tape pointed out to Detective Ray's serious mistakes he had written in the departmental report. The witnesses requested corrections were never disclosed to us. The tape itself was hidden from Juan, if you accept his avowal.

2. Detective Ray lied under oath about the existence of audio taped interviews of Temberly Gardner.

Defense counsel interviewed Detective Ray on February 3, 2006. Specifically regarding the interviews of Temberly Gardner, the following exchange occurred:

RAY: I have talked to Timberly Gardner. My conversation with Temberly Gardner was not recorded at her request for a

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky
Robert J. Shutts
September 13, 2007
Page 3

As you know, Judge Talamante ordered a document inspection at the Gilbert Police Department multiple times before Juan was forced to allow us in. That inspection occurred on April 16, 2007. Amazingly, defense counsel discovered Detective Ray's audiotaped interview with Temberly Gardner on the other side of the Page Dewitt tape, whose existence had also been denied. You know as well as I do that Detective Ray didn't say he didn't remember if he recorded Temberly, he said specifically that he didn't record her at her request. This has nothing to do with failing memory.

3. Prosecutor Juan Martinez avowed to Judge Talamante on November 29, 2006, that the disclosure of all audiotapes had been completed. He vouched for the accuracy of this disclosure. He vowed that he had been involved in a personal inspection.

The avowal by Juan is neither vague or ambiguous. He said:

MARTINEZ: We have turned over everything we have. So it's clear, I have been over and made sure that every tape was copied. And I sent everything over to his office. Mr. McDonald then sent me a letter.

* * * * *

MARTINEZ: There were no tapes made by the police so there are none to be turned over.

How did Juan avow to the judge that he personally checked and made sure all the tapes were turned over when we found not only Temberly Gardner's tape but also Page Dewitt's recording in open view within the audio cassette box. We are not dealing with a huge box of tapes. There were probably two dozen tapes.

Detective Ray testified in court filings, interviews and depositions that there were no taped interviews of Page Dewitt. Juan Martinez avowed to the court that he had personally examined the property room tapes and no such tape existed. It is inconceivable that Sy Ray and Juan Martinez each went through the boxes and "forgot" about the tapes. In truth, either Juan misled the court with a false avowal or Detective Ray concealed the tape during Juan's first inspection and later returned to the tape to property.

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky
Robert J. Shutts
September 13, 2007
Page 4

4. Detective Ray testified falsely about the contents and significance of a package that Page Dewitt delivered from Doug to Hilary.

During the July 2002 taped interview, Page Dewitt described to Sy Ray how she had opened a sealed and stamped package that Doug Grant asked Page to deliver to Hilary after his remarriage to Faylene. The package included a letter from Doug, in which he expressed that he was "sorry" he had hurt her (Hilary), and that he was supposed to be with Faylene. The letter further mentioned that Doug wanted Hilary to seek help from her bishop and to get on with her life without him. See Exhibit 28 (July 2002 interview; pages 6-8).

During the sworn deposition, defense counsel asked Detective Ray if there was "ever any discussion about a delivery of a brown manila folder from Doug to Hilary with Page being the courier?" His answer, "No." When defense counsel pressed him regarding any discussions with Page Dewitt regarding the possibility that she illegally opened a package that had stamps on it, Detective Ray emphatically stated, "No, we definitely didn't discuss anything like that." See Exhibit 14 (Detective Ray deposition, April 24, 2007; pages 53-55).

Just to make sure that this event wasn't something that Detective Ray just forgot and he was showing his incompetence, I asked him:

Mel: That would be real important if you'd discussed to disclose that, don't you think?

RAY: Yeah, and I'm sure I would remember that.

You now have a Detective under oath explaining that he would remember the conversation for sure if it happened but yet he still lied about it because he didn't know we had uncovered the audio taped conversation he thought he had destroyed of Page DeWitt. Tony and Bob, Sy Ray admitted that there was an obligation to disclose this exculpatory evidence. He thought he had destroyed it. How can you in good conscience suggest the explanation is "poor memory" when any person with an I.Q. at room temperature would remember a discussion about breaking into the U.S. mails. Page Dewitt certainly remembered the conversation. It is fundamentally wrong for your office to tolerate this misconduct. You are the guardians of the system of justice. You are ignoring this misconduct and it is wrong.

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky
 Robert J. Shutts
 September 13, 2007
 Page 5

You are wanting me to believe that you think Detective Ray just has a bad memory when he testified under oath that if that event happened he would be sure to remember it. I'm sure he would have remembered it if he knew we discovered the taped interview of Page Dewitt that he tried to erase.

5. Juan Martinez avowed to the court that there were no other farewell letters written by Faylene to the Eaves family and he personally checked with the family members.

The avowals relating to the Eaves family farewell letters is positively shameful. Two prosecutors and a detective avowed that all letters that existed had been turned over to the defense. Juan avowed that he had spoken with each family member before making his avowal. Juan is a very gifted prosecutor who is very adept at uncovering information. The avowals and denials of the existence of these letters is wrong. He needed only look at the Bates numbers and he would have seen that not a single letter had been disclosed to the defense involving Eaves family members when he made the avowal.

We are still missing farewell letters written to Eaves family members. How can you chalk this off to "bad memory?"

6. Detective Ray's misconduct in this case is only part of a disgraceful pattern of misconduct and deception in the course of his career with the Gilbert Police Department.

In addition to the problems associated with the Grant investigation, Detective Ray has (1) concealed evidence and offered perjured testimony in State v. Rene Ballesteros; (2) received an official reprimand in September 2003 as a result of his "careless or negligent handling of evidence"; and (3) led an ill-fated Gilbert police raid in December 2006, negligently destroying the home of an elderly couple and killing their dog. (See letter to Andrew P. Thomas; pages 39-42).

I am having a tough time understanding how concealment of a critical medical examiner interview in the Ballesteros case has anything to do with Ray's "bad memory." Your office discloses evidence using Bates numbers. Dave Derickson provided an affidavit confirming the fact that he has never seen the Hu interview. Do you have any idea how the Hu interview was in fact disclosed to David Derickson? What in the hell was the Hu tape doing in the Grant exhibit box?

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky
Robert J. Shutts
September 13, 2007
Page 6

CONCLUSION

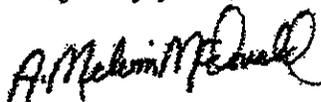
Detective Ray's investigation has completely abandoned the high standards of ethics, professionalism, and honesty that the public demands of its law enforcement officers. His grievous misconduct permeates every aspect of this investigation and criminal prosecution. Under these circumstances, the Maricopa County Attorney's Office has a duty to disassociate itself from Detective Ray. You have an ethical duty not to use testimony of a person who has knowingly committed perjury in a case. How can you conceivably write this off as bad memory?

Your office has an ethical duty not to produce witnesses when you know that their testimony has been false. If the tables were turned, and Doug Grant had done what Sy Ray did in this case, you would be pursuing him for perjury, and he doesn't serve the public as a police officer.

I came to you first because of my background in the justice system as a judge and my belief in your office doing the right thing. I ask you to reevaluate your position. While I have great respect for Juan, you have tainted your objectivity by including him within the decision making process. I would urge you to turn this matter over to Andy Thomas for his independent review.

As always, I appreciate your time and attention in this matter. Please call me with additional questions or concerns.

Very truly yours,



A. Melvin McDonald
For the Firm

AMM/dgw

1825036.1



Maricopa County Attorney

ANDREW P. THOMAS

301 W. JEFFERSON, SUITE 800
PHOENIX, AZ 85003
www.maricopacountyattorney.org

PH. (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

September 25, 2007

Mr. A. Melvin McDonald
Attorney at Law
Jones, Skelton & Hochuli, P.L.C.
2901 N. Central Avenue, Suite 800
Phoenix, Arizona 85012

Re: State of Arizona v. Douglas Grant
CR2005-032986-001SE

Dear Mr. McDonald:

In August, 2007, you contacted Mr. Barnett Lotstein, Special Assistant Maricopa County Attorney, with regard to concerns about the investigation and prosecution of your client, Douglas Grant. Your complaint, which included a rather lengthy video presentation along with supporting documents, was forwarded to me for review and response. I reviewed the materials which you provided, and discussed them with Deputy County Attorney Juan Martinez and Homicide Bureau Chief Bob Shutts. Thereafter, on September 10, 2007, Mr. Shutts and I called you to discuss your concerns, and to inform you that we did not share in your opinions and conclusions. Based upon your insistence that the allegations in your complaint could not be innocently explained, and because I did not have the materials in front of me at the time, I agreed to review the matter again before finalizing my response to you.

I have now watched your video presentation a second time, and have concomitantly reviewed the court records related to discovery in the Grant case consisting of pleadings filed by the parties and minute entries issued by the Court. I have also talked to Juan Martinez at length about the history of the case. I have done so because Juan has unique knowledge and perspective as the prosecutor assigned to the case. Having reviewed the issues raised by your complaint, I am not persuaded that there is conclusive evidence of intentional misconduct by either the Gilbert Police Department or the Maricopa County Attorney's Office with regard to the investigation and/or prosecution of the case against your client. Furthermore, I conclude that there remains a reasonable likelihood of

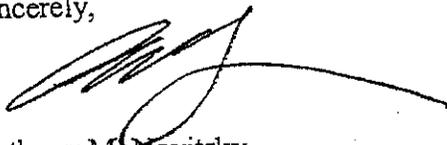
conviction in this case, and that the matter should proceed to trial for a jury determination.

While I decline to respond to each and every allegation of misconduct contained in your complaint, I note that virtually all of them have been previously addressed with the trial court. The record reflects that since the very beginning of the case you have alleged that the state has been withholding evidence. Your first such claim was made by motion on August 19, 2005, barely one month after the initiation of charges. You have made additional such claims throughout the pendency of the case, and have asked the court to sanction the State and dismiss the case based upon detailed allegations of misconduct. At each and every instance, the Court has denied your requests. I find it instructive that the Court refused to grant the relief that you now seek from the Maricopa County Attorney's Office based upon the same or similar claims.

I also note that despite your allegations of misconduct and perjury by Detective Sy Ray of the Gilbert Police Department, you have apparently not complained to the department itself in order to initiate an internal investigation. In many respects, the police department is in the best position to determine whether or not one of its officers has engaged in misconduct, especially in matters of handling evidence.

I appreciate your efforts on behalf of your client. However, the Maricopa County Attorney's Office will take no further action regarding your complaint at this time. If there are any further concerns with discovery in this case I urge you to keep Juan Martinez advised, and to continue to address your concerns with the trial court in the event you deem it necessary.

Sincerely,



Anthony M. Novitsky
Major Crimes 1 Division Chief
Maricopa County Attorney's Office



JONES, SKELTON & HOCHULI, P.L.C.

A. MELVIN McDONALD
TELEPHONE: (602) 263-1760
FAX: (602) 200-7847
E-MAIL: MCDDNALDM@AOL.COM
FILE NO. 16453-002

2901 NORTH CENTRAL AVENUE
SUITE 800
PHOENIX, ARIZONA 85012
PHONE: (602) 263-1700
FAX: (602) 263-1784
WWW.JSBFIRM.COM

October 8, 2007

VIA FACSIMILE (602-506-8173)

Anthony M. Novitsky
Maricopa County Attorney's Office
301 West Jefferson
Phoenix, Arizona 85003

Re: State v. Douglas Grant

Dear Tony:

This letter is in response to your letter dated September 25, 2007. I have debated whether to even respond to the letter. I must confess, I am not surprised by your decision. On March 13, 2006, I spent several hours preparing for a meeting with you and Bob Shutts the following day. On March 14, 2006, I met with both of you in your office. I left voluminous materials. It was a good faith meeting calling to your attention information that went to the core of your case. The motion to remand, which I left with you, was later granted. Based upon that meeting, I expected at least a call or a letter or some communication letting me know of your findings or conclusions. Both you and Mr. Shutts blew off the substantial issues I'd left on the table and never provided me the courtesy of even a return call or letter. I would have never treated an attorney with such minimal respect when I served as United States Attorney. It was the only time in my career that two attorneys didn't even show a courtesy of a letter or return call.

Your letter notes that I should have pursued a complaint with the Gilbert Police Department. Just like the meeting of March 14, 2006 with you and Mr. Shutts, such a request would have been useless. I learned from a member of the Gilbert Town Council that, in fact, complaints were lodged against Detective Sy Ray almost one year ago. Rather than conduct an internal affairs investigation, those complaints were referred to Juan Martinez. Just like our March 14, 2006 meeting, Mr. Martinez never addressed the citizen complaints or issues. If we had proceeded by way of complaint to Gilbert police, and based upon my knowledge of this prior experience, Gilbert police would have merely referred it to Mr. Martinez who, like this inquiry, would have deposited the issues raised in the nearest waste paper basket.

JONES, SKELTON & HOCHULI, P.L.C.

Anthony M. Novitsky

October 8, 2007

Page 2

You indicate that you spoke with Juan Martinez several times because of his unique knowledge and perspective about the case. I am somewhat troubled by Juan's participation since many of the misleading avowals came from Mr. Martinez. He was also a witness against Sy Ray. We were present at the same time when a tape withheld from Mr. Martinez was discovered within police property. He clearly had a vested interest in neutralizing the complaints since several of his avowals proved to be untrue.

I'm also perplexed by the standard that you have used – "conclusive evidence of intentional misconduct." It appears to me that you have adopted a standard for police officers much higher than for murder defendants.

Your letter fails to answer a single one of the issues raised in our complaint.

1. How do you avoid the issue of intentional misconduct when a detective who has tape recorded an interview tells your prosecutor three weeks later that he has never taped the particular witness?

2. How can anyone in good conscience not be shocked by the cover up of the 2002 Page Dewitt tape? Detective Ray not only denied its existence of any tape but altogether failed to document the Dewitt interview and later denied, under oath, the existence of critical exculpatory evidence that existed on the tape.

3. Explain to me how it's not intentional misconduct when a critical tape from an unrelated murder case that were never disclosed to David Derickson ended up in the Doug Grant file? The detective testified under oath that the Medical Examiner tape had been disclosed to Mr. Derickson.

The part I find most troubling in your letter is your claim that each and every allegation of misconduct has been previously addressed with the trial court. I find that troubling, Tony, because it convinces me you have haven't really studied my letter. Otherwise, you would know that this claim is patently untrue. Very little of the information I provided to you was ever addressed by any prior court. No court has been informed about the false statements made by Detective Ray for either of the two tapes. No court has heard or decided Gilbert PD's concealment of the Ballesteros tapes in the Grant file. Page Dewitt's actions in opening mail written by Doug Grant to Hilary Dewitt, and Detective Ray's coverup of that information was never been presented to the court. Mr. Martinez' avowal to the court that all "farewell letters" had been provided to the defense, and his later retraction and claim that the letters had been given to Detective

DEBUS, KAZAN & WESTERHAUSEN LTD.

LAWYERS

LARRY L. DEBUS
LAWRENCE I. KAZAN
TRACEY WESTERHAUSEN

335 EAST PALM LANE
PHOENIX, ARIZONA 85004
(602) 257-8900
FAX (602) 257-0723
dkw@dkwlawyers.com

February 19, 2008

Philip J. MacDonnell
Chief Deputy
Maricopa County Attorney's Office
301 W. Jefferson, Ste. 800
Phoenix, AZ 85003

Re: Juan Martinez/State v. Douglas Grant

Dear Mr. McDonald:

My purpose in writing is to inform you of unprofessional conduct on the part of one of your prosecutors, Juan Martinez. He accused me, without basis, of committing perjury at a court hearing filmed by a T.V. crew. He also sent a detective to speak with a former employee of mine, wanting to gather all the dirt he could on me.

State v. Douglas Grant is a case in which Mr. Grant is charged with murdering his wife. Prior to her death, the victim spoke with and sent cards, letters and other material to numerous people, including Mr. Grant and his current wife, indicating that she was going to kill herself and, in one, that she hoped Mr. Grant and his new wife could attend her funeral as husband and wife. All parties are Mormon. Most of the cards and other materials created by the victim contain copious references to religious doctrine. The death was thought, for many years, to be a suicide.

Five years ago, this firm represented Douglas Grant for a brief period of time. In that time he provided us with some diaries, journals, cards, letters, etc. of the nature described above. I wrote a couple of letters to a Gilbert detective and a letter to the Maricopa County Attorney's office. My paralegal at the time, Lety Figueroa, prepared an inventory of what she turned over to the County Attorney. My guess is, and it is indeed hindsight, is that she inventoried what she could see from the outside and missed smaller materials, cards, letters, that were placed inside larger items.

Approximately five years ago, Mr. Grant dismissed this firm and hired Mel McDonald. Other than a couple of conversations with Mr. McDonald, and the preparing of one affidavit, I have not heard from, seen, or had anything to do with Mr. Grant, nor any knowledge of his case.

Mr. McDonald has given me certain information. The victim died of an overdose of Ambian, and the investigators have lost the bottle that had been present at the scene of the death. They have also lost a suicide letter authored by the victim, and, Mr. McDonald tells me that most recently, he discovered that a tape recorded interview of the current wife of the defendant, from which numerous statements were taken and repeated in police reports, has found to be blank. He also tells me that the investigators have lost other evidence as well.

The prosecutor, Juan Martinez, clings to the thought that I have somehow withheld, or otherwise disposed of the original of a letter where the victim asks that the defendant and his current wife be present with the victim's children at the victim's funeral. I believe Mr. McDonald has a copy of the letter and I also believe that the original was in the materials delivered to the Maricopa County Attorney's Office by my secretary Lety Figueroa. In the course of this case, and request of Mr. McDonald, I have prepared two affidavits. More recently I received a subpoena from Juan Martinez. No courtesy call beforehand and no call to let me know that I would not be required date specified in the subpoena. I showed up in Court and was excused by the Judge. Neither Mr. Martinez nor anyone else has ever asked for an interview, nor have they approached the Court and asked for an order for a deposition. (Mr. Martinez could have obtained an order for deposition only by first showing I failed to cooperate in providing an interview. This he could have not shown, because I was never asked for an interview and so there was nothing to cooperate with.)

The subpoena in question was for my testimony at a hearing involving the lost evidence. At least, that's the way I understood it. The first day I appeared, I was excused. I returned on January 25, 2008 and testified for a couple of hours. Prior to my testimony, Mr. Martinez invoked the rule of exclusion of witnesses. This is a case that I had a little something to do with five years ago. The case had not been filed and in fact wasn't filed for years after Mr. Grant dismissed this firm. I have little, if any, recollection of it and less recollection of the documents we provided to the Maricopa County Attorney's Office. Those documents were assembled, inventoried, and delivered by, Ms. Figueroa.

During my testimony, Mr. Martinez appeared very disturbed that I did not have a clear and definite recollection of events five years ago. Because of the nature of the case, I suppose, I was most cautious and gave testimony when I did recall and told the Court when I didn't. The examination by Mr. Martinez was accusatory and in fact, thereafter, in

the presence of a courtroom filled with defendant, victim relatives and friends, and national TV cameras, Mr. Martinez made accusations and statements that I had committed perjury, and also said, that your office had considered obtaining a search warrant for the Law Offices of Debus, Kazan and Westerhausen.

Last week I received a call from Ms. Figueroa. You should note that during my testimony I indicated that Ms. Figueroa was no longer with the firm, that she had been dismissed, because she embezzled approximately \$100,000.00 from my account. The issue came up when I was asked about the confidence I had in my paralegal's preparation of the inventory. I explained that I had no confidence in her in light of the fact that she had embezzled from me and the firm.

Ms. Figueroa told me that a detective had contacted her and told her that I had committed perjury. He said that I had "thrown her under the bus" and accused her of being a thief. He told her that he wanted to meet with her and let her know the accusations I had made against her, and wanted to know, from her, "all the details about Larry Debus." He told her the prosecutor was emailing her, Lety Figueroa, a transcript of my courtroom testimony. The detective's statements to her were clearly made after direction from Mr. Martinez.

Mr. Martinez had a subpoena served on me, actually to my recollection it wasn't even served personally, and without the courtesy of a telephone call. He called me as a state's witness in a murder case without ever having interviewed me or made any attempt to find out what my testimony would be. I would have cooperated with him as I would with any member of law enforcement in a serious case. I have practiced law in this community for nearly 40 years. I can think of no other prosecutor that I have ever had this kind of an issue with, nor can I think of a prosecutor in your office or anywhere else at the present time that I could possibly have this type of issue with.

I don't know what Mr. Martinez's problem is with me or my firm. I do know that, in our opinion, his conduct was unprofessional. I want you to know that I never refused to cooperate in this case, I simply was never asked. If in this case, or any other, the Maricopa County Attorney's Office wants to obtain our records or information from any of us, they need but ask. Assuming there are no privilege issues, we would comply with any reasonable request. Any court challenge we might have would be conducted openly and professionally.

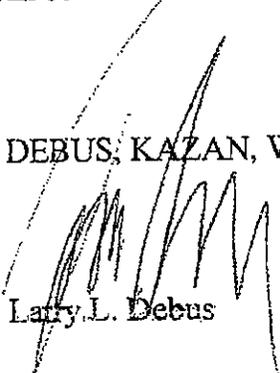
I write because I want you and Mr. Thomas to know that neither myself nor any member of my firm would do anything to obstruct a prosecution by your office. Nor have I, nor any member of our firm jumped on the recent bandwagon of accusations against Mr. Thomas or your office. And, I want you and Mr. Thomas to know that Mr. Martinez's allegations are preposterous. You're welcome to review the record and you're

welcome to speak with the Court. The judge indicated on the record her thoughts about my testimony.

Feel free to call if I can be of further assistance.

Sincerely,

DEBUS; KAZAN, WESTERHAUSEN, LTD.



Larry L. Debus

LLD:sg



Maricopa County Attorney

ANDREW P. THOMAS

301 W. Jefferson, Suite 800
Phoenix, AZ 85003
www.maricopacountyattorney.org

TEL (602) 506-8411
TDD (602) 506-4552
FAX (602) 506-8162

March 20, 2008

Larry L. Debus, Esq.
Debus, Kazan & Westerhausen Ltd.
335 East Palm Lane
Phoenix, AZ 85004

RE: Douglas Grant, CR 2005-032986

Dear Mr. Debus:

Thank you for your letter dated February 19, 2008 regarding a recent hearing in the prosecution of Douglas Grant. I have looked into the issues you raised and concluded that Deputy County Attorney Juan Martínez acted appropriately in his advocacy for the State of Arizona.

Sincerely,

A handwritten signature in cursive script that reads "Philip J. MacDonnell".

Philip J. MacDonnell
Chief Deputy County Attorney

pjm:jd

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block. Higher Review is not applicable to Transfer Evaluations.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.	<input checked="" type="checkbox"/> Critical	D
OCCUPATIONAL SKILLS	Importance	Rating
Legal Representation: Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies and members of the community.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D
Automation Skills: Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input checked="" type="checkbox"/> N/A	
Optional:	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	
Supervisor's Comments: <p>Juan is managing a challenging a caseload of capitla cases. Immediately following the conviction in State v Grant, Juan began capital litigation in State v Garrado, the gruesome murder of a young man surprised by an afternoon burglar.</p> <p>Juan's total commitment to his cases is without peer. The long hours spent in preparation for the Grant trial included numerous meetings with law enforcement, protracted motion practice, out of state interviews, and repeated attempts by the defense to challenge the credibilty and ethics of both our law enforcement partners and our own decision to prosecute this worthy case. The case was literally a nightmare. The original police investigation was compromised by their belief that the death of Faylene Grant was either an accident or the result of a self administered overdose resulting in her drowning in the bathtub. Her death occurred in 2001, the case was originally reviewed by our office in 2003, an indictment returned in 2005, and finally only assigned to Juan following a series of starts and stops by other attorneys in the office. Juan tackled this case with his usual no nonsense approach to prosecution. The trial was exhausting, confrontational, filled with intrigue, unfaithful partners, played out in front of a national audience. The conviction of manslaughter in the case was a true victory, although clearly not providing the closure to victims or allowing for proper punishment for the smarmy defendant.</p> <p>Juan is need of a long and well deserved vacation. He has earned it.</p>		

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

IDENTIFYING INFORMATION:

Name: JUAN MARTINEZ

Employee ID: [REDACTED]

Agency: MCAO

Division/Bureau: MJC-1 - HOMICIDE BUREAU

Job Title: ATTORNEY

Period Covered by this Review (month/year): 05/01/2007 to 04/30/2008

Initial Probationary Semi-Annual Annual Transfer Special:

Performance Results Rating Scale (Overall):

- D - **Distinguished Performance** – Results achieved far exceeded performance expectations.
- C - **Consistently Exceeds Performance Expectations** – Consistently exceeded performance expectations.
- G – **Good Solid Performance** – Fully met expectations in all prioritized areas of performance plan.
- P – **Partially Meets Performance Expectations** – Did not fully meet all expectations. Needs to improve by next rating period.
- N – **Does Not Meet Expectations** – Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating (Overall):

D

ANNUAL REVIEW COMMENTS AND JUSTIFICATION:

Supervisor's Comments (Attach additional pages, as needed):

This is Juan's annual review. Juan has once again earned a distinguished evaluation for his trial work in *State v Dixon*, two trials in *State v Vazquez-Fuentes*, and *State v Wade*.

Supervisor's Signature: Bob Smith

Date: 5/21/08

Division Chief's Signature: [Signature]

Date: 5/21/08

Employee's Comments: (Attach additional pages, as needed):

I agree with the above rating. I disagree with the above rating. I request a higher review.

Employee's Signature: Juan Martinez

Date: 5/21/08

HIGHER REVIEW (To be used only if employee requests a higher review):

The Evaluation stands, no changes were made. The Evaluation has been revised.
Comments:

Signature of Reviewer: _____

Date: _____

April 2007

MARIPOSA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

Employee Performance Results: ATTORNEY

Performance Factors: General

Rank each performance factor demonstrated during the rating period using the following scale: N) Does not meet expectations, P) Partially meets performance expectations, G) Good solid performance, C) Consistently exceeds performance expectations, or D) Distinguished performance. If a block does not pertain to an employee, check "N/A" or type it in the rating block. Higher Review is not applicable to Transfer Evaluations.

PROFESSIONALISM	Importance	Rating
Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.	<input checked="" type="checkbox"/> Critical	D
OCCUPATIONAL SKILLS	Importance	Rating
Legal Representation: Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies and members of the community.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D
Automation Skills: Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Case Settlement: Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Knowledge of Laws, Court Rules & Continuing Legal Education: Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D
Legal Analysis, Research, and Writing: Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	C
Trial Practice: Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.	<input type="checkbox"/> Critical <input checked="" type="checkbox"/> Important	D

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

<p>Supervision: Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.</p>	<input type="checkbox"/> Critical <input type="checkbox"/> Important <input checked="" type="checkbox"/> N/A	
<p>Optional:</p>	<input checked="" type="checkbox"/> Critical <input type="checkbox"/> Important	

Supervisor's Comments:

TRIALS

State v. Michael Peter Gallardo, CR 2006-175408-001. Defendant broke into the home of Rodolfo and Sandra Padilla in the middle of the day. Their son Rudy was home. Defendant overpowered the victim and tied his hands and feet. Defendant then put a pillowcase over the victim's head and tied a rope around his neck. As the victim knelt, defendant shot him in the back of the head killing him. Defendant was sentenced to death.

State v. Connie Francis Sermeno, CR 2006-137150-004. Defendant and four others agreed to rob a Maricopa County worker by luring him to this defendant's trailer. Once inside, three of her companions/men pummeled the victim, tied him up and dumped him in the desert where he died. The jury did not reach a verdict as to the first degree murder and kidnapping counts. They did convict the defendant of aggravated robbery, a class 3 non dangerous felony.

State v. Brian Dean Christ, CR 2009-118151-003. Defendant and a companion, co-defendant Brian Edward King, visited the victim at his home for the ostensible purpose of bringing a "dancer" to perform. At some point during the performance, either this defendant or his companion tied the victim's hands behind his back. The victim was then killed by one of these two individuals. Before they left, one of them set the victim on fire, charring the body, making it impossible for the medical examiner to determine the cause of death. Defendant was convicted of first degree murder, burglary in the second degree and kidnapping. He was sentenced to prison for a natural life term.

State v. Connie Francis Sermeno, CR 2006-137150-004. Upon retrial of the two unresolved charges, supra, defendant was convicted of first degree murder and kidnapping. She was sentenced to prison for a life with the possibility of parole following 25 years.

State v. Brian Edward King, CR 2009-118151-001. Defendant and a companion, co-defendant Brian Dean Christ, visited the victim at his home for the ostensible purpose of bringing a "dancer" to perform. At some point during the performance, either this defendant or his companion tied the victim's hands behind his back. The victim was then killed by one of these two individuals. Before they left, one of them set the victim on fire, charring the body, making it impossible for the medical examiner to determine the cause of death. Defendant was convicted of first degree murder, burglary in the second degree, kidnapping and misconduct involving weapons. He is awaiting sentencing.

MARICOPA COUNTY ATTORNEY'S OFFICE PERFORMANCE EVALUATION FORM

IDENTIFYING INFORMATION:

Name: JUAN MARTINEZ

Employee ID: [REDACTED]

Agency: MCAO

Division/Bureau: MAJOR CRIMES DIVISION 1 - HOMICIDE

Job Title: ATTORNEY

Period Covered by this Review (month/year): 05/01/2008 to 04/30/2009

Initial Probationary
 Semi-Annual
 Annual
 Transfer
 Special

<p>Performance Results Rating Scale (Overall):</p> <p>D – Distinguished Performance – Results achieved far exceeded performance expectations.</p> <p>C – Consistently Exceeds Performance Expectations – Consistently exceeded performance expectations.</p> <p>G – Good Solid Performance – Fully met expectations in all prioritized areas of performance plan.</p> <p>P – Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period.</p> <p>N – Does Not Meet Expectations – Unsatisfactory performance. Must improve by next rating period.</p>	<p>Performance Results Rating (Overall):</p> <p style="text-align: center; font-size: 24pt;">D</p> <hr style="width: 20%; margin: auto;"/>
<p>ANNUAL REVIEW COMMENTS AND JUSTIFICATION: Supervisor's Comments (Attach additional pages, as needed)</p> <p>Juan is once again deserving of an exceptional evaluation for his continuing commitment to litigation of high profile murder cases to a successful conclusion. Juan demonstrated this commitment in State v Grant, both in his exhaustive pretrial preparation and trial work beginning November 2 and ending in a manslaughter conviction on March 31, 2009.</p>	
<p>Supervisor's Signature: <u>Bob Swick</u> Date: <u>5/19/09</u></p>	
<p>Division Chief's Signature: <u>[Signature]</u> Date: <u>5/19/09</u></p>	
<p>Employee's Comments: (Attach additional pages, as needed):</p>	
<p> <input checked="" type="checkbox"/> I agree with the above rating. <input type="checkbox"/> I disagree with the above rating. <input type="checkbox"/> I request a higher review </p>	
<p>Employee's Signature: <u>[Signature]</u> Date: <u>5/19/09</u></p>	

**MARICOPA COUNTY ATTORNEY'S OFFICE
PERFORMANCE EVALUATION FORM**

HIGHER REVIEW (To be used only if employee requests a higher review):

The Evaluation stands, no changes were made.

The Evaluation has been revised.

Comments:

Signature of Reviewer: _____ Date: _____

MARICOPA COUNTY ATTORNEY'S OFFICE
EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]
Evaluator: Shutts, Robert James	Office: Capital Litigation	Position: Attorney Supervisor
	Department: Major Crimes I Division	Client Matter:
Eval Type: Annual	Eval Date:	Score: Distinguished Performance

Maricopa County Attorney's Office Performance Evaluation Form

Performance Results Rating Scale (Overall): D - Distinguished Performance - Results achieved far exceeded performance expectations. C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations. G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan. P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period. N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating

Overall Rating

Distinguished Performance

Annual Review Comments and Justification:

Supervisor's Comments (Attach additional pages, as needed)

This is Juan's annual review. Juan has recently completed the Jody Arias Capital Trial resulting in a conviction for First Degree Murder and a Hung Jury during the penalty phase. The case will soon be set for retrial on the issue of life or death for Ms Arias. Juan has once again earned a distinguished evaluation for his trial successes, tireless pretrial preparation, workups on pending high profile cases, and participation on the Capital Review Committee.

Professionalism

Professionalism (CRITICAL)

Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.

Distinguished Performance

Occupational Skills

Legal Representation:

Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and members of the community.

Distinguished Performance

Importance

Important

Automation Skills

Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word-processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.

Consistently Exceeds Expectations

Importance

Important

Case Settlement:

Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.

Consistently Exceeds Expectations

Importance

Important

Knowledge of Laws, Court Rules & Continuing Legal Education:

Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.

Distinguished Performance

2018-0208-01

MCAO PRR DCA Martinez, J Personnel File

000415

MARICOPA COUNTY ATTORNEY'S OFFICE
EVALUATION REPORT

Evaluatee: Martinez, Juan M

Office: Capital Litigation
Department: Major Crimes I Division

Position: Attorney
Class Year: [REDACTED]

Importance

Important

Legal Analysis, Research, and Writing:

Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.

Consistently Exceeds Expectations

Importance

Important

Trial Practice:

Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.

Distinguished Performance

Importance

Important

Supervision:

Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.

N/A

Importance

N/A

Additional Comments

Supervisor's Comments:

Trial Work

State v Lynch This was a retrial of Capital Case reversed as a result of faulty jury instructions during the penalty phase. Lynch and his co defendant tied up the victim and murdered him for monies and use of his credit card. In this most recent retrial lasting several weeks Juan was once more successful in convincing the juror that this cruel murder was deserving of a Capital Sentence.

State v Arias Here is what I said last year about the then pending Capital Trial. "A woman travels cross country to seduce and confront an ex lover, resulting in his cruel and premeditated death" Who would have predicted the onslaught of media attention and public scrutiny of this case. The trial lasted from jury selection in December to Verdict in May of 2013. Juan managed this extraordinary litigation with confidence, dedication, and his typical take no prisoners attitude and courtroom presentation. Through it all he remained committed to seeking justice for family members of victim Travis Alexander while continuing to keep on top of pending Capital litigation in his other cases. Juan is committed to convincing another jury that Arias should receive the ultimate punishment for the exceptionally cruel murder of Mr Alexander.

Capital Case Preparation

State v Redondo and State v Hulsey

These defendants in separate and unrelated incidents murdered on duty police officers. The pending cases have been continued over and over as a result of defense attorney withdrawals and misconduct involving the defendant's. Both cases are scheduled to be tried during this calendar year. There is no finer and more important endeavor for those of us in Capital Litigation than to seek justice for our law enforcement partners murdered in the line of duty.

State v Chrisman

In this high profile case Chrisman, a Phoenix Police officer with a huge chip on his shoulder, shot and killed a young man resisting arrest in his mother's mobile home. Juan continues to prepare for this high profile litigation

My comments from last year hold true. Juan continues to be one of the Bureau's most intense and successful litigators. His pretrial work is exhaustive and reflected in his courtroom presentations. He is clearly not a favorite among those in the defense bar, but his conduct is ethical and professional. His service is to victims, our law enforcement partners, and justice dispensed through MCAO. He is a valued member of the Bureau and provides quality service to the citizens of Maricopa County.

Signatures

2018-0208-01

MCAO PRR DCA Martinez, J Personnel File

000416

EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]

Supervisor's Signature _____ Date _____
 Bureau Chief's Signature [Signature] Date 6/13/2013
 Division Chief's Signature [Signature] Date 6/19/2013

Employee Comments (Please circle from options below & attach comments on a separate page)

I agree with the above rating
 I disagree with the above rating
 I request a higher review

Employee Signature
 Employee's Signature [Signature] Date 6/18/2013

Higher Review (To be used only if employee requests a higher review):

The evaluation stands, no changes were made
 The evaluation has been revised

Higher Review Signature

Signature of Reviewer _____ Date _____

EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]
Evaluator: Shutts, Robert James	Office: Capital Litigation	Position: Attorney Supervisor
	Department: Major Crimes I Division	Client Matter:
Eval Type: Annual	Eval Date:	Score: Distinguished Performance

Maricopa County Attorney's Office Performance Evaluation Form

Performance Results Rating Scale (Overall): D - Distinguished Performance - Results achieved far exceeded performance expectations. C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations. G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan. P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period. N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating

Overall Rating

Distinguished Performance

Annual Review Comments and Justification:

Supervisor's Comments (Attach additional pages, as needed)

This is Juan's annual review. Juan has recently completed the Jody Arias Capital Trial resulting in a conviction for First Degree Murder and a Hung Jury during the penalty phase. The case will soon be set for retrial on the issue of life or death for Ms Arias. Juan has once again earned a distinguished evaluation for his trial successes, tireless pretrial preparation, workups on pending high profile cases, and participation on the Capital Review Committee.

Professionalism

Professionalism (CRITICAL)

Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to all MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.

Distinguished Performance

Occupational Skills

Legal Representation:

Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and members of the community.

Distinguished Performance

Importance

Important

Automation Skills

Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word-processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.

Consistently Exceeds Expectations

Importance

Important

Case Settlement:

Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.

Consistently Exceeds Expectations

Importance

Important

Knowledge of Laws, Court Rules & Continuing Legal Education:

Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.

Distinguished Performance
2018-0208-01

MCAO PRR DCA Martinez, J Personnel File

000428

EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
Department: Major Crimes I Division		Class Year: [REDACTED]

Importance

Important

Legal Analysis, Research, and Writing:

Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.

Consistently Exceeds Expectations

Importance

Important

Trial Practice:

Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.

Distinguished Performance

Importance

Important

Supervision:

Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.

N/A

Importance

N/A

Additional Comments

Supervisor's Comments:

Trial Work
State v Lynch This was a retrial of Capital Case reversed as a result of faulty jury instructions during the penalty phase. Lynch and his co defendant tied up the victim and murdered him for monies and use of his credit card. In this most recent retrial lasting several weeks Juan was once more successful in convincing the juror that this cruel murder was deserving of a Capital Sentence.

State v Arias Here is what I said last year about the then pending Capital Trial. "A woman travels cross country to seduce and confront an ex lover, resulting in his cruel and premeditated death" Who would have predicted the onslaught of media attention and public scrutiny of this case. The trial lasted from jury selection in December to Verdict in May of 2013. Juan managed this extraordinary litigation with confidence, dedication, and his typical take no prisoners attitude and courtroom presentation. Through it all he remained committed to seeking justice for family members of victim Travis Alexander while continuing to keep on top of pending Capital litigation in his other cases. Juan is committed to convincing another jury that Arias should receive the ultimate punishment for the exceptionally cruel murder of Mr Alexander.

Capital Case Preparation
State v Redondo and State v Hulsey
 These defendants in separate and unrelated incidents murdered on duty police officers. The pending cases have been continued over and over as a result of defense attorney withdrawals and misconduct involving the defendant's. Both cases are scheduled to be tried during this calendar year. There is no finer and more important endeavor for those of us in Capital Litigation than to seek justice for our law enforcement partners murdered in the line of duty.

State v Chrisman
 In this high profile case Chrisman, a Phoenix Police officer with a huge chip on his shoulder, shot and killed a young man resisting arrest in his mother's mobile home. Juan continues to prepare for this high profile litigation

My comments from last year hold true. Juan continues to be one of the Bureau's most intense and successful litigators. His pretrial work is exhaustive and reflected in his courtroom presentations. He is clearly not a favorite among those in the defense bar, but his conduct is ethical and professional. His service is to victims, our law enforcement partners, and justice dispensed through MCAO. He is a valued member of the Bureau and provides quality service to the citizens of Maricopa County.

Signatures

2018-0208-01

MCAO PRR DCA Martinez, J Personnel File

000429

EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]

Supervisor's Signature _____ Date _____

Bureau Chief's Signature [Signature] Date 6/13/2013

Division Chief's Signature [Signature] Date 6/19/2013

Employee Comments (Please circle from options below & attach comments on a separate page)

I agree with the above rating I disagree with the above rating I request a higher review

Employee Signature

Employee's Signature [Signature] Date 6/18/2013

Higher Review (To be used only if employee requests a higher review):

The evaluation stands, no changes were made The evaluation has been revised

Higher Review Signature

Signature of Reviewer _____ Date _____



MARICOPA COUNTY ATTORNEY'S OFFICE
EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation Department: Major Crimes I Division	Position: Attorney Class Year: [REDACTED]
Evaluator: Shutts, Robert James	Office: Capital Litigation Department: Major Crimes I Division	Position: Attorney Supervisor Client Matter:
Eval Type: Annual	Eval Date:	Score: Distinguished Performance

Maricopa County Attorney's Office Performance Evaluation Form

Performance Results Rating Scale (Overall): D - Distinguished Performance - Results achieved far exceeded performance expectations. C - Consistently Exceeds Performance Expectations - Consistently exceeded performance expectations. G - Good Solid Performance - Fully met expectations in all prioritized areas of performance plan. P - Partially Meets Performance Expectations - Did not fully meet all expectations. Needs to improve by next rating period. N - Does Not Meet Expectations - Unsatisfactory performance. Must improve by next rating period.

Performance Results Rating

Overall Rating
 Distinguished Performance

Annual Review Comments and Justification:

Supervisor's Comments (Attach additional pages, as needed)

This is Juan's annual review. Juan has recently completed the Jody Arias Capital Trial resulting in a conviction for First Degree Murder and a Hung Jury during the penalty phase. The case will soon be set for retrial on the issue of life or death for Ms Arias. Juan has once again earned a distinguished evaluation for his trial successes, tireless pretrial preparation, workups on pending high profile cases, and participation on the Capital Review Committee.

Professionalism

Professionalism (CRITICAL)

Supports office needs and goals; professional in appearance, dress, and demeanor; self-disciplined, punctual, attendance reliable; quality and quantity of work is reliable; flexible in completing assignments; understands, interprets, and acts upon written and verbal instructions; establishes appropriate working relationships with supervisors, coworkers, and customers; is courteous, respectful, tactful, and helpful to all; fosters positive attitude with coworkers, promotes teamwork; adheres to MCAO policies and procedures, and all other governing laws and directives; and acquires and maintains any required professional license, certification, membership, or other requirement and completes all mandatory continuing education.

Distinguished Performance

Occupational Skills

Legal Representation:

Provides sound legal services and advice; maintains professional relationships with victims, witnesses, law enforcement agencies, and members of the community.

Distinguished Performance

Importance

Important

Automation Skills

Obtains and maintains training for appropriate use of personal computers, data input, data retrieval, data interpretation, data transmission, Outlook functions, including e-mail and calendar functions, word-processing, Windows environment, CAIS, and all other software and any programs approved for MCAO use.

Consistently Exceeds Expectations

Importance

Important

Case Settlement:

Effectively and efficiently negotiates the just resolution of assigned cases; confers with victim(s) and/or victim's family prior to case resolution.

Consistently Exceeds Expectations

Importance

Important

Knowledge of Laws, Court Rules & Continuing Legal Education:

Knows, understands, and applies laws, court decisions, and rules of evidence and procedure.

MARICOPA COUNTY ATTORNEY'S OFFICE
EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]

Importance

Important

Legal Analysis, Research, and Writing:

Knows, understands, and applies legal analysis, research, and writing techniques and tools in order to draft clear, concise, and organized legal correspondence, memoranda, documents, and pleadings.

Consistently Exceeds Expectations

Importance

Important

Trial Practice:

Effective and efficient motion practice and trial preparation; develops a trial strategy; effectively presents a case before the trier of fact; organizes and manages caseload.

Distinguished Performance

Importance

Important

Supervision:

Manages performance, productivity, and establishment of priorities for the division and/or bureau; develops, pro-actively plans, and makes decisions for the needs of the division or bureau; develops/ implements office and division policies, procedures, goals, and objectives; delegates where appropriate, motivates, leads, trains, and provides direction and assistance to personnel; develops a performance plan for each employee; appropriately documents, evaluates, and disciplines personnel; promotes teamwork.

N/A

Importance

N/A

Additional Comments

Supervisor's Comments:

Trial Work

State v Lynch This was a retrial of Capital Case reversed as a result of faulty jury instructions during the penalty phase. Lynch and his co defendant tied up the victim and murdered him for monies and use of his credit card. In this most recent retrial lasting several weeks Juan was once more successful in convincing the juror that this cruel murder was deserving of a Capital Sentence.

State v Arias Here is what I said last year about the then pending Capital Trial. "A woman travels cross country to seduce and confront an ex lover, resulting in his cruel and premeditated death" Who would have predicted the onslaught of media attention and public scrutiny of this case. The trial lasted from jury selection in December to Verdict in May of 2013. Juan managed this extraordinary litigation with confidence, dedication, and his typical take no prisoners attitude and courtroom presentation. Through it all he remained committed to seeking justice for family members of victim Travis Alexander while continuing to keep on top of pending Capital litigation in his other cases. Juan is committed to convincing another jury that Arias should receive the ultimate punishment for the exceptionally cruel murder of Mr Alexander.

Capital Case Preparation

State v Redondo and State v Hulsey

These defendants in separate and unrelated incidents murdered on duty police officers. The pending cases have been continued over and over as a result of defense attorney withdrawals and misconduct involving the defendant's. Both cases are scheduled to be tried during this calendar year. There is no finer and more important endeavor for those of us in Capital Litigation than to seek justice for our law enforcement partners murdered in the line of duty.

State v Chrisman

In this high profile case Chrisman, a Phoenix Police officer with a huge chip on his shoulder, shot and killed a young man resisting arrest in his mother's mobile home. Juan continues to prepare for this high profile litigation

My comments from last year hold true. Juan continues to be one of the Bureau's most intense and successful litigators. His pretrial work is exhaustive and reflected in his courtroom presentations. He is clearly not a favorite among those in the defense bar, but his conduct is ethical and professional. His service is to victims, our law enforcement partners, and justice dispensed through MCAO. He is a valued member of the Bureau and provides quality service to the citizens of Maricopa County.

Signatures

2018-0208-01

MCAO PRR DCA Martinez, J Personnel File

000469

EVALUATION REPORT

Evaluatee: Martinez, Juan M	Office: Capital Litigation	Position: Attorney
	Department: Major Crimes I Division	Class Year: [REDACTED]

Supervisor's Signature _____ Date _____

Bureau Chief's Signature [Signature] Date 6/13/2013

Division Chief's Signature [Signature] Date 6/19/2013

Employee Comments (Please circle from options below & attach comments on a separate page)

I agree with the above rating I disagree with the above rating I request a higher review

Employee Signature

Employee's Signature [Signature] Date 6/18/2013

Higher Review (To be used only if employee requests a higher review):

The evaluation stands, no changes were made The evaluation has been revised

Higher Review Signature

Signature of Reviewer _____ Date _____



Maricopa County Attorney
BILL MONTGOMERY

301 WEST JEFFERSON STREET, SUITE 800
PHOENIX, ARIZONA 85003
WWW.MARICOPACOUNTYATTORNEY.ORG

PH. (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

July 15, 2013

Juan Martinez

MCI

Dear Juan,

I am pleased to inform you that you will be receiving a compensation adjustment that will first appear in your July 31, 2013 paycheck. Your new base pay includes your capital differential. Previously, this was simply added to your base pay but was not a permanent part of your compensation. You are also receiving an increase based on your assignment and performance over the past five years. The performance increase was calculated from your new base, with the capital differential incorporated. Your base compensation is going from \$112,736 to \$142,064, which is a total increase of 26.01%. I would like to thank you for your hard work and commitment to serving the citizens of Maricopa County.

Sincerely,

Bill Montgomery
County Attorney

Evaluatee	- Martinez, Juan M	Department	- Major Crimes I Division	Position	- Attorney
Office	- Capital Litigation				
Class Year	- [REDACTED]				
Evaluator	- Shutts, Robert James	Department	- Major Crimes I Division	Position	- Attorney Supervisor
Office	- Capital Litigation	Eval Type	- Annual	Client Matter	-
Eval Date	-				
Score	- Meets				

Maricopa County Attorney's Office Non-Supervisor Performance Evaluation Form

Performance Results Rating Scale:

"Meets" is the presumptive rating for all employees who have performed well and met expectations with respect to performance objectives established at the outset of the evaluation period, as well as assigned duties, skills, and abilities, during the evaluation period.

"Does Not Meet" is intended for employees who continue to have difficulty meeting performance objectives or assigned duties despite the issue being addressed with the employee or who have had a significant performance issue during the evaluation period.

"Exceeds" is reserved for the exceptional employees who consistently go beyond expectations in all performance categories and clearly stand apart from peers with comparable experience. To receive an overall exceeds, the employee should exceed in all performance categories, or exceed in most performance categories to such a degree that a meets in one area is outweighed by the employee's performance in all other areas.

For further guidance regarding the evaluation process, please refer to the Annual Performance Evaluation Memorandum from the County Attorney dated May 12, 2014.

Overall Evaluation Score

The employee's work enables the Maricopa County Attorney's Office to provide justice with integrity to victims and defendants, and competent legal advice and services to clients. The employee is professional, responsible, accountable, and available. The employee competently and consistently performs job related skills and tasks. The employee manages work efficiently in accordance with practices and policies, and seeks ways to improve efficiency. The employee manages resources responsibly, and reports fraud, waste, or abuse to a supervisor immediately.

Accordingly, the employee's overall performance is evaluated by the degree to which it meets objectives in the following categories: 1) Professionalism; 2) Job Related Skills; 3) Work Management; and 4) Resource Management.

Choose One.

Meets

Professionalism

The employee reflects MCAO's values and exemplifies the highest ethical standards in all aspects of his/her personal and professional conduct. In all communications, the employee is courteous and respectful in tone and demeanor, prompt in responses, and accurate in the information shared. The employee ensures work coverage when unavailable. The employee understands and follows Office policies and procedures. The employee understands the role of each staff person in the Bureau and the relationship between those roles, office policies, and business practices. The employee proactively identifies and addresses issues of concern and makes suggestions for improvement to the supervisor. The employee understands and supports the mission of the Office.

A rating of "Meets" does not require comments (unless the employee received a written reprimand or more serious discipline related to this category during the evaluation period).

Choose One.

Meets

Evaluatee - Martinez, Juan M	Department - Major Crimes I Division	Position - Attorney
Office - Capital Litigation		
Class Year - [REDACTED]		

Job Related Skills

The employee competently performs job related tasks and manages assigned work on a daily basis. The employee understands relevant policies, practices, and procedures and completes assigned work in compliance with them. The employee efficiently manages assigned work and promptly produces clear, concise and organized results. The employee attends relevant training to improve or maintain job related skills. By completing assigned duties and tasks, the employee promotes the rule of law, justice, public safety, and constitutional rights.

A rating of "Meets" does not require comments (unless the employee received a written reprimand or more serious discipline related to this category during the evaluation period).

Choose One.

Exceeds

COMMENT

Juan is deserving of an exceeds expectations in the performance category encompassing homicide litigation. The prosecution in State v Chrisman, CR2010-153913 was extraordinary, difficult, and contentious. The defendant, a Phoenix Police Officer assaulted and killed Daniel Rodriguez during an altercation when responding to a call for assistance from the victim's mother. Phoenix Officer Sergio Virgillo also responded to the call and was witness to the events that also included Chrisman shooting the victim's dog.

Following Police Shooting Review and Incident Review the case was assigned to Juan for prosecution. The case proved especially challenging from the outset, involving two separate investigations initiated by the Phoenix Police Department, ie professional standards bureau regarding the conduct of both Chrisman and Virgillo. The scene walk through with Officer Virgillo proved useful to the defense in attempts to discredit Virgillo, with his statements not available to the State until disclosed by the defense at trial.

PLEA sided with Chrisman and undertook an active role in attempting to discredit Virgillo. Information was released to the media exposing his wife's affair with a Mexican drug dealer. Questions were raised regarding Virgillo involvement with that particular crime figure. A bar complaint was filed against Juan by PLEA.

During the pendency of the prosecution the victim's mother filed a wrongful death civil action against Officer Virgillo citing his negligence in failing to protect her son from Chrisman. Officer Virgillo was attacked from all sides, and as the only eye witness to the killing was subjected to extensive cross examination as well as scrutiny from fellow officers. Juan's pretrial preparation of Virgillo and what to expect on the stand was essential to the trial's eventual success and the ability of Virgillo to do the right thing.

The prosecution of a police officer under any circumstances is a difficult assignment. Contrasting the conduct of one officer against another divides police agencies and leads to hard feelings from those in the trenches both in law enforcement and prosecution. Juan navigated this course with exceptional skill, never losing sight of the fact that a citizen lost his life because one sworn to protect he and others used poor judgement and excess force to resolve what began as a family dispute.

This prosecution came on the heels of the Arias prosecution, involved exceptionally long hours of preparation, and was made most difficult because of the parties involved and the unpopular but justifiable prosecution of one of our law enforcement partners.

Continuing his commitment to trial work Juan is currently prosecuting the case of State v Hulsey, the murder of an on duty police officer.

Work Management

The employee is knowledgeable about the Bureau, Division and Office work processing practices and policies, including all applicable deadlines. The employee understands that MCAO practices are influenced by or impact others, and understands the importance of efficiency and prompt, effective communication with others. The employee manages work professionally to ensure public safety.

A rating of "Meets" does not require comments (unless the employee received a written reprimand or more serious discipline related to this category during the evaluation period).

Choose One.

Meets

Evaluatee - Martinez, Juan M	Department - Major Crimes I Division	Position - Attorney
Office - Capital Litigation		
Class Year - [REDACTED]		

Resource Management

The employee is the most important resource in the Office, and as such, manages himself or herself responsibly. The employee also manages other resources, such as computer equipment and facilities, responsibly, and reports fraud, waste, or abuse promptly to his or her direct supervisor.

A rating of "Meets" does not require comments (unless the employee received a written reprimand or more serious discipline related to this category during the evaluation period).

Choose One.

Meets

DCA Evals Only: Top Three Assignment Preferences

1. SEF Juvenile
2. SEF Charaing
3. SEF pretrial

Supervisor Signatures

Primary Supervisor Signature Bob Smith Date 6/10/14

Additional Supervisor Signature _____ Date _____

Additional Supervisor Signature _____ Date _____

Employee Comments (Please circle from options below & attach comments on a separate page)

I agree with the above rating I disagree with the above rating I request a higher review

Employee Signature

Employee's Signature J. Martinez Date 6/16/14

*I am also requesting
a meeting of individual
conducting higher
review*

Higher Review (To be used only if employee requests a higher review):

The evaluation stands, no changes were made The evaluation has been revised

*I will submit additional
comments by separate
documentation*

Higher Review Signature

Signature of Reviewer [Signature] Date 7/11/2014

*After consideration of employee and supervisor
comments/discussion NO CHANGES WERE MADE, THE
EVALUATION STANDS.*

MEMORANDUM

To: Jeannette Gallagher
From: Juan Martinez
Re: Request for a higher review of evaluation
Date: June 17, 2014

I am submitting my request to you rather than Bob Shutts, since it appears he is out of the office. I disagree with the "Meets" evaluation.

I was chosen as the prosecutor of the year for the country by the National District Attorneys Association. The Home Run Hitter award was awarded to me for excellence in prosecution this past year.

The conviction in count 2 by a jury in *State v. Chrisman*, CR 2010-153913, appears to be the only conviction in the country for excessive use of force by an officer while on duty. I know of no other case where there was a successful State prosecution of a police officer while on duty. By comparison there were acquittals in the videotaped beating of Rodney King. More recently in Fullerton, California two police officers were videotaped beating Kelly Thomas to death. They were also acquitted by a jury. In the George Zimmerman case defendant was acting as a quasi-security guard when he killed Trayvon Martin. They jury failed to convict him of the murder.

It is my belief that my overall evaluation score should be changed to "Exceeds". I have consistently gone beyond expectations for prosecutors not only for Maricopa County, but have been recognized as the best prosecutor in the country.

MEMORANDUM

To: Anthony Novitsky
From: Juan Martinez
Re: Request for Higher Review of Evaluation
Date: June 30, 2014

I disagree with the "meets" overall evaluation score and request that it be revised to "exceeds". My work performance for the past year clearly stands apart from peers with comparable experience and should be reflected in the annual evaluation.

My conduct exemplifies the highest ethical standards and the rating for professionalism should be an "exceeds". I have consistently adhered to MCAO values at all times. I am privy to case information on all first degree murder prosecutions filed by our office and am also consulted whether a plea is to be considered in a number of those matters. I have always been discreet with case sensitive information acquired during discussion and review of documents in those cases. I interact on a consistent basis with external partners in a manner that inspires trust and confidence in the office. For example, I taught the court demeanor course to Maricopa County Sheriff's Office recruits. I also spoke at a Phoenix Rotary 100 club meeting and discussed the challenges faced by prosecutors on a daily basis. Finally, I assisted the Office of the Attorney General in Rule 32 proceedings in the case of *Arizona v. Wendi Andriano*, CR 2000-096032. I handle high profile cases and any media request is always referred to Jerry Cobb, the public information officer. I do not make any extra-judicial statements. I was recognized as the prosecutor of the year by the National District Attorney's Association. The Home Run Hitter Award was given to me for excellence in prosecution, including professionalism exhibited during trial.

My legal skills are already considered to be "exceeds" and there is no need to discuss them as part of this request for higher review.

My work management practices also warrant an "exceeds" score. There are no secrets in my practice and both my secretary and paralegal have access to my Outlook calendar ensuring that all deadlines are met. I personally appear for all court matters and usually meet with victims afterwards to ensure that all questions are answered. I

adhere to prosecution policies and consult with the Bureau Chief involving any rulings which may have office wide importance. This is especially significant in the cases I prosecute since they involve violent and dangerous offenders, all being charged with either first or second degree murder.

The employee is the most important resource in the office and my single chair approach to trial "adds" another prosecutor to the staff. Rather than sitting second chair with me at trial other prosecutors may focus on other tasks. This reallocation of resources warrants an "exceeds".



MEMORANDUM

TO: Juan Martinez
Deputy County Attorney, Capital Litigation Bureau

FROM: Anthony M. Novitsky
Major Crimes 1 Division Chief

cc: Human Resources

DATE: July 11, 2014

RE: 2013 – 2014 Performance Evaluation Higher Review

I have now completed review of your 2013 – 2014 Performance Evaluation as you requested. In conducting the review I have considered comments from your bureau chief, Bob Shutts, his written evaluation, your memorandum in support of higher review, and the discussions that we had on July 10, 2014. I have also reflected upon my personal knowledge of your performance standards.

You have without question had a tremendous trial year performance in the past year. The Jodi Arias case turned into a spectacle that surprised even those who say its publicity potential a mile away. Day in day out you stayed focused and kept the pressure and a very manipulative defendant in an effort to hold her accountable for her horrible and calculated acts of violence. In doing so, you had to manage and rise above the ever increasing media circus surrounding the case. Although there is work left to be done, Arias has been held accountable for what she did. Remarkably, with relatively little time to refresh after the Arias trial, you went into the extremely difficult trial of a police officer accused of murder while in the course of his employment. As you point out in your memorandum in support of higher review, such charges are rare. Convictions for such conduct are even more rare. There is no joy in prosecuting a police officer for criminal conduct, and prosecutors who take up the challenge make few friends and more than a few enemies in the law enforcement community. It takes courage and commitment to complete such a case. You most certainly have demonstrated that courage and commitment during the year. One of your most impressive qualities is the level of work that you consistently put into your pretrial preparation in a determined search for the truth. More than once, that determination has allowed you to prevail in difficult factual scenarios. This past year was no different. You were on top of your trial game as always. The only thing that has changed is the tool and method



by which we measure performance. In reviewing the ratings given to you in your evaluation I have made the following findings:

Professionalism:

We expect a very high standard of professional behavior from every employee at MCAO, especially of those prosecute death penalty cases. The heightened level of scrutiny in capital cases demands nothing less. Due to the profile of the cases that you handled during the past year, you essentially became the litigation face of the office, and you were subjected to constant and intense public scrutiny. It takes an attorney of your skill and experience to manage that type of environment without letting the train run off the rails. That is why cases of such importance are entrusted to skillful and battle tested advocates like you. The challenges are high, but so are the professional expectations. Litigation like you experienced in the past year can be a minefield, and you navigated it well. The rating of fully meets office expectations and a job very well done is appropriate.

Job Related Skills:

It need not be repeated that your legal skill are superb. There is no tougher advocate in the courtroom, and your preparation and evidence management is extraordinary. In addition to the comments by Bob Shutts made in your evaluation, the detail listed in your memorandum in support of higher review will be attached to the evaluation, and are incorporated by reference. Congratulations on a tremendous year. The rating of exceeds expectations is well deserved.

Work Management:

In spite of the demands of a very busy trial year, you have managed your caseload effectively during the past year. You have continued to demonstrate a clear understanding for prompt and effective communication with victims, witnesses, and law enforcement officers. You have also demonstrated a clear understanding of the need to keep your supervisors and the office apprised of significant and high profile events. You have consistently demonstrated support for the mission of the office, and a thorough understanding of its policies and practices in support of the mission. The rating of fully meets expectations and a job well done is appropriate.

Resource Management:

You managed your professional responsibilities very well. You have demonstrated proper respect for the stewardship of public resources. In all respects pertinent to your position, you have met expectations in the area of resource management.

Although under the current performance evaluation standards and process your overall evaluation score will remain "meets expectations", I want to assure you that the contributions that you have made to the office and the community during the past year are greatly appreciated and are never taken for granted, especially by me. On behalf of the division and the office, I thank you for your dedication and personal sacrifice to make sure that murderers are held accountable.



Maricopa County Attorney's Office
Major Crimes Division I

Subject

Page: 3 of 3

In accordance with Employee Policy 5.24, if your concerns remain unresolved you may request review by the Chief Deputy County Attorney. If you desire further review, please notify the Chief Deputy by submitting written comments and a copy of your evaluation within 10 working days of today's date.

MEMORANDUM

To: Mark Faull
From: Juan Martinez
Re: Request for Higher Review of Evaluation
Date: July 18, 2014

An employee achieves an "exceeds" standard by exceeding in most performance categories to such a degree that a "meets" in one area is outweighed by the employee's performance in all other areas. My work performance is deserving of an "exceeds" and I request that my evaluation be amended accordingly.

My professional conduct this past year has been exemplary. Without submission of any nominating documents by the Maricopa County Attorney's Office, I was awarded the Home Run Hitter Award by the National District Attorney's Association. I was recognized nationally above all other prosecutors in the country for my professionalism and skill in the courtroom. This award is symbolic of my professional conduct inside and outside the courtroom this past year and its significance cannot be discounted to a "meets".

I am incorporating for your consideration both my memorandum requesting a higher review of evaluation, dated June 30, 2014, and Anthony M. Novitsky's responsive memorandum, dated July 11, 2014. As instructed, I am also including a copy of my evaluation with this request.



Maricopa County Attorney
BILL MONTGOMERY

301 WEST JEFFERSON STREET, SUITE 800
PHOENIX, ARIZONA 85003
WWW.MARICOPACOUNTYATTORNEY.ORG

PH (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

July 21, 2014

Juan Martinez



MCI Cap

Dear Juan,

I am pleased to inform you that you will be receiving a compensation adjustment, effective July 7, 2014, that will first appear on your July 30, 2014 paycheck. As a result of your performance over the past five years, your annualized base salary will increase to \$146,374. I would like to thank you for your hard work and commitment to serving the citizens of Maricopa County.

Sincerely,

Bill Montgomery
County Attorney

cc: Personnel File

EXHIBIT 8

FILED

SEP 20 2018

BY



BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA,**

**JUAN M. MARTINEZ,
Bar No. 009510**

Respondent.

PO 2018-074

PROTECTIVE ORDER

State Bar File: 18-0693 and 17-0624

The Maricopa County Attorney's Office (MCAO) having filed a Request for Protective Order (Request) and there being no objection by the parties,

Accordingly:

IT IS ORDERED granting the Request.

IT IS FURTHER ORDERED sealing the September 2018 production of approximately 847 unredacted documents by the MCAO related to an internal investigation of Respondent, Juan Martinez, and the Request from Complainant (File No. 17-0624) and the public pursuant to Rule 70(g), Ariz. R. Sup. Ct.

Pre-complaint orders sealing material do not seal such material post-complaint if the material is sought to be used or referred to in subsequent pleadings or in any hearing. In such circumstance, the parties are reminded a formal request for protective order with specificity must be filed with the material sought to be sealed and submitted for in-camera review.

Sealed material shall be opened and viewed only by an order of the committee, the presiding disciplinary judge, a hearing panel, the board or the court for use by such body and the parties in pending proceedings, and otherwise only upon notice to and an opportunity to be heard by the parties and the witness or other person who is the subject of the information. A party aggrieved by an order relating to a request for a protective order may seek review by filing a petition for special action with the court.

DATED this 20th day of September, 2018.

William J. O'Neil
William J. O'Neil, Presiding Disciplinary Judge

Original filed this 20th day of
September, 2018 with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

Copies of the foregoing were mailed/emailed
this 21st day of September, 2018, to:

Donald Wilson Jr.
Broening Oberg Woods & Wilson, PC
P.O. Box 20527
1122 E. Jefferson
Phoenix, AZ 85036-0527
Email: dwj@bowwlaw.com
Respondent's Counsel

Copies of the foregoing were hand-delivered
this 21st day of September, 2018, to:

Craig D. Henley
Senior Bar Counsel
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
Email: LRO@staff.azbar.org

by:

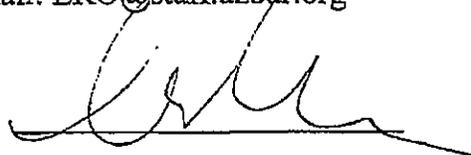
A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

EXHIBIT 9

1 MCAO documents contain transcripts of those interviews as well as Garrity Warning forms
2 signed by witnesses. Respondent requests that the witnesses who will be deposed be allowed
3 to review his or her own transcript of the MCAO interview as well as the corresponding
4 Garrity Warning signed by the witness. No witness should review any other witness's
5 interview transcript or Garrity warning. This request would also extend to lawyers from the
6 MCAO civil division who may be in attendance at the depositions, or representing deponents.

7 It is further requested that the transcripts and Garrity Warning forms be permitted to
8 be used as exhibits during the upcoming trial of this matter.

9 Bar counsel has indicated they have no objection to this motion.

10 Respondent requests that the PDJ grant this motion and issue either a modification to
11 PO 2018-074, or issue a separate order, permitting a witness's review of her or her own
12 transcript and signed Garrity Warning form, and that these documents can be used as exhibits
13 during the August trial.

14 RESPECTFULLY SUBMITTED this 3 day of July, 2019.

15 BROENING, OBERG, WOODS & WILSON, P.C.

16
17 By _____

DONALD WILSON, JR.

WESLEY S. LOY

Attorneys for Respondent Juan M. Martinez

18
19 Original filed this 3 day of July, 2019, and
20 Copy served electronically and mailed to:

21 Craig D. Henley, Esq.
22 Stacy L. Shuman, Esq.
23 State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

24 By Karen Allen

EXHIBIT 10

be filing a motion, Bar Counsel was not provided an opportunity to review the Motion before it was filed. The Motion does not address concerns previously raised by Bar Counsel and for that reason, Bar Counsel is filing this Response.

2. By order filed September 20, 2018, the Court issued a protective order sealing the September 2018 production of approximately 847 unredacted documents produced by the MCAO and relating to an internal investigation of Respondent (the Protective Order). Those materials include written transcripts of interviews conducted by MCAO of certain of its then employees (the Transcripts), which are part of the MCAO "Division Inquiry 2017-027" (the Report) relating to Respondent and the finding of misconduct by that Office.
3. Respondent has scheduled depositions of witnesses expected to be called by the State Bar to testify at the hearing presently set in the above-referenced matter for August 27-29, 2019.
4. The MCAO has taken the position that it is bound by the Protective Order and will not provide the witnesses with the Transcripts, to which they would otherwise be entitled pursuant to a Public Records Request. This despite undersigned Bar Counsel explaining to the MCAO representative, Ann Uglietta, that the MCAO is not a party to the action and therefore not bound

by the Protective Order. It is the State Bar's understanding that the MCAO has decided to treat the Report as undisclosable solely based on the Protective Order.

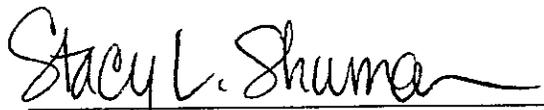
5. Respondent's Motion requests that the witnesses be allowed to review their Transcripts and the corresponding Garrity Warnings. Bar Counsel has raised a concern with Respondent's counsel that the witnesses should be permitted to review and retain the Transcripts. Bar Counsel does not know how Respondent's counsel intends to use the Transcripts at the depositions.
6. While Respondent's Motion requests that the Transcripts and Garrity Warnings be permitted to be used as exhibits during the hearing in this matter, under the plain language of the Protective Order, the Report can be used at the hearing.
7. Given that the State Bar has disclosed the Report and intends to use it at the hearing and it appears that it would normally be treated as a public record, the State Bar requests that the Protective Order be lifted in its entirety and that the individual employees' names be redacted, and their initials be used instead of their full names.

8. Respondent's Motion references lawyers from the MCAO civil division who have requested to attend the depositions or who might be representing certain of the deponents. However, the State Bar has been informed by Ms. Uglietta that the MCAO does not represent the MCAO employees in this matter. As such, the State Bar objects to their presence at the depositions.

WHEREFORE, the State Bar respectfully requests that the Court lift the Protective Order subject to the redaction of the employees' names, to be replaced by their initials, and that the MCAO representatives not be permitted to attend the depositions unless they confirm that they are representing the witnesses.

RESPECTFULLY SUBMITTED this 8th day of July, 2019.

STATE BAR OF ARIZONA



Stacy L Shuman
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 27 day of July, 2019.

Copy of the foregoing emailed
this 27 day of July, 2019, to:

The Honorable William J. O'Neil
Presiding Disciplinary Judge
Supreme Court of Arizona
1501 West Washington Street, Suite 102
Phoenix, Arizona 85007
E-mail: officepdj@courts.az.gov

Copy of the foregoing mailed/emailed
this 27 day of July, 2019, to:

Donald Wilson Jr
Broening Oberg Woods & Wilson PC
2800 North Central Ave, Suite 1600
Phoenix, AZ 85004
Email: dwj@bowwlaw.com
Respondent's Counsel

Copy of the foregoing hand-delivered
this 27 day of July, 2019, to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 100
Phoenix, Arizona 85016-6266

by: 
SLS/mg(1p)

EXHIBIT 11

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ESTABLISHMENT OF)	Administrative Order
INDEPENDENT BAR COUNSEL)	No. 2018 - <u>20</u>
AND INDEPENDENT BAR)	(Replacing Administrative
COUNSEL ATTORNEY PANEL)	Order Nos. 2014-11 and 2016-44)
)	

The Arizona Supreme Court (“Court”) has jurisdiction over any person engaged in the practice of law within the State of Arizona, Ariz. R. Sup. Ct. 31, and all lawyers are subject to the disciplinary jurisdiction of this Court, id. R. 46. This Court has previously delegated the duty to investigate and, when necessary, prosecute lawyer discipline matters to the State Bar of Arizona and its Lawyer Regulation Office.

The Court also has determined that the establishment of the position and Office of Independent Bar Counsel (IBC) and the appointment of the IBC Attorney Panel (IBCAP) is needed to handle matters in which the State Bar Lawyer Regulation Office has a conflict of interest because of the involvement (as applicants, complainants, respondents, material witnesses, or otherwise) of lawyers or others connected to the lawyer discipline system or the State Bar Board of Governors.

Therefore, pursuant to Article III and Article VI, Section 1 and 3 of the Arizona Constitution,

IT IS ORDERED that the position of Independent Bar Counsel is established and funded as follows:

1. INDEPENDENT BAR COUNSEL. The position of Independent Bar Counsel (“IBC”) is established.
2. PURPOSE AND AUTHORITY. IBC shall process, investigate, and prosecute all Qualifying Matters, as defined in subsection 4, involving lawyer discipline, disability, admission, reinstatement, and unauthorized practice of law cases. As to each Qualifying Matter, IBC shall perform the functions and have the authority of Chief Bar Counsel and Bar Counsel as generally described in Rule 49 of the Rules of the Supreme Court of Arizona. For purposes of an appeal pursuant to Rule 53(b)(2)(A), Ariz. R. Sup. Ct., the executive director of the Arizona Commission on Judicial Conduct (“Commission”) shall review IBC’s decision to dismiss a charge. For purposes of an objection pursuant to Rule 53(b)(2)(B), Ariz. R. Sup. Ct., upon objection by complainant, the Arizona Discipline Probable Cause Committee shall review IBC’s decision pursuant to Rule 55(b)(2)(A)(ii) Ariz. R. Sup. Ct. IBC shall also have the

authority of a member or special investigator of the Supreme Court Character and Fitness Committee as generally described in Rule 36 of the Rules of the Supreme Court of Arizona and shall assist the Commission and handle other categories of cases as may in the future be assigned by the Supreme Court. In assisting the Commission, IBC shall perform the functions and have the authority of disciplinary counsel to the Commission under its rules and policies.

3. LOCATION OF OFFICE; SUPERVISION OF POSITION; FUNDING. IBC shall be located in the office of the Commission and shall work under the supervision and direction of its executive director. The position shall be subject to the personnel policies and procedures applicable to Commission employees. The director of the Administrative Office of the Courts shall submit a budget for the cost of IBC to the State Bar for payment. In the case of expenses that cannot be readily anticipated such as, by way of example, evidence retrieval, expert opinions, or independent medical examinations, IBC shall confer with Chief Bar Counsel of the State Bar to ensure the most cost-effective means are utilized to obtain the necessary information. Such expenses shall be paid by the State Bar. The IBC may use State Bar employees for trust account exams and other investigative assignments as case investigations require. The State Bar shall remain the custodian of the lawyer cases handled by the IBC. The IBC shall make decisions regarding records request for records related to IBC handled cases. If the IBC denies access to records the request can be appealed to the executive director, whose decision shall be final. The IBC shall coordinate with the State Bar to establish the necessary administrative record keeping procedures, access to the lawyer discipline case management system, and shall use the templates and document formats utilized by the State Bar Lawyer Regulation Office. The State Bar may provide training for the IBC.
4. QUALIFYING MATTERS. A Qualifying Matter is an admission, discipline, disability, reinstatement, or unauthorized practice of law matter in which:
 - a. Any of the following persons is an applicant, complainant, respondent, or material witness:
 - i. a member of the Board, or spouse, or domestic partner thereof;
 - ii. State Bar staff, or spouse, or domestic partner thereof;
 - iii. a member of the Attorney Discipline Probable Cause Committee, or spouse, or domestic partner thereof;
 - iv. a lawyer who worked for the State Bar within one year of the State Bar's receipt of a charge; and
 - v. a hearing panel member pursuant to Rule 52, Ariz. R. Sup. Ct., or spouse, or domestic partner thereof, or
 - b. Other circumstances exist, as determined by the Chief Justice, which cast into reasonable doubt the ability of the State Bar Lawyer Regulation Office to properly discharge its obligations under the Rules of the Supreme Court of Arizona in connection with the matter. Neither the exercise by State Bar Lawyer Regulation Office staff of their powers and duties under Supreme Court Rule 49(b)(1) to review information coming to the State Bar's attention, nor other participation by Lawyer Regulation Office staff in the process by which matters are assigned to IBC, shall,

by itself, render Lawyer Regulation Office staff the “complainant” for purposes of section 4(a)(ii).

- c. Following assignment of a qualifying matter to IBC, any open charge or new charge opened by the State Bar that relates to the respondent attorney or the qualifying matter may be referred to IBC.
- d. Hearing panel members pursuant to Rule 52, Ariz. R. Sup. Ct.: Upon initiation of a disciplinary matter in which a hearing panel member, or spouse, or domestic partner thereof, is a complainant, respondent, or material witness:
 - i. The State Bar Lawyer Regulation Manager shall immediately notify the Disciplinary Clerk of the matter. If the panel member is not currently assigned to a hearing panel, the panel member shall not serve on a hearing panel until conclusion of the disciplinary matter; and
 - ii. if the panel member is currently assigned to a hearing panel, the disciplinary matter shall be immediately referred to IBC. Upon conclusion of the panel member’s duties on that hearing panel, IBC may, in consultation with Chief Bar Counsel, refer the matter back to the State Bar Lawyer Regulation Office to be processed or may retain the matter, in IBC’s discretion.

5. ASSIGNMENT OF MATTERS TO IBC BY STATE BAR.

- a. The State Bar may perform intake functions as set forth in Rule 55(a), Ariz. R. Sup. Ct., for any matter falling within Section 4. If the State Bar performs the intake functions and a determination is made to proceed to a screening investigation pursuant to Rule 55(b), Ariz. R. Sup. Ct., the State Bar Lawyer Regulation Records Manager shall assign that matter to IBC. Any matter falling within Section 4 may, in the discretion of Chief Bar Counsel, be immediately assigned to IBC without performing intake functions.

6. REPORTS.

- a. IBC shall report the status of each individual matter under sections 4(a), (b), and (c) to the chair of the ADPCC not less frequently than quarterly. Those reports shall be limited to the name of the respondent, case number, date of receipt of the charge, date of assignment to IBC, and other significant dates of progress or resolution of the matter. IBC may work with the State Bar Lawyer Regulation Records Manager to produce reports and statistics for the chair of the ADPCC, the Presiding Disciplinary Judge, or the Court.
- b. On or before February 1 of each year, IBC shall issue a report to the chair of the Attorney Regulation Advisory Committee (i) generally describing the nature and disposition of Qualifying Matters under sections 4(a), (b), and (c) resolved by IBC within the preceding year, and (ii) making any recommendations IBC may have for improvements to Arizona’s lawyer admission, discipline, disability, and reinstatement procedures. The report shall contain case statistics on the processing of cases assigned to IBC. The report shall comply with Supreme Court Rule 70.

IT IS FURTHER ORDERED that the IBC Attorney Panel (“IBCAP”) is established as follows:

1. PURPOSE. As to any Qualifying Matter assigned to IBC, the IBCAP, acting through one or more of its members, shall upon request of IBC assist and support IBC in the performance of the duties and responsibilities of that position. Members of the IBCAP shall, in assisting IBC, have all the powers and authority granted to Chief Bar Counsel and Bar Counsel pursuant to the rules, orders, and decisions of the Supreme Court. IBCAP members may also assist the Commission's disciplinary counsel in the investigation and prosecution of any matter within the Commission's jurisdiction and in that regard, have all the powers and authority of disciplinary counsel to the Commission under its rules and policies.
2. MEMBERSHIP AND TERMS. The membership of IBCAP and the term of each member shall be as established in attachment "A." Candidates for the IBCAP may be recruited, sought, or recommended by IBC and the Board's Appointments Committee may recommend members for the IBCAP. All members shall be appointed by and may be removed at the discretion of the Chief Justice.
3. MEETINGS. IBC and/or the Commission's disciplinary counsel may schedule meetings or training events with the IBCAP as necessary.
4. POST-IBCAP SERVICE. At the request of IBC or the Commission, upon the conclusion of any member's service on the IBCAP, the Chief Justice may appoint that member to continue serving as volunteer bar counsel in any Qualifying Matter assigned to IBC or to continue serving as volunteer counsel to the Commission in connection with any matter within its jurisdiction.

IT IS FURTHER ORDERED that IBC, members of the IBCAP, and any other person assisting IBC in the investigation or prosecution of a Qualifying Matter, including the staff of the Commission, shall be immune from civil suit and from disciplinary complaints as provided by Supreme Court Rule 48(l) and (m), respectively. Consistent with Rule 15 of the Rules of the Commission, IBC and members of the IBCAP who assist the Commission in the investigation or prosecution of any matter within its jurisdiction shall be immune from suit for any conduct in the course of their official duties on behalf of the Commission.

IT IS FURTHER ORDERED that this administrative order is applicable to all pending and new matters assigned to the IBC.

Dated this 28th day of March, 2018

SCOTT BALES
Chief Justice

Attachment: Appendix A

APPENDIX A

MEMBERSHIP OF IBC ATTORNEY PANEL

Thomas Bayham
Bayham Law Office, P.L.L.C.
Tucson
Term Expires: June 30, 2019

Anne H. Phillips
Maricopa Legal Defenders Office
Phoenix
Term Expires: June 30, 2018

Mark I. Harrison
Osborn Maledon P.A.
Phoenix
Term Expires: June 30, 2018

Douglas F. Behm
Douglas F. Behm, P.L.L.C.
Phoenix
Term Expires: June 30, 2019

Frankie Y. Jones
Maricopa County Attorney's Office
Phoenix
Term Expires: June 30, 2018

Anne Chapman
Mitchell Stein Carey PC
Phoenix
Term Expires: June 30, 2019