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**From:** Michael Torrez  
**Sent:** Monday, February 6, 2017 4:58 PM  
**To:** Elizabeth Lake  
**Cc:** Treena Kay  
**Subject:** RE: PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

Hi, Liz,

The Order will be prepared and ready by tomorrow morning. The attached has been Bates stamped and is pending disclosure.

Thanks,

Michael Torrez  
Paralegal  
Maricopa County Attorney's Office  
Central Valley Bureau  
[REDACTED]

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**From:** Lake Elizabeth  
**Sent:** Monday, February 06, 2017 1:07 PM  
**To:** Torrez Michael  
**Cc:** Kay Treena  
**Subject:** FW: PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

Michael,

Please prepare a motion for protective order and bates stamp the attached for disclosure in this case. I will need to draft an additional motion as well so hold off on disclosing for now.

Thanks,

*Liz Lake*  
*Deputy County Attorney*  
*Community Based Prosecution*  
*Central Valley Bureau*  
[REDACTED]



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**From:** Meloche Diane  
**Sent:** Monday, February 06, 2017 1:05 PM

**To:** Lake Elizabeth  
**Subject:** RE: PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

No change in current practice of asking for a protective order.

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**From:** Lake Elizabeth  
**Sent:** Thursday, February 02, 2017 9:51 AM  
**To:** Meloche Diane  
**Subject:** RE: PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

Thank you, Diane. I will wait to hear from you about the protective order before disclosing. I will likely have more questions for you if (when) defense files a motion for new trial.

Liz

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**From:** Meloche Diane  
**Sent:** Thursday, February 2, 2017 9:47 AM  
**To:** Lake Elizabeth  
**Subject:** RE: PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

See below. I will let you know about the protective order as soon as I get an answer (hopefully very soon). Let me know if you have other questions.

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**From:** Lake Elizabeth  
**Sent:** Tuesday, January 31, 2017 8:05 PM  
**To:** Meloche Diane  
**Subject:** PA File 013-0895931, Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

Case 013-0895931(<https://maricopa.hostedbykarpel.com/PBKAZMaricopa//Reports/RedirectToCaseInfo.aspx?cid=0130895931>), Court Case Number CR2013-462384-001 For Defendant Salazar, Francis

Hi Diane,

The case above was tried in August of 2016 and is pending appeal right now. A notice was filed but, as far as I know, the appeal has not yet been perfected and no appellate case number has been assigned. At trial and after trial, there was a great deal of argument and litigation about the veracity of one officer's testimony. In his report, the officer said the defendant "took responsibility" for some drugs that were found in the seat of the car where she was riding. On the stand, the officer first told the jury the defendant's statement, and then later characterized those statements as "an admission." The defense took issue with the word "admission," first by impeaching the officer on the stand with prior sworn testimony, and then in post-trial motions that you can find in ICIS. Ultimately, the court ruled that it did not have jurisdiction to rule on anything until the defendant was sentenced and then the judge sentenced her to the super-mitigated term. Rather than re-arguing the motions, the defense filed a notice of appeal.

Yesterday, I received notice that the officer in question has been added to the Brady list for an incident that occurred 11/4/15. The investigation that sustained the allegations concluded 4/27/16. The officer was added to the Brady list on 1/23/17. Here are my questions:

- Do I need to disclose a copy of the Brady packet? **Yes.**

- If so, does it get disclosed under the superior court CR#? **Yes. File a motion in Superior Court entitled "State's Supplemental Motion to Disclose New Evidence Pursuant to Rule 15 and/or ER 3.8" and list what the material is. Or should I wait for the Court of Appeals to assign a number?**
- Do I continue bates-numbering where we left off prior to trial, or should I start a new set of bates numbers? I am concerned that continuing to number might create the impression that I held on to this material to prevent the officer from being impeached, which is not the case. **I don't think this matters; but continuing w/ the same numbers will avoid confusion.**
- Because the case is sitting between jurisdictions right now, if I were to disclose the Brady packet, where would I file a motion for a protective order to prevent dissemination of the material for non-legal use? **There is internal Office discussion about discontinuing asking for protective orders; a defendant can get the same info by filing a PRR with the Department. I'm waiting for final confirmation either way and will you know.**
- If no court has jurisdiction to grant such an order, how can we ensure that this material is not copied for the defendant? Or disseminated to other attorneys?
- Bottom line: if the officer was not on the Brady list at the time of trial (and I had no way of knowing that this investigation existed), am I going to have to do this trial a second time? **It will depend on the degree of prejudice, if any.**
- Is there something I should have done to prevent this? **Not if he was not on the Brady list until after trial. We expect you to be good, but not clairvoyant!**

Thanks for your help,

Liz Lake  
 Deputy County Attorney  
 Community Based Prosecution  
 Central Valley Bureau

**[REDACTED]**

