



Justice for All



Maricopa County Attorney's Office • July 2016 Newsletter



FROM THE DESK OF BILL MONTGOMERY

Summer is well underway; have temperatures reached a peak? I hope you're finding a way to stay cool and enjoy this time of year.

With Independence Day coming up, we'd like to remind you to celebrate safely. If your celebrations include alcohol, be sure to have a designated driver, call a cab or use Uber. Just as important, never shoot a gun into the air. Many people have become unintended victims and some have been killed. Further, under Shannon's Law, it's not only irresponsible, it is a felony. Stick to watching fireworks displays for your revelry.

My Office strives not only to ensure justice is served to those who commit crimes, but we also have several efforts underway to provide education and awareness to the public – especially children – so they have the tools and tips needed to stay safe and avoid becoming a victim of crime. We're proud to have received recognition for this work by earning three National Association of Counties (NACo) Achievement Awards for our community programs. Some of our prosecutors have received recognition for their outstanding work, too. You'll read more about that in the following pages.

This edition also highlights a very important new law that we worked to get through the Legislature. This law improves protections for victims of stalking offenses by including threats made through electronic communications to additional family members, significant others, property or pets that were not previously covered by statute. We also provide some examples of situations to illustrate the potential application of the law.

Enjoy your summer and be safe!

Bill Montgomery

Bill Montgomery, Maricopa County Attorney



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“ Our job is to ensure the guilty do not escape justice and innocence does not suffer. ”

REMINDER: CELEBRATORY GUNFIRE CAN LEAD TO FELONY CHARGES

With Independence Day just around the corner, it's important to remember to celebrate safely. Along with the usual reminders about designated drivers, fireworks safety and pool safety, it's important to remember that it is dangerous and illegal to negligently discharge a firearm within city limits. A.R.S. 13-3107, more commonly known as Shannon's Law, allows prosecutors to charge a person with a class 6 felony who, with criminal negligence, discharges a firearm within or into the limits of any municipality.



The Arizona legislature passed this law in 2000, following the death of 14-year-old Shannon Smith. Shannon was talking on the phone in her back yard when she was struck and killed by a bullet fired into the sky by an unknown person a half-mile from the family's Phoenix home. The law designated the crime as a felony, rather than a misdemeanor, for randomly firing a weapon.

So please remember to celebrate our nation's independence responsibly and have a safe, happy Fourth of July weekend!

A NEW TOOL TO COMBAT STALKING

A recent change to Arizona law will help the Maricopa County Attorney's Office prosecute more people engaged in threatening and potentially deadly behavior toward another person and to charge cases that might previously only have been charged as lower level offenses or not charged at all.

On March 17, 2016, Governor Ducey signed into law House Bill 2419, which made important changes to Arizona's stalking statute, A.R.S. § 13-2923. The new law will go into effect on August 6, 2016.

Previously, Arizona law limited the definition of stalking to include conduct that caused the victim to reasonably fear injury or death of the victim or the victim's spouse, parent, child, sibling or a person who had resided in the victim's home within the previous six months. Under this older version of the statute, the definition of conduct only included maintaining proximity to a specific person, directing threats or conducting surveillance of a person without authorization.



The new law specifies that conduct causing a victim to fear injury or death of a current or former romantic or sexual partner now constitutes stalking. The bill also clarifies that conduct can be committed directly or indirectly, in person, through a third party, or by any other means. Amendments to the law expand the definition of stalking to include the electronic communication of words or images directed at a specific person without authorization and without a legitimate purpose. Finally, under the new law, conduct that causes a victim to suffer emotional distress, or to reasonably fear injury to a pet or livestock, or damage or destruction of the victim's property, is also prohibited.

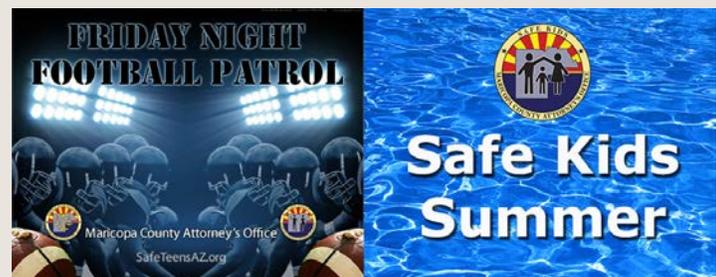
Examples of the Impact of the Law:

- A suspect develops an obsession with a woman he met on an online dating website. The woman is currently dating another man, but the two have never lived together. The suspect learns about the relationship through the use of social media and responds by sending the woman a series of text messages over multiple weeks in which he repeatedly threatens to sexually assault, “curb stomp,” and slit the throat of the woman’s new boyfriend. Under the old law, this case may not have been chargeable as a stalking case because the suspect’s threats were never directed at the woman, and the woman and her new boyfriend had never lived together. However, this case would be reviewable for charging under the new law.
- A woman reports to police that her ex-husband constantly shows up at locations where she is present shortly after she arrives there. The ex-husband uses the “coincidental” meetings to harass the victim or request that they rekindle their relationship. The victim is suspicious that the suspect is using a tracking device to monitor her car’s whereabouts. Police search the victim’s vehicle and discover that the suspect has in fact installed GPS tracker inside the car’s wheel well which he has been using to track the victim’s every move for months. The victim tells police that although she does not believe that the suspect would ever hurt or kill her, but she feels physically sick with anxiety and fear knowing that her privacy has been invaded and worrying about what the suspect’s next move will be. Previously, if MCAO could not prove that the victim feared physical injury or death to herself or her family member as a result of the suspect’s conduct, the case could not be charged as stalking. Under the new law, that will no longer be the case.
- An ex-boyfriend, angry that his former girlfriend has ended the relationship, posts a series of nude photos of her on Facebook. He also sends the nude photos to the victim’s employer and mother along with a message stating that the victim will be dead soon. The modifications to the statute potentially allow MCAO to not only file threatening and intimidating, harassment, and unlawful distribution of images charges, but also stalking as a class 3 felony.

MCAO HONORED WITH AWARDS FROM NACo, APAAC AND THE DEPARTMENT OF JUSTICE

This summer has seen some record-breaking temperatures in Maricopa County – and heating up alongside these triple digits were some of the exceptional prosecutors and programs here at the MCAO.

The MCAO received three **National Association of Counties (NACo) Achievement Awards** for its innovative community programs: Friday Night Football Patrol (FNFP), Safe Kids Summer (SKS) and the “Don’t Leave Me Behind” Vehicular Heatstroke Campaign. The 2016 awards were granted in the category of Civic Education and Public Information. FNFP was designed to educate teens and increase awareness about the dangers and consequences of their choices – good and bad – with regard to substance abuse. Parents at ten high school football games receive information about having a substance abuse conversation with their kids and teens sign a drug-free pledge, while entering into a drawing for prizes. SKS was created to reach a large number of school-age children and increase safety awareness in the pool, at school and online. “Don’t Leave



Me Behind” reminds drivers that vehicular heatstroke deaths are entirely preventable and helps people remember not to leave a loved one or beloved pet behind in their vehicle, even for a brief period of time. “It is an honor to be recognized for these efforts,” said County Attorney Bill Montgomery. “These programs and others like them will continue.”

Prosecutors traveled to Tucson in June for the annual **Arizona Prosecuting Attorneys’ Advisory Council (APAAC) Summer Conference** and in addition to expert training and presentations, prosecutors were also honored for their extraordinary work. Erin Pedicone, a prosecutor in the MCAO Sex Crimes Bureau was recognized as the 2016 Rising Star. Many prosecutors shy away from the types of cases Erin handles: cases involving sexual and child abuse, kidnapping and rape. Erin has embraced the challenges in these cases and in a short time has cemented her skills as a successful and dedicated prosecutor.

Rachel Phipps-Yonas, a long-time prosecutor in our Juvenile West Bureau was recognized as the 2016 Juvenile Prosecutor of the Year.

In addition to handling difficult juvenile hearings, Rachel has developed strong ties to expert stakeholders in the juvenile sex crimes field. She uses the expertise she gained while working in felony sex crimes to successfully handle juvenile sex offender hearings and interact with victims who have familial relationships with the juvenile, making reviewing and charging these kinds of juvenile cases extra-challenging. Rachel has quickly established herself as one of the “experts” in the Juvenile Division and is well-deserving of this recognition.

MCAO Paralegal Jeff Colbert was honored as the 2016 Legal Assistant of the Year by APAAC at the annual Paralegal Training Conference last month. Jeff’s expertise in organizing and preparing trial exhibits, ensuring witness travel and providing specific attention to all the intimate details in some high profile cases this year, *State v. Martinez* and *State v. Licon*, provided the attention needed for successful prosecutions. Jeff’s work was instrumental in these and other difficult homicide cases, often involving upwards of 70 witnesses.

The **U.S. Attorney’s Office honored the Arizona Internet Crimes Against Children Task Force (ICAC)** with a special commendation award for their extraordinary efforts in a significant investigation. Prosecutor Erin Pedicone from the MCAO was recognized, along with members

from the Phoenix Police Department, the FBI and the Pinal County Sheriff’s Office. Erin and the Arizona team conducted an investigation of Roxanne Chapin, a Phoenix woman who was sexually abusing and exploiting her two young sons and sharing this abuse with others. The team examined and identified thousands of images, communication records, emails, social media posts and chat rooms. Chapin’s arrest led to four children being rescued from sexual abuse, the capture of six registered sex offenders and the arrest and indictment of more than 30 individuals in 14 states, the U.K., Spain and Sweden. Chapin was subsequently sentenced to 35 years in prison with lifetime probation and must register as a sex offender. “Victims of child pornography endure not only horrific abuse, but a lifetime knowing the abuse is forever memorialized on the internet,” said Erin Pedicone. “I am humbled by the Attorney General’s recognition and the extraordinary heroism of the ICAC detectives. Child sexual predators are not anonymous or safe online.”



Maricopa County Attorney Bill Montgomery, DCA Erin Pedicone & APAAC Executive Director Elizabeth Ortiz



APAAC Executive Director Elizabeth Ortiz, Paralegal Jeff Colbert & MCAO Training Bureau Chief Jason Kalish



DCA Erin Pedicone (Top Left) with the AZ ICAC Task Force

2016 FALL CITIZENS ACADEMY

If you've ever wondered what it's like to be a prosecutor, or how a criminal case gets to trial, our Citizens Academy is for you.

The Maricopa County Attorney's Office is the nation's third-largest County-based prosecutorial agency with a jurisdiction comprising over four million residents across more than 9,200 square miles. Our prosecutors handle well over 30,000 felony criminal cases each year.

The Citizens Academy takes you behind the scenes to show you how a case progresses from the initial investigation through final sentencing. You'll sit in on courtroom proceedings, take a tour of the jail, and learn about trial exhibits, cold case investigations and more.

Most importantly, you'll come away with a greater understanding of the unique role a prosecutor plays in our criminal justice system.

Academy classes are a full day once a month, and we are now accepting applications for Fall classes beginning in September.

To apply for the MCAO Citizens Academy, complete an online application at:
MaricopaCountyAttorney.org/Academy or call (602) 506-3411.

DON'T LEAVE ME BEHIND

We are at the halfway mark for the "Don't Leave Me Behind" campaign, which began on June 1 and will go through July 31.

The mobile billboard has been travelling throughout the County focusing on busy areas such shopping malls, movie theaters and places of very high traffic; locations where it might be more likely that someone leaves a child or pet in the car.

As of today, the truck has traveled over 1,600 miles. Based on ADOT traffic volume, the routes traveled and attendance at events, such as Phoenix Comicon, the billboard has had well over two million impressions.

Social media has provided an interactive component to the campaign and enjoyed a wide reach.

This campaign element includes information about vehicular heatstroke, statistics and safety tips, and features photographs of the mobile billboard, kids and pets with the hashtag [#DontLeaveMeBehind](https://twitter.com/hashtag/DontLeaveMeBehind).

We encourage you to join the campaign by tweeting pictures of the mobile billboard if you see it around the valley to our official twitter account [@marcoattorney](https://twitter.com/marcoattorney).

Thanks for helping us spread the word.

100 CLUB

Following the line-of-duty death of Phoenix Police Officer David Glasser in May, MCAO staff held a mini Casual Day campaign to raise funds for the 100 Club of Arizona, a past beneficiary of the campaign. The non-profit 100 Club of Arizona provides support to public safety officers and their families through various programs and benefits when a public safety officer is injured or killed in the line of duty. Over the course of two weeks, MCAO employees raised \$2,614 for the 100 Club of Arizona in memory of Officer Glasser.

UPCOMING EVENTS CALENDAR

SAFE KIDS SUMMER @ SUNRISE POOL FRIDAY, JULY 1

12:30 p.m. – 1:30 p.m.
Sunrise Pool
21321 North 86th Drive
Peoria, AZ 85382

SAFE KIDS SUMMER @ PEORIA POOL WEDNESDAY, JULY 6

7:30 p.m. – 8:30 p.m.
Peoria Pool
11200 North 83rd Avenue
Peoria, AZ 85345

SAFE KIDS SUMMER @ BUCKEYE AQUATIC CENTER SATURDAY, JULY 9

2:00 p.m. – 3:00 p.m.
Buckeye Aquatic Center
207 North 9th Street
Buckeye, AZ 85326

SAFE KIDS SUMMER @ SKYLINE AQUATIC CENTER WEDNESDAY, JULY 13

9:00 a.m. – 10:00 a.m.
Skyline Aquatic Center
845 South Crismon
Mesa, AZ 85208

SAFE KIDS SUMMER @ BIG SURF WATERPARK SATURDAY, JULY 16

2:00 p.m. – 3:00 p.m.
Big Surf Waterpark
1500 North McClintock Drive
Tempe, AZ 85281

NIÑOS SEGUROS BACK TO SCHOOL & SAFETY FAIR SATURDAY, JULY 23

10:00 a.m. – 2:00 p.m.
Grand Canyon University
3300 West Camelback Road
Phoenix, AZ 85017

DUI AWARENESS AT SALT RIVER RECREATION CENTER SATURDAY, JULY 2

10:00 a.m. – 11:00 a.m.
Salt River Recreation Center
9200 North Bush Highway
Mesa, AZ 85215

SAFE KIDS SUMMER @ TEMPE MARKETPLACE SPLASH PAD SATURDAY, JULY 9

12:00 p.m. – 1:00 p.m.
Tempe Marketplace
2000 East Rio Salado Parkway
Tempe, AZ 85281

SAFE KIDS SUMMER @ CENTENNIAL POOL TUESDAY, JULY 12

1:30 p.m. – 2:30 p.m.
Centennial Pool
14388 North 79th Drive
Peoria, AZ 85382

SAFE KIDS SUMMER @ KINO AQUATIC CENTER THURSDAY, JULY 14

9:00 a.m. – 10:00 a.m.
Kino Aquatic Center
848 North Horne
Mesa, AZ 85203

SAFE KIDS SUMMER @ BIG SURF WATERPARK MONDAY, JULY 18

1:00 p.m. – 2:00 p.m.
Big Surf Waterpark
1500 North McClintock Drive
Tempe, AZ 85281

Events are subject to change. Check MaricopaCountyAttorney.org to stay up to date with our events.





Alvin Ray McClellan Sentenced to 10 Years for Child Pornography

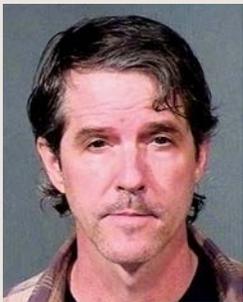


Alvin Ray McClellan, a former middle school teacher's aide and gym teacher at Mohave Middle School, was sentenced to 10 years in the Department of Corrections on count 1 of sexual exploitation of a minor, followed by two counts of lifetime probation with sex offender terms and registration on counts 2 (sexual exploitation of a minor) and 3 (sexual abuse). He was found to be in possession of and distributing hundreds of disturbing images of minors engaged in sexually explicit conduct.

"This defendant had been in a position of trust with young children, and he violated that trust in unspeakable ways," said Bill Montgomery. "We must remain vigilant in seeking out predators and holding them accountable for the harm they have done."

<http://www.maricopacountyattorney.org/newsroom/news-releases/2016/2016-06-03-Alvin-Ray-McClellan-Sentenced-to-10-Years-for-Child-Pornography.html>

Christopher Simcox Found Guilty on Two Counts of Molesting a Child



Christopher Simcox was found guilty on two counts of molestation of a child and one count of furnishing obscene materials to a minor, for his conduct with a young girl.

Between April 21, 2012, and May 23, 2013, during scheduled parental visits with his daughters, the defendant sexually molested the five-year-old friend of his six-year-old daughter. On occasion, he showed sexually explicit films to the girl. The friend told her mother of the abuse and reported it to law enforcement. After police learned that the defendant had two daughters of his own, they contacted the mother of the girls. The eldest girl admitted that the he engaged in sexual conduct with her as well, but Simcox was found not guilty of that charge.

<http://www.maricopacountyattorney.org/newsroom/news-releases/2016/2016-06-08-Christopher-Simcox-Found-Guilty-on-Two-Counts-of-Molesting-a-Child.html>

Ryan Giroux Sentenced to Natural Life for March 2015 Shooting Spree in Mesa



Ryan Elliott Giroux was sentenced to Natural Life in the Department of Corrections for one count of murder plus 81 years for an additional 22 counts including one count of attempted murder and eight counts of aggravated assault, in addition to multiple charges of armed robbery, burglary and kidnapping stemming from a March 18, 2015 shooting spree in Mesa. During a court proceeding on January 25, 2016, he pled guilty to all counts.

"The defendant is an extremely dangerous individual whose random, violent actions have proven he cannot be part of society," said County Attorney Bill Montgomery. "This sentence ensures that he will not return to our community."

<http://www.maricopacountyattorney.org/newsroom/news-releases/2016/2016-06-10-Ryan-Giroux-Sentenced-to-Natural-Life-for-March-2015-Shooting-Spree-in-Mesa.html>

