

Arizona Indian Country Report 2012



John S. Leonardo
United States Attorney
District of Arizona



U.S. Department of Justice

United States Attorney
District of Arizona

405 W. Congress Street
Suite 4800
Tucson, Arizona 85701

(520) 620-7300

July 2013

Dear Tribal Leaders and Public Safety Partners:

On behalf of the United States Attorney's Office for the District of Arizona, I am pleased to present you with the annual Indian Country Report covering Calendar Year 2012. As in years past, this report contains information on the number of cases prosecuted within Indian Country in Arizona. Unlike past reports, this year's report also seeks to provide a better understanding of the broad responsibilities of federal law enforcement and federal prosecutors within the District of Arizona, and some of the challenges we face in meeting those responsibilities.

As you will note in the following pages, the District of Arizona is an extra-large District which encompasses the entire State of Arizona. Over 70% of the State is made up of federal land, which includes 22 federally recognized Indian Tribes. Arizona also boasts the largest Native American population of any State in the United States. The challenges for law enforcement are immense, from the vast expanses of land which must be covered by too few law enforcement officers and limited resources, to the cultural and language barriers associated with bringing cases from Indian Country to federal court. All present daunting challenges, but such challenges are not insurmountable. Working together, we will continue to strive to make the communities within Indian Country safer.

Within this report you will find a link to the U.S. Department of Justice Indian Country Investigations and Prosecutions 2011 and 2012 report to Congress. The report shows that nationwide, prosecution of Indian Country Cases increased by 54% between 2009 and 2012. Moreover, the declination rate for cases submitted from Indian Country declined dramatically during that same period. The numbers are encouraging and suggest that we are working together more effectively as a team with our tribal partners.

To that end, this report details the concerted effort on the part of my office to provide training within Indian Country in 2012. We are committed to continuing to provide training wherever it is needed. We will also continue to work with law enforcement and medical providers in Indian Country to develop protocols in sexual assault investigations, so that every possible case is reported to law enforcement, evidence is preserved, and more investigations are completed and referred for prosecution.

We remain responsive to tribal members within our District, and we look forward to meeting with Tribal leadership at the annual consultation in July. The information gathered at that meeting, together with input from tribal law enforcement throughout the year, will help us to identify the priorities and needs for Indian Country in Arizona in the year to come.

I hope that you will find this report to be useful and meaningful. If you have any questions, please do not hesitate to call our office

Sincerely,

JOHN S. LEONARDO
United States Attorney
District of Arizona



TABLE OF CONTENTS

	Page
Indian Country Mission and Goals.....	1
The District of Arizona — the Nature of our Responsibility.....	2
Arizona Indian Country Map	3
Organization of the District	4
District of Arizona Tribal Liaison Listing	6
Criminal Procedure	7
Indian Country Prosecutions 2012	10
Training, Outreach and Multidisciplinary Teams (MDTs)	13
Appellate Matters Impacting Indian Country.....	16
Victims Rights and Advocacy.....	18
Sexual Assault Cases in Arizona Indian Country - Frequently Asked Questions	19
Declinations - Frequently Asked Questions	21
USAO Assistance to Tribes on Current Public Safety Issues.....	23
Appendix A — Multi-Disciplinary Team (MDT) List.....	25
Appendix B — Staff Biographies.....	27
Appendix C— Additional Resources	37



INDIAN COUNTRY MISSION AND GOALS

The mission of the United States Attorney's Office for the District of Arizona is, and will continue to be, to focus on strengthening the tribal communities we serve through effective advocacy, coordination of law enforcement, and successful prosecution of those who violate the law. To achieve this mission, we will continue to represent the United States in an effective and professional manner in both Civil and Criminal cases. We will advocate for the rights of victims in criminal cases through all phases of the criminal justice process. And we will continually improve our efforts through outreach to the members of the tribal communities that we serve, as well as the public safety partners with whom we interact.

In our ongoing effort to meet this goal we continue to seek the input of tribal leadership and our public safety partners in Indian Country. This year, contemporaneous with the release of this report, we hold our fourth annual Tribal Leadership Consultation, at which we will listen carefully to Tribal leaders regarding the public safety needs and concerns of their communities. We also will continue to look for ways to expand our partnership with tribal prosecutors in an effort to ensure that justice is provided to the victims of crimes.



THE DISTRICT OF ARIZONA - THE NATURE OF OUR RESPONSIBILITY

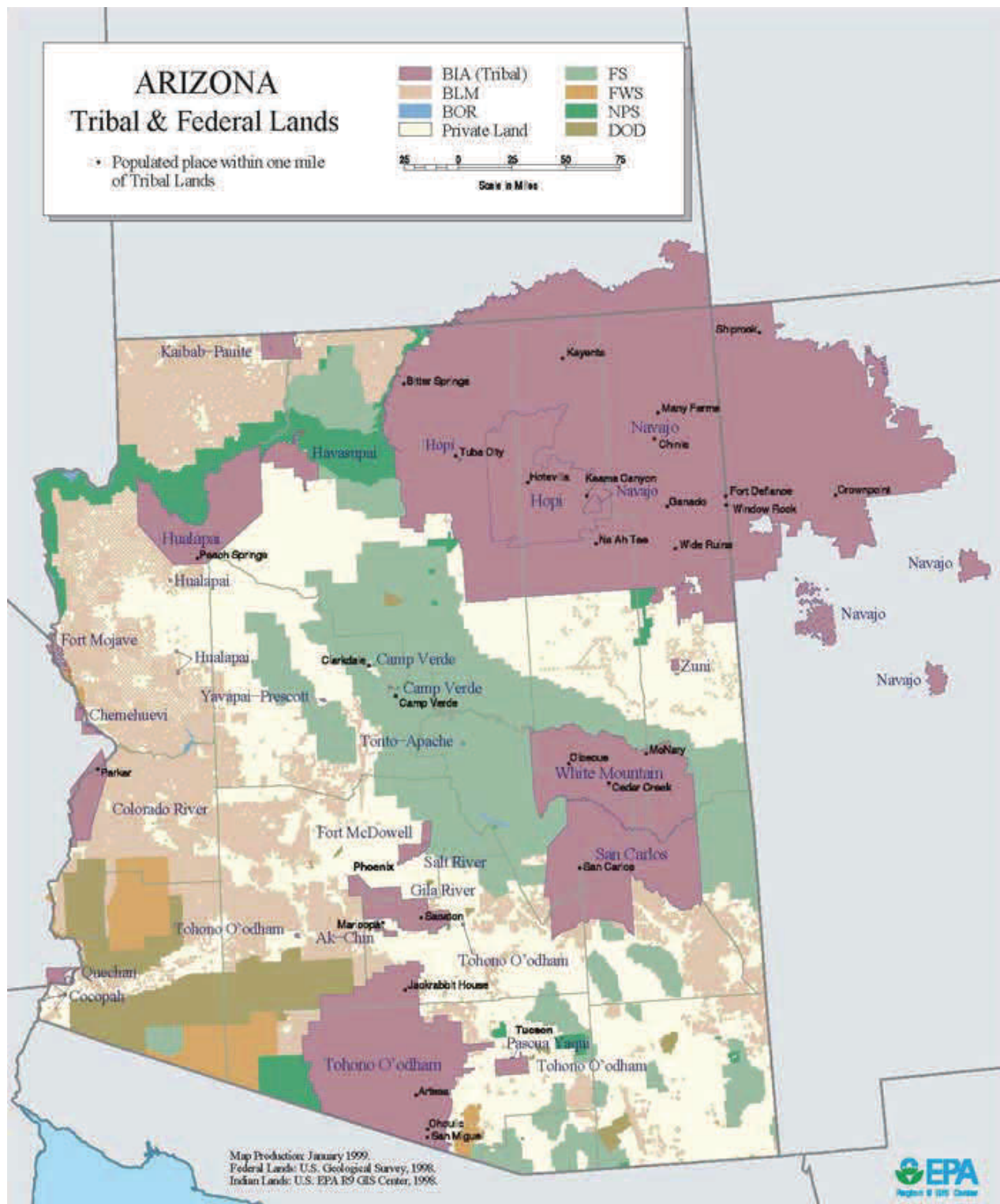
“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Berger v. United States*, 295 U.S. 78, 88 (1935).

The United States Attorney is the chief federal law enforcement officer in the District of Arizona and is appointed by the President. United States Attorneys and their Assistants prosecute violations of federal law and represent federal agencies in federal courts as well as state courts, when appropriate. They also collect debts owed the federal government which are administratively uncollectible. United States Attorneys are not permitted to represent private individuals or business, nor are they permitted to give legal advice to members of the public.

As shown on the map on the following page, over 70 percent of the land in Arizona is under federal criminal jurisdiction, whether tribal trust land, military reservation, national park or forest, or BLM trust. Much of that land is on or proximate to our border with Mexico, which over the past several decades has been a significant focus of prosecution resources toward narcotics trafficking, illegal re-entry, alien and bulk cash smuggling. Nearly half of the federal jurisdiction lands in Arizona are Indian Country, on which 22 different tribes and their governments function, with criminal jurisdiction concurrent to that of the United States. Because until 2010 tribal justice systems had only misdemeanor criminal authority available to them, federal prosecution was the first resort for addressing all serious violent crimes in Indian Country. Even after enactment of the Tribal Law and Order Act, wherein tribes are limited to three-year sentences for new serious offenses, federal prosecution remains the favored specific deterrent to individuals who terrorize their tribal communities with violent crime. As discussed below, the United States Attorney’s Offices are organized and staffed around these priorities, along with our other unique areas of federal responsibility.



ARIZONA INDIAN COUNTRY MAP





ORGANIZATION OF THE DISTRICT

The United States Attorney's Office (USAO) for the District of Arizona is headquartered in Phoenix, with branch offices in Flagstaff, Tucson, and Yuma.

The Phoenix Office consists of approximately 80 Assistant United States Attorneys (AUSAs). The bulk of the AUSAs are located at the main USAO in Phoenix, but there is also a satellite office located in the Sandra Day O'Connor Federal Court building for rapid response to emergent matters.

The Border and National Security Section prosecutes matters related to domestic and international terrorism, including crimes occurring on our border with Mexico. The AUSAs in this section handle weapons smuggling, human trafficking and human smuggling crimes. The Indian Country and Crimes Against Children Section prosecutes felonies which occur within Arizona's tribal communities. These AUSAs also handle other violent crimes, such as bank robberies, as well as crimes against children including child pornography and child exploitation cases.

The Financial Crimes and Public Integrity Section focuses on financial crimes, public corruption, and complex multiple victim identity theft cases. The OCDETF (Organized Crime Drug Enforcement Task Force) and Asset Forfeiture Section handles organized crime and complex drug trafficking cases. AUSAs in this group also work to disable and dismantle criminal organizations by seizing their property.

The Southwest Border Crimes Sections address immigration cases, border drug crimes, and other reactive crimes in a fast-paced environment. The AUSAs in this section spend most of their time in court. The Courthouse Unit supports the criminal division AUSAs by handling initial appearances and other hearings and overseeing grand jury matters.

The Civil Division represents the government in civil actions, both as plaintiff and defendant. Defensive cases include representing the United States in Federal Tort Claims Act cases, administrative appeals and employment discrimination. In other cases, AUSAs pursue civil fraud, False Claims Act cases, including health and defense contractor fraud on behalf of the United States. The Financial Litigation Unit is located in the Tucson office and handles federal liens and collects federal debts throughout the District. The Appellate Section oversees all appellate work filed by the U.S. Attorney's Office in the Ninth Circuit Court of Appeals, acting as liaison with the U.S. Department of Justice and Solicitor General's Office on appellate matters, and handling special projects at the direction of the U.S. Attorney.



ORGANIZATION OF THE DISTRICT

The approximately 75 attorneys in **the Tucson Office** handle civil and appellate matters as described above, as well as criminal matters. The Tucson Criminal Division handles similar types of cases as Phoenix, but because of its location and its proximity to the international border, the Tucson Office prosecutes the majority of the immigration, alien smuggling, and drug-related crime for the District. It also handles investigations and cases involving narcotics trafficking, violent crime, child pornography/exploitation, financial and fraud crimes, weapons offenses, civil rights, and public corruption.

The Yuma Office, with three AUSAs and one support staff, serves the Southwestern section of the District of Arizona. Given its proximity to the border, the office handles initial charging, intake and processing of a high number of immigration, drug and other federal offenses. Like the Flagstaff office, the Yuma office is a resource to the law enforcement agencies and victims of federal crimes in the Southwestern portion of the state.

The Flagstaff Office, with a staff of six, including three AUSAs, serves Northern Arizona. It handles intake and initial charging decisions on cases arising from Indian Country, federal lands, or otherwise federally covered offenses in that part of the District. The office is a resource to the law enforcement agencies in Northern Arizona and provides training and assistance to those agencies when requested. The office also provides assistance and information to victims of federal crimes arising in Northern Arizona.

The United States Attorney for the District of Arizona is committed to ensuring that the rights of victims are protected. The Victim/Witness staff are available to help all victims of crimes and to ensure the questions and concerns of victims and witnesses are addressed and promptly answered.



DISTRICT OF ARIZONA TRIBAL LIAISONS

Beginning in 2012, the U.S. Attorney's Office expanded its Indian Country Policy Team to include three Tribal Liaisons, geographically distributed in Flagstaff, Phoenix and Tucson, to maintain our responsiveness. AUSA Patrick Schneider is the Tribal Liaison for the tribes in the northern portion of the state. AUSA Dimitra Sampson is the Tribal Liaison for all tribes in central Arizona. AUSA Shelley Clemens is the Tribal Liaison for the southern Arizona tribes. These attorneys were selected for their achievement, professionalism and commitment to serving tribal communities with respect and a sense of urgency. Below is their contact information and a list of the tribes they primarily serve.

Name & Contact	Liaison for
Patrick Schneider, Supervisory AUSA Tribal Liaison 123 N. San Francisco St. Suite 410 Flagstaff, AZ 86001 (928) 556-5004 patrick.schneider@usdoj.gov	Colorado River Indian Tribes Fort Mohave Tribe Hualapai Nation Havasupai Tribe Kaibab-Paiute Hopi Tribe Navajo Nation Tonto Apache Yavapai Apache Nation Yavapai-Prescott Tribe San Juan Southern Paiute Zuni Pueblo
Dimitra Sampson, AUSA Tribal Liaison 40 N. Central Avenue, Suite 1200 Phoenix, AZ 85004 (602) 514-7567 Dimitra.sampson@usdoj.gov	White Mountain Apache Tribe San Carlos Apache Tribe Fort McDowell Yavapai Nation Gila River Indian Community Salt River Pima-Maricopa Indian Community Ak-Chin Indian Community Cocopah Tribe Ft. Yuma Quechan
Shelley Clemens, AUSA Tribal Liaison 405 W. Congress, Suite Tucson, AZ 85701-5040 (520) 620-7340 Shelley.clemens@usdoj.gov	Pascua Yaqui Tribe Tohono O'odham Nation



CRIMINAL PROCEDURE

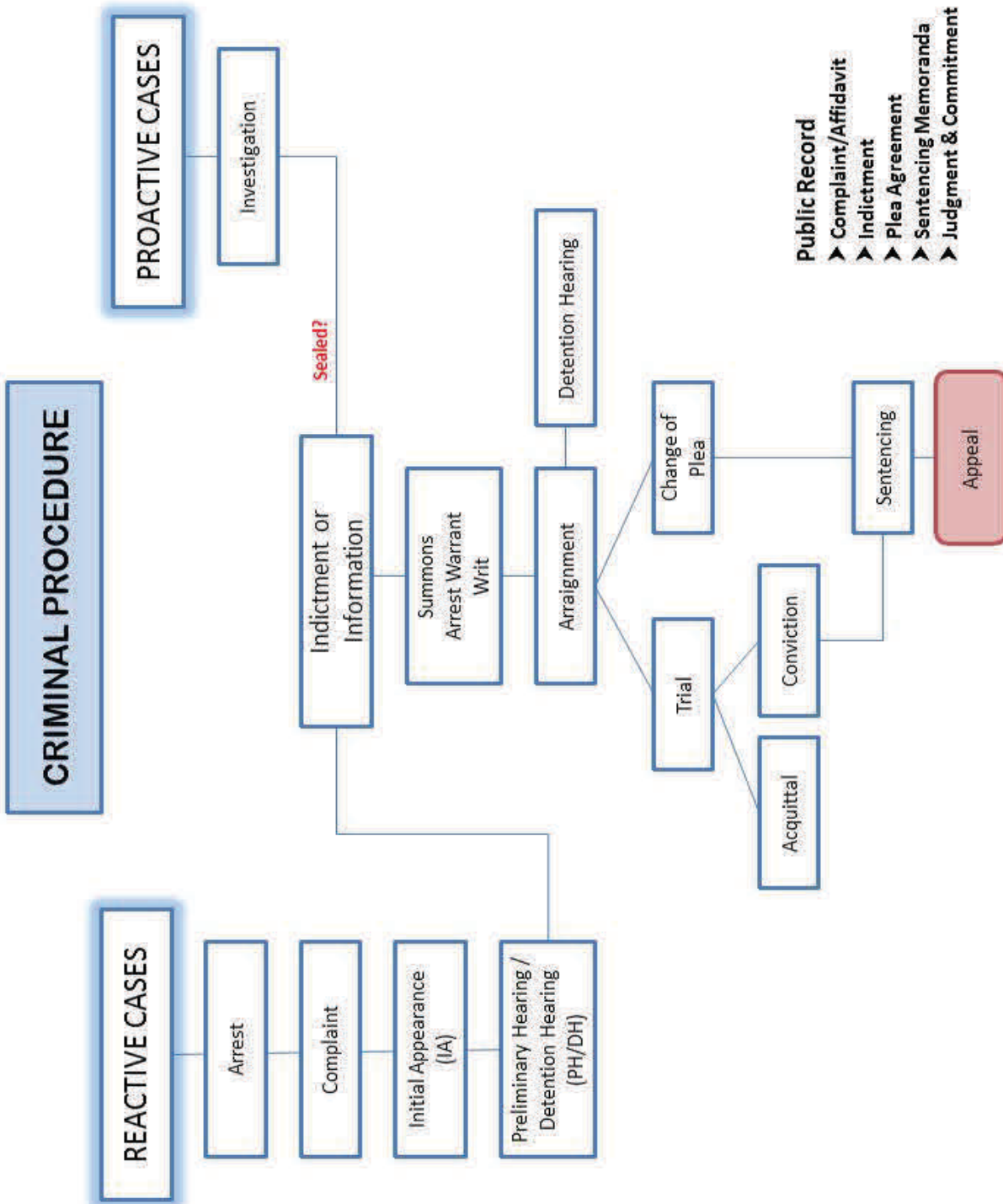
A focus of this year's Report is to make understandable to all interested persons the rules and constraints the United States Attorney's Office operates under when making prosecution decisions affecting Indian Country. One of the most significant factors affecting our decisions is the Federal Rules of Criminal Procedure, which govern much of what a federal prosecution agency cannot, can and must do in a criminal matter, as well as the timing of many actions. The rules of criminal procedure exist both to provide the government lawful tools to further criminal investigations and prosecutions, and to put limits on how those tools may be used to ensure every criminal defendant's Constitutional rights are honored and observed.

There are many ways in which a criminal case may be initiated, and therefore different rules apply to direct the steps of a fair and lawful prosecution depending on the individual circumstances of a case, at least at the initial stages. As shown on the Criminal Procedure chart on the next page, a case may begin as either a proactive case or a reactive case. In a proactive case, the government has completed its investigation before it brings any charge against a defendant. In a reactive case, the government has arrested the defendant on an informal charge — called a complaint — and has many investigative and case preparation steps still to complete before bringing the ultimate, formal charges — called the Indictment — against the defendant. The steps the government must go through to protect a defendant's rights are different depending on whether a case is reactive or proactive. This is because in a reactive case, where a defendant is charged by the informal complaint, he or she may be in custody for an additional period without any review by a grand jury of her or his case; accordingly, the rules require additional review of charges and advice of rights by a neutral third party — the court — in the early stages of reactive cases.

In a reactive case that begins either with an arrest or a complaint, the defendant must be brought before a judge without unreasonable delay, and an interrogation of the defendant must generally take place within six hours of arrest. What is reasonable depends on the circumstances of the case. But if the government waits too long to bring the defendant to a judge and continues to question the defendant at length, it runs the risk of losing evidence it got during the delay, or having the case dismissed altogether. The defendant also is entitled to have a judge hear the evidence against him and decide whether the government has probable cause to keep informal charges in place pending Indictment. These are two of many ways in which the rules of criminal procedure impact the government's conduct and require it to move with haste, and show its evidence, to protect defendants' rights. Such rules also impact the government's decisions whether they are prepared to arrest a defendant and start the clock ticking on these rights. In contrast, in a proactive case all investigation, interviews and gathering of evidence occurs before any charges are filed, so no one is in custody and thus none of the early protective rights attach. Both approaches have their advantages and their costs, and both impact what the government must do, can do, and can charge.



CRIMINAL PROCEDURE FLOW CHART





CRIMINAL PROCEDURE

Ultimately, however, the procedural steps for all cases, reactive and proactive, become uniform as all cases get to the same point of formal charging by Indictment. From the point of the Indictment, every defendant is entitled to be advised of the formal charges against him or her; to disclosure of all material evidence and information the government has in the case, whether inculpatory or exculpatory; to move for suppression, or removal, of any evidence the court finds the government obtained in violation of a defendant's rights; and to a trial before a jury of 12 citizens, where the defendant may meaningfully challenge all witnesses and evidence against him or her and can only be found guilty if all 12 jurors agree the government has proven every element of the charges beyond a reasonable doubt.

A defendant may waive his or her right to a trial and instead elect to plead guilty. In fact, defendants plead guilty far more often than they elect to go to trial in the federal court system. If a defendant is convicted at trial or pleads guilty, they are to be sentenced within 90 days absent good cause for delay. After sentencing, if a defendant believes the court erred in either the trial or the sentence, she or he has a right to appeal and must file a notice they will exercise that right within 14 days.

Often this office's decision of what to charge after an offense, when to charge, or whether we can charge at all, as well as whether to try a case or offer a plea, is directly impacted by operation of the Rules of Criminal Procedure. The rules of evidence also play a major role in our prosecution decisions, as does the Department of Justice requirement that we not charge any case for which we do not believe in good faith we have sufficient admissible evidence to prove every element of an offense beyond a reasonable doubt. These three authorities, as well as the law of jurisdiction in Indian Country, explain most of our charging decisions.



INDIAN COUNTRY PROSECUTIONS 2012

In general, the United States Attorney's Office prosecutes felony matters — serious crimes punishable by anywhere between a year and a day to life in prison — and misdemeanors, which are punishable by no more than a year in jail. In Indian Country, felonies most frequently prosecuted by this office include homicide, aggravated assault, sexual assault, child molestation and drug trafficking. Misdemeanors the USAO most commonly prosecutes in Indian Country include bootlegging on those reservations where alcohol is prohibited, drug possession, and simple assaults by non-Indians against Indians. Prosecutors also handle offenses such as DUI, disorderly conduct and simple assault from surrounding federal lands. Those offenses may be charged as felonies or misdemeanors in the federal criminal court, or they may be cited as petty offenses through the Central Violations Bureau (CVB), a distinct court intended to address lower level offenses without draining precious criminal court or prosecution resources away from the more serious violent crime.

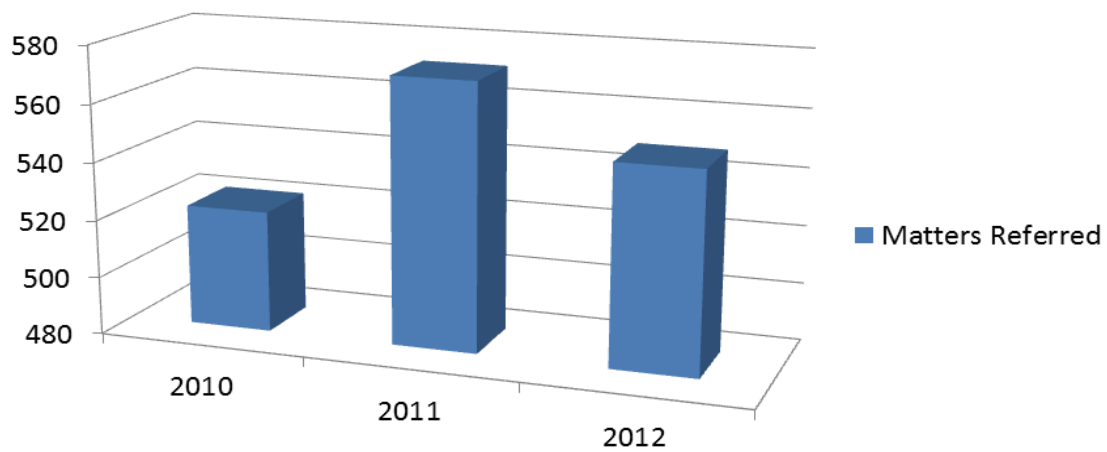
The District of Arizona had another solid year in terms of case productivity in Indian Country. As shown in the charts on the following pages, the volume of cases opened in Indian Country during 2012 continued to be near an all-time high, as did the number of cases charged in 2012. The Indian Country unit reached this high level of productivity even after sustaining the loss of several violent crime prosecutors whose positions remain vacant due to budget issues and a continuing Department-wide hiring freeze. The number of trials and appeals in Indian Country matters also remained steady year-over-year from 2011.

Although these totals are favorable, our attention is not on numbers. Rather, we are pursuing qualitative improvements — focusing on troubleshooting existing investigative issues and practices, training more tribal officers, federal agents and others in the criminal referral pipeline, and finding other ways to take more Indian Country investigations from un-chargeable to chargeable, and from speculative to provable. To that end, the sections following the prosecution activity totals discuss our increasing tribal outreach and training efforts in 2012.

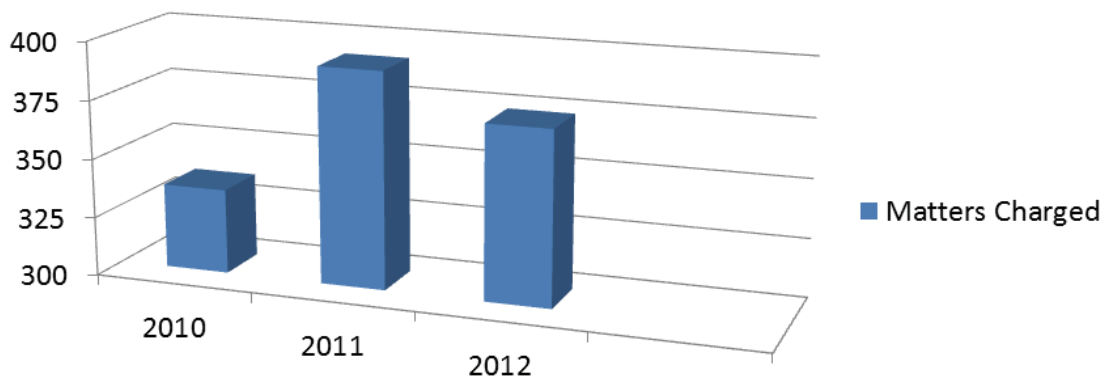


CHARGING DATA

Indian Country Matters Referred District of Arizona



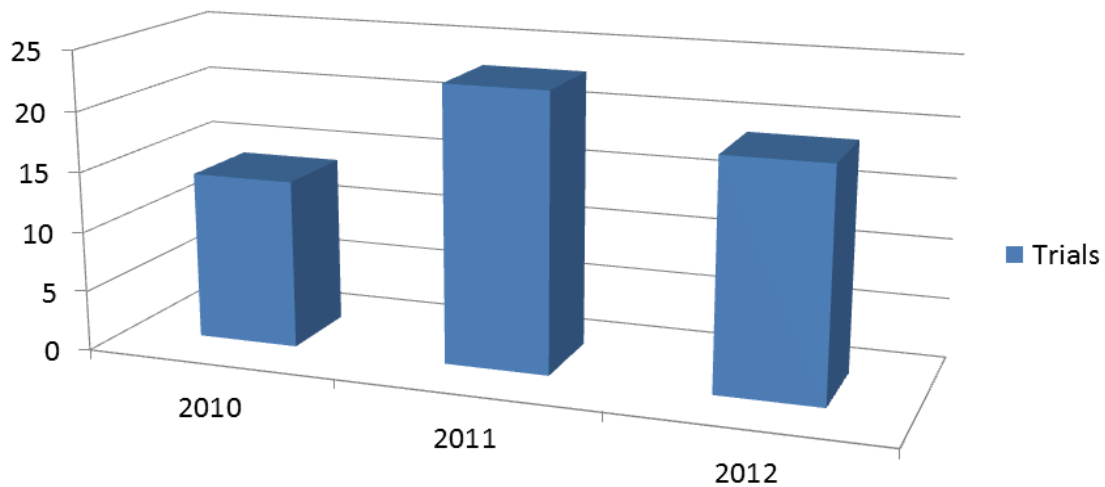
Indian Country Matters Charged District of Arizona



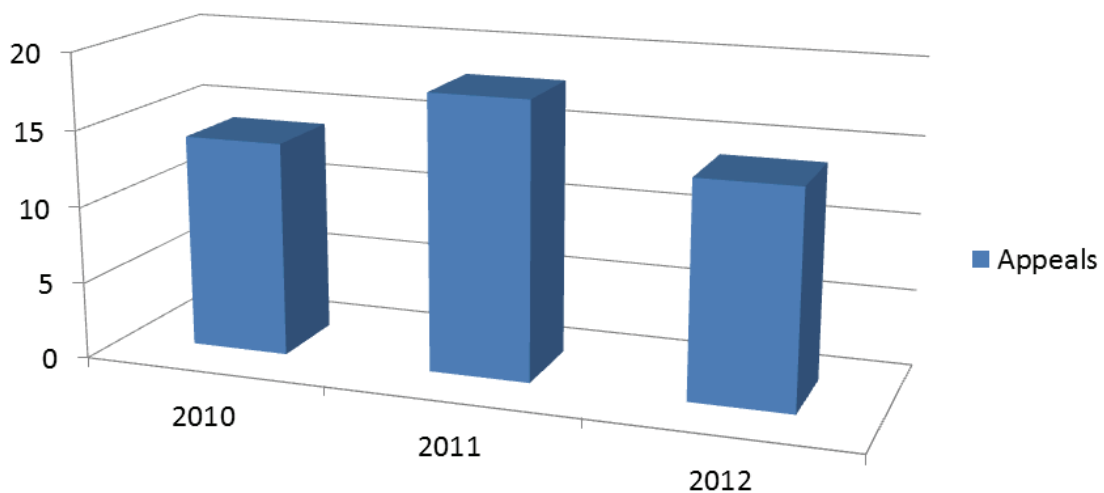


CHARGING DATA

Indian Country Matters Tried District of Arizona



Indian Country Appeals District of Arizona





TRAINING, OUTREACH and MULTI-DISCIPLINARY TEAMS (MDTs)

TRAINING

Special Law Enforcement Commission (SLEC) Certification Trainings

In 2012, the U.S. Attorney's Office, along with the BIA Office of Law Enforcement Services, conducted five Special Law Enforcement Commission (SLEC) Certification trainings. The three-day trainings were attended by over 190 local and tribal law enforcement officers from the San Carlos Apache Tribe, Ak-Chin Indian Community, Fort McDowell Yavapai Nation, Gila River Indian Community, Colorado River Indian Tribes, Pascua Yaqui Tribe, Tohono O'odham Nation, Salt River Pima-Maricopa Indian Community, Yavapai-Apache Nation, Hualapai Tribe, Navajo Nation Criminal Investigations Unit, Navajo Nation Police Department and Arizona Department of Public Safety.

The purpose of the training was to provide for efficient, effective and cooperative law enforcement efforts in Indian Country in Arizona. The SLEC commission empowers tribal police to conduct investigations of and make arrests on federal charges in Indian Country, including misdemeanor and felony violations of federal law. The SLEC commission not only increases the available trained force to bring federal charges, it also provides protection to tribal officers by classifying them as "federal officials" for purposes of the Assault on a Federal Officer statutes, should they be attacked or interfered with in the course of their law enforcement duties. The course includes intensive segments on Indian Country Jurisdiction, Indian Country Crimes (the Major Crimes Act), Federal Court Procedure, Civil Liability, Child Abuse and Child Abuse reporting, Central Violations Bureau, Juvenile Process and Procedure, Drug and Firearm Laws and investigation of gang activity, among other areas.

Customized/Requested Tribal Agency Training

Indian Country AUSAs and the Tribal Liaisons also have conducted training throughout Indian Country addressing whatever aspects of investigations are requested by tribal police chiefs and supervisors. These trainings have included general investigative techniques such as search and seizure, jurisdiction, report writing and collecting evidence; and specific training for Central Violation Bureau (CVB) matters, domestic violence, drugs and gangs, Sex Offender Registration and Notification Act (SORNA), homicide, sexual assault investigations, and enhanced felony authority under the Tribal Law and Order Act and VAWA.

Additionally, our AUSAs and victim advocates have satisfied training requests from non-law enforcement personnel who are nonetheless in the referral chain for criminal matters in tribal communities, such as health care workers, teachers and social services professionals on eleven different reservations. In total, Violent Crime AUSAs and the Tribal Liaisons delivered over 20 training sessions in 2012 to our public safety partners in Indian Country, comprising over 140 hours of training and reaching over 900 participants, exclusive of SLEC training.



OUTREACH, TRAINING, AND MULTIDISCIPLINARY TEAMS (MDTs)

Tribal SAUSA Program

Our Tribal Special Assistant United States Attorney (SAUSA) Program continued to grow in 2012. The USAO now has executed Memoranda of Agreement with nine tribal governments – the Hopi Tribe, the Colorado River Indian Tribes, the White Mountain Apache Tribe, the Fort McDowell Yavapai Nation, the Salt River Pima-Maricopa Indian Community, the Gila River Indian Community, the Pascua Yaqui Tribe, the Yavapai-Apache Nation and the Tohono O’odham Nation – for the appointment and training of one or more tribal prosecutor(s) from each participating tribe as a SAUSA(s). Eleven Tribal SAUSAs have cleared their background checks and attended a week-long training program in the USAO where they were trained on all aspects of federal jurisdiction, criminal law, federal procedure, and practice expectations in federal court. Their training also included shadowing experienced Indian Country AUSAs to grand jury and court proceedings, and they now have been assigned co-counsel AUSAs and are actively receiving federal cases to prosecute. Three more tribal SAUSAs have cleared security background checks and will complete SAUSA training before fall, and two more are in the application and clearing stages. All of these SAUSAs will focus on prosecuting offense types that their tribal governments have identified to us as community priorities—either domestic violence, child abuse, drug trafficking, sex assaults or bootlegging. The SAUSA program is now larger than we had imagined, though we anticipate adding modestly to the nine participating tribes and the 16 current SAUSAs in 2013 and beyond.

Multidisciplinary Teams (MDTs)

Multidisciplinary Teams or “MDTs” remain one of our most effective tools for current communication on case status and collaboration among tribal and federal officials with public safety responsibility. Within the USAO, the AUSAs and Victim Advocates who handle Indian Country cases devote substantial time traveling to and participating in MDT meetings to share information with their public safety partners and work together to ensure that all investigative steps are completed. During 2012, Phoenix Division AUSAs and Victim Witness Advocates (including Flagstaff) collectively travelled to and attended 44 MDT meetings hosted by the tribes. Tucson AUSAs and Victim Advocates attended 14 MDTs in 2012. A listing of all active MDTs in the District of Arizona, along with assigned AUSA and Victim Advocate, can be found in Appendix A at the end of this report.

Project Safe Neighborhood Pilot Project - Tohono O’odham Nation

The Tohono O’odham Project Safe Neighborhood (PSN) pilot project continued throughout 2012 to yield significant results and prove a successful model of federal and tribal cooperation. PSN is a project aimed at targeting resources toward the reduction of gun and gang violence in communities. The PSN Pilot Project Team meets monthly in Sells and operates its pending case review similarly to MDT meetings, but with a focus on gun and gang matters rather than child and sex abuse.



OUTREACH, TRAINING, AND MULTIDISCIPLINARY TEAMS (MDTs)

High Priority Prevention Group – San Carlos Apache Tribe

The USAO, in partnership with the BIA Office of Justice Services and the San Carlos Apache Tribal Government, is participating in a pilot program to address particularly high rates of violent and drug crime on San Carlos through a “surge”-like program known as High Priority Prevention Group or HPPG. The program relies in an influx of investigative resources targeted at a small group of the most violent and recidivist community members.



APPELLATE MATTERS IMPACTING INDIAN COUNTRY

Assistant U.S. Attorneys in our Appellate Division handle appeals from the Arizona District Court decisions made to the Ninth Circuit Court of Appeals. During 2012, the USAO filed appellate briefs in 14 Indian Country appeals. The United States prevailed in five of these cases. Four of these matters are still pending a decision. Petitions for rehearing en banc have been filed in two cases – one case where the government prevailed, and one case where the government did not. The court has stayed three cases pending the resolution of one of the petitions for rehearing en banc.

United States v. Zepeda 705 F.3d 1052 (9th Cir. 2013)

Three of the cases decided this last year relate to the government's proof that jurisdiction over the matter was properly within the District Court. In *United States v. Zepeda*, a Ninth Circuit Court of Appeals panel reversed jury convictions under the Major Crimes Act, 18 U.S.C. § 1153, which provides for federal jurisdiction over certain crimes committed by Indians in Indian country. The panel held that whether a given tribe is federally recognized, as required for jurisdiction under § 1153, is a question of fact for the jury, not a question of law for the court; and rejected the government's request that this court take judicial notice of the Bureau of Indian Affairs' list of federally recognized tribes in 2008 and 2010. The panel held that a Certificate of Enrollment in an Indian tribe, entered into evidence through the parties' stipulation, is insufficient evidence for a rational juror to find beyond a reasonable doubt that a defendant is an Indian for purposes of § 1153, where the government offers no evidence that the defendant's bloodline is derived from a federally recognized tribe. There was a dissent filed from one member of the panel, who would hold that federal recognition of an Indian tribe is a question of law for the court to resolve. The United States has filed a petition for rehearing en banc. That petition is pending. The Ninth Circuit has stayed its opinions in three other Arizona Indian Country cases pending the resolution of the *Zepeda* case.

United States v. Alvarez 709 F.3d 1309 (9th Cir. March 14, 2013)

In *United States v. Alvarez*, the court held that a Certificate of Indian Blood issued by a Tribe is not a "self-authenticating" document under the Federal Rules of Evidence. As a result, the Government would be required to call a representative of the Nation to testify at trial about the information on the certificate. On April 15, 2013, the Court withdrew the opinion in this case pending the resolution of a petition for rehearing en banc in the *Zepeda* case. *United States v. Alvarez*, --- F.3d ---, 2013 WL 1503702, C.A.9 (Ariz.), April 15, 2013 (NO. 11-10244).



APPELLATE MATTERS IMPACTING INDIAN COUNTRY

United States v. Juvenile Male
666 F.3d 1212 (9th Cir. 2012)

Finally, in *United States v. Juvenile Male*, the defendant claimed that the government did not establish that he was an Indian because the defendant did not see himself as an Indian, and was not socially recognized as an Indian by Tribal members. The Court concluded that the evidence that the defendant was an enrolled member of the Tribe, received assistance and benefits reserved only to Indians, and enjoyed the benefits of Tribal affiliation was sufficient to establish that the defendant was an Indian.



VICTIMS' RIGHTS AND ADVOCACY

This Office will ensure that crime victims are treated with dignity, respect, and compassion and are afforded all rights to which they are entitled under federal law. The Crime Victims' Rights Act (CVRA) of 2004 was enacted to enhance the rights of federal crime victims and provide them with recourse should their rights be violated in the course of the federal investigation and prosecution of their case. We have fully implemented the CVRA by ensuring that all staff are properly trained—and retrained on an annual basis—and by requiring that all law enforcement agencies that refer cases for federal prosecution fully comply with the CVRA.

We encourage you as a tribal leader and public safety partner to please share the following guidance with any victims of federal crimes you contact. Pursuant to the CVRA, they are entitled to the following rights:

- the right to be reasonably protected from the accused;
- the right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused;
- the right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;
- the right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- the reasonable right to confer with the attorney for the Government in the case;
- the right to full and timely restitution as provided in law;
- the right to proceedings free from unreasonable delay; and
- the right to be treated with fairness and with respect for the victim's dignity and privacy.

18 U.S.C. § 3771.

We rely on victims and other witnesses to report crime and to participate fully in the prosecution of federal offenses so that victims, their families, and their communities can see justice served. Without cooperation from crime victims and other witnesses, we cannot bring offenders to justice and communities will be less safe.



SEXUAL ASSAULT CASES IN ARIZONA INDIAN COUNTRY FREQUENTLY ASKED QUESTIONS

In February 2013, this office sent a memorandum to Law Enforcement, Social Services and Medical Providers, addressing several frequently asked questions about sexual assault cases in Arizona's Indian Country. We feel this information is very beneficial and have provided those questions and answers below.

How do I know if a reported Sexual Assault case has been prosecuted?

If you are a social worker or medical provider and become involved in a reported sexual assault or sexual abuse case, you can call the United States Attorney's Office or the Tribal Prosecutor's Office. In a normal situation, this assault will have been reported to law enforcement by you or someone in your office. You should attempt to get as much information from the responding officer as possible. This should include the victim, the officer's name and badge number, as well as the Departmental case number assigned to this investigation. This information will help the prosecutor to track down investigations that have not been submitted for prosecutive determination.

How are Sexual Assault/Abuse Cases normally handled?

There is no normal case. Sexual assaults may come to light through any number of means. A case might be reported immediately to police or it might be revealed during an emergency room visit or later disclosed to a family member or friend. Whatever the method that the sexual assault is learned of, it should be reported to police and a formal investigation initiated. A patrol officer may take the initial report and turn it over to a Criminal Investigator or a federal agent for follow up. Important evidence should be gathered. This would include: statements of the victim and any witnesses; clothing and bedding containing possible biological evidence; and a rape kit (if one was done). Once the officer or agent has completed the investigation it is turned over to the federal or tribal prosecutor's office for consideration. The prosecutor may charge the matter, decline it or request that further investigation be done. Office policy within the U.S. Attorney's Office requires that the AUSA make this determination within a reasonable time of the submission of the reports.

Will the U.S. Attorney's Office consider a case not submitted through a Criminal Investigator or Federal Agent?

Yes. While cases are normally submitted by a CI or Federal Agent, there is no prohibition that prevents a case from being submitted to the U.S. Attorney's Office by a patrol officer. No case will ever be turned down by the United States Attorney's Office because it was not submitted through a CI or Federal Agent. If, upon receipt of the investigation it appears that additional investigation or evidence is necessary, the AUSA reviewing the matter may reach out to a CI or a Federal Agent to enlist their assistance. If you are a patrol officer, medical provider or social services employee that believes that a sexual assault has occurred and that a proper



SEXUAL ASSAULT CASES IN ARIZONA INDIAN COUNTRY FREQUENTLY ASKED QUESTIONS

investigation is not being undertaken by tribal or federal investigators, please do not hesitate to contact the United States Attorney's Office in Flagstaff. Call (928) 556-0833 and ask to speak with an AUSA. When in doubt, call!

What are some of the reasons that Sexual Assault/Abuse cases are not prosecuted?

Proof of a sexual assault, like any other crime depends upon evidence to be able to prove beyond a reasonable doubt that the crime occurred, and that it was committed by the defendant. Such proof may include physical evidence such as clothing, DNA, or physical injury or trauma. It may also include statements from the victim, witnesses and suspect. Lack of any of these may make prosecution more difficult. Time is of the essence in sexual assault investigations, and much of this evidence must be collected within hours or risk the loss of it forever. The sooner and more complete the investigation after the assault, the more likely that the matter can be proven beyond a reasonable doubt.

How long does a Sexual Assault case take from start to finish?

The answer is that it depends. A straight-forward case with physical evidence and in which a suspect admits to the assault may be charged within days and may proceed to trial or to a change of plea resolution within a few months. Other cases which are not as clear may require additional investigation and follow-up and could take much longer to charge and proceed to trial or plea. In those cases, prosecutors may hold off on charging until additional evidence is recovered or tested, or until additional follow-up is done. If you are ever concerned about the status of a case or investigation, do not hesitate to call.

Conclusion:

No sexual assault case should ever fail because law enforcement was not notified about the crime. Sadly some investigations, even if pursued doggedly, fall short of sufficient evidence for the matter to be prosecuted. Thus, in sexual assault cases we should all strive to investigate thoroughly, to document carefully, and to provide support and encouragement to sexual assault victims to foster a positive environment in which those victims are empowered to report the crime and to see the investigation and prosecution through to its conclusion.



DECLINATIONS FREQUENTLY ASKED QUESTIONS

Many questions arise regarding the declination of cases for federal prosecution. These questions come from victims, law enforcement and sometimes other prosecuting agencies. What follows are some answers to common questions.

What does it mean when a case is declined for federal prosecution?

When a case has been declined for federal prosecution it means that a federal prosecutor (Assistant U.S. Attorney) has reviewed the investigative reports and has concluded that there is not a reasonable likelihood of being able to prove to a judge or jury beyond a reasonable doubt that a federal crime has been committed by the suspect.

Does a declination mean that the Assistant U.S. Attorney did not believe the victim?

No. Many times an Assistant U.S. Attorney believes that a crime was committed and believes the victim regarding the offense. Nevertheless, in order to file federal charges, the AUSA must conclude that there is sufficient evidence regarding each and every element of an offense in order to prove the crime beyond a reasonable doubt, allowing them to charge the matter. A lack of sufficient evidence regarding any one element may force the AUSA to have to decline the matter for federal prosecution.

Does the declination of a matter for federal prosecution prevent prosecution in tribal court?

No. Federal and Tribal jurisdictions are separate and distinct. So too are the nature of the charges available to each. A federal charge may require proof of an element or elements which are not required to be proven under a particular tribal charge. In some circumstances this may mean that tribal charges can succeed where federal charges could not.

Why are cases declined for federal prosecution?

Cases may be declined for federal prosecution for number of reasons. After reviewing the investigative materials the federal prosecution may decline a case for any number of reasons, to include:

- ⇒ **Jurisdiction or Venue Problems**
- ⇒ **Lack of Criminal Intent**
- ⇒ **No Federal Offense Evident**
- ⇒ **No Known Suspect**
- ⇒ **Suspect Deceased**
- ⇒ **Weak or Insufficient Admissible Evidence**
- ⇒ **Witness Problem**



DECLINATIONS FREQUENTLY ASKED QUESTIONS

What are the most common reasons that cases are declined?

Far and away the most common reasons for cases being declined for federal prosecution are **Weak or Insufficient Admissible Evidence** and **Witness Problems**. This may mean that there was a lack of physical evidence of the crime recovered, or that there were no witnesses to the crime. It could mean that different witnesses to the crime have wildly divergent versions of the incident, or that a witness' ability to observe or recall the event was severely impaired by drugs, alcohol or mental issues. It might mean that a victim or witness to a crime might have a motive to be untruthful. Ultimately, the question is whether there is sufficient evidence and witnesses to prove beyond a reasonable doubt that the suspect committed a federal offense.

Once a case is declined for federal prosecution, is that decision final?

No. When a case is submitted for a charging determination, the AUSA makes their decision based upon the investigative materials available to them at that time. In some instances additional evidence or witnesses are located after the case has been initially declined. When this happens, the matter can be submitted for reconsideration in light of the newly discovered evidence.



USAO ASSISTANCE TO TRIBES ON CURRENT PUBLIC SAFETY ISSUES

As it has in recent years, the United States Attorney's Office continues to offer its assistance to any tribal government evaluating its options under recently enacted federal laws intended to give tribes more control over their communities' collective public safety.

Tribal Law and Order Act

With its enactment in July 2010, the enhanced sentencing provisions of the Tribal Law and Order Act TLOA created an option for tribal justice systems to expand their sentencing authority for individual tribal offenses to up to three years, and to sentence a tribal defendant consecutively for up to three of those offenses if the tribal government determined such sentencing was in the community's interest. Since TLOA became law the USAO has provided training and consultation to nearly half of the tribal governments in the District on how the law works, what it allows, what it requires of tribal court systems, and how tribes could configure their criminal laws, rules and court systems to ensure that their systems would be found to comply with TLOA. Those tribes include the Navajo Nation, the Hopi Tribe, Fort McDowell Yavapai Nation, Gila River Indian Community, Tohono O'odham Nation, Yavapai-Prescott Tribe, the Pascua Yaqui Tribe and the San Carlos Apache Tribe. Several Arizona tribes now have modified their laws, rules and procedures to "opt in" to the enhanced sentencing provisions of TLOA, and several more are in preparation to do so. This office will furnish personnel to train and consult with any tribal government that wishes to learn more about the TLOA option. Please contact any of the Tribal Liaisons if you would like them to come and present or answer questions. A copy of the Tribal Law and Order Act can be found on our website at www.justice.gov/usao/az or at this link: [Tribal Law and Order Act](#)

Violence Against Women Act Reauthorization

In March of this year, Congress also enacted and the President signed, the law reauthorizing the Violence Against Women Act (VAWA), which created new federal felony prosecution options for offenses such as strangulation, and expanded tribal prosecution authority provisions for tribes to address non-Indians who commit acts of domestic violence against Indians in Indian Country. Like the enhanced sentencing authority of TLOA, Congress required in VAWA that tribal governments provide more due process protections to such defendants in exchange for that authority, and several Arizona tribes already are at work evaluating the VAWA expanded jurisdiction option or electing to pursue it. This office stands ready to offer training and consultation on the new VAWA reauthorization provisions and requirements to all interested tribal government agencies. Please contact any of the Tribal Liaisons if you would like them to come and present or answer questions. A digest of the VAWA reauthorization Act can be found on our website at www.justice.gov/usao/az or at the following link: [VAWA Reauthorization Act](#)



USAO ASSISTANCE TO TRIBES ON CURRENT PUBLIC SAFETY ISSUES

A copy of frequently asked questions and answers on the expanded criminal jurisdiction offered to tribes under VAWA can be found on our website at www.justice.gov/usao/az or at the following link: [VAWA 2013](#)

Department of Justice Declinations Report

Finally, a copy of the Department of Justice's report to Congress on declinations in Indian Country is available at this link: www.justice.gov/tribal/tloa-report-cy-2011-2012.pdf



APPENDIX — A

Multi-Disciplinary Team (MDT) List



APPENDIX – A

MULTIDISCIPLINARY TEAMS

U.S. Attorney's Office ~ District of Arizona

AUSA	MDT	Contact Person	VW
T. Simon	Phoenix Area	Linda Westover, Social Work Consultant, Phoenix Area Indian Health Service, Two Renaissance Square, Ste 606, 40 N. Central Ave., Phoenix, AZ 85004	Shawn Cox
C. Covault C. Keller T. Van Buskirk	Chinle	Clara Tah-Nunn, Navajo Nation DSW, Family Services, P. O. Box 1000 Chinle, AZ 86503, (928) 674-2050/2029, Fax (928) 674-5740	Eydie Robertson
B. Solomon	Cocopah	John Agee, Department of Social Services, County 15 & Ave. G., Somerton, AZ 85350, (928) 627-3729, Fax (928) 627-3116, jagee@cocopah.com	Marlene Beall
T. Reid-Moore	Colorado River	Ray Barnett, CRIT Behavioral Health Services, Rt. 1, Box 19, Parker, AZ 85344, (928) 737-2685, Fax (928) 737-2697	Marlene Beall
C. Woo	Dilcon, Leupp	Dilcon Family Service, HCR 63, Box 6089, Winslow, AZ 86047, (928) 657-8065, Fax (928) 657-8041	Eydie Robertson
C. Covault	Ft. McDowell	Jimmy Esquirell, Fort McDowell Yavapai Nation Tribal CPS, P.O. Box 17779, Fountain Hills, AZ 85269, (480) 789-7820, Fax (480) 837-4809, Cell (480) 201-7061, jesquirell@ftmcdowell.org	Marlene Beall
C. Covault C. Keller T. Van Buskirk	Ft. Defiance	Sharon Lee Begay, Navajo DSW, P. O. Box 950, Ft. Defiance, AZ 86504, (928) 729-4013, Fax (928) 729-406	Eydie Robertson
T. Reid-Moore	Ft. Mojave	Ft. Mojave Social Services Dept., Needles, CA 92363, (928) 346-1550, Fax (928) 346-1552	Marlene Beall
C. Covault C. Keller T. Van Buskirk	Ganado	Maria Jim, Navajo DSW, P. O. Box 210, Ganado, AZ 86505, (928) 775-5931, Fax (928) 755-5939	Eydie Robertson
R. Logan	Gila River	Tila Garcia, Gila River Indian Community, Office of the Prosecutor, P.O. Box 97, Sacaton, AZ 85147, (520) 562-5727, Fax (520) 562-8104, tila.garcia@gric.nsn.us	Marlene Beall
M. Karlen	Ak-Chin	Sylvia Soliz, Ak-Chin Police Department, 47314 W. Farrell Rd., Maricopa, AZ 85139, wk # (520) 568-1272, fax # (520) 568-1201, ssoliz@ak-chin.nsn.us	Marlene Beall
C. Keller	Havasupai	Angie Watahomogie, Tribal Social Services, P O Box 10, Supai, AZ 86435, (928) 448-2142, Fax (928) 448-2143	Mary Williams
S. Sexton	Hopi	Elizabeth Poseyesva, Hopi Guidance Center, PO Box 68, Second Mesa, AZ 86043, (928) 737-1811, Fax (928) 737-2697	Eydie Robertson
T. Reid-Moore	Hualapai	Carrie Imus, Social Services, PO Box 480, Peach Springs, AZ 86434, (928)769-2269, Fax (928) 769-2659	Mary Williams
A. Zickerman	Kaibab-Paiute	Ronica Spute, Tribal Administrator, Kaibab Paiute Tribe, H.C.65 Box 2, Pipe Spring, AZ 86022, (928)-643-8320 Fax (928)643-7260	Lee Mills
N. Savel S. Clemens	Pascua Yaqui	Canada Valenzuela, Program Manager of Victim Services, Pasqua Yaqui Police, 4730 W. Calle Tetakusim, Tucson, AZ 85757, (520) 879-5769, Fax (520)879-8287 Canada.Valenzuela@pascuayaqui-nsn.gov	Mary-Anne Estrada
T. Simon	Salt River	Lt. Michaela Sample, Salt River Police Department, 8440 East Chaparral, Ste 13 Scottsdale, AZ 85256, wk (480) 362-5400, Fax (480) 362-5420, Michaela.Sample@SRPMC-nsn.gov	Marlene Beall
T. Simon	San Carlos	Zahra J. Goseyun, Tribal Social Services, PO Box 0, San Carlos, AZ 85550, (928) 475-2313, Fax (928) 475-2342, zjgoseyun@hotmail.com	Mary Williams
N. Savel S. Clemens	Tohono O'odham	SA Samantha Koval, FBI, 275 North Commerce Park Loop, Tucson, AZ 85745, (520)791-6897, Det. Wenona May, Tohono O'odham Police Department, P.O. Box 189, Sells, AZ 85634, (520) 383-6432	Dori Arter
R. Dokken	Tuba City Kayenta	Orlinda Douglas, Navajo Nation Social Services, P. O. Box 280, Tuba City, AZ 86045, (928) 283-3266, Fax (928) 283-3276	Mary Williams
D. Sampson B. Solomon	White Mountain Apache	Janet Sanchez, IHS Social Worker, IHS Hospital, PO Box 860, Whiteriver, AZ 85941, (928) 338-4911 ext. 3670 Fax 928-338-3522 janet.sanchez@ihs.gov	Mary Williams
P. Schneider	Yavapai-Apache	Pauline Jackson, Social Services, 2400 W. Datsi St., Camp Verde, AZ 86322, (928) 649-6929, Fax (928) 567-6832, pj@yantribe.org	Mary Williams Lee Mills
P. Stearns	Yavapai Prescott	John Allen, Social Services, 530 E. Merritt, Prescott, AZ 86301, (928) 778-7350, jmallen@ypit.com	Lee Mills



APPENDIX — B

Staff Biographies



APPENDIX — B

STAFF BIOGRAPHIES

Below are brief biographies of our office members who hold responsibility for serving the tribal communities in Arizona.

DISTRICT-WIDE

John S. Leonardo

John S. Leonardo was sworn in as United States Attorney for the District of Arizona on July 3, 2012. Prior to that he served as a judge of the Superior Court of Arizona for Pima County from 1993 to 2012, and was Presiding Judge of that Court from 2002 to 2007. He also served as a member of the Arizona Supreme Court Judicial Ethics Advisory Committee from 2010 to 2012. In 2011, he was honored with the Judicial Integrity Award from the Arizona Trial Lawyers Association. Prior to his judicial service, Judge Leonardo was an Assistant United States Attorney for the District of Arizona from 1982 to 1993 and for the Northern District of Indiana from 1973 to 1982, where he also served as the First Assistant U.S. Attorney from 1978 to 1982. From 1972 to 1973, Judge Leonardo was an Assistant State's Attorney for Prince George's County, Md. He graduated from the University of Notre Dame in 1969 and from George Washington University School of Law in 1972.

Patrick Schneider

Pat currently is Chief of the Flagstaff Office and Tribal Liaison for the northern portion of the state. He has been an AUSA for over 20 years and during that time has worked in the Violent Crime Section, the OCDETF Section, and the Civil Section. In addition to being an AUSA, Pat has also held the positions of Deputy Criminal Chief of the OCDETF section and Criminal Chief in the Phoenix Office. Pat earned his law degree from the University of Wyoming School of Law. Prior to joining the USAO, Pat worked as a Deputy County Attorney at the Maricopa County Attorney's Office specializing in gang prosecution.

Dimitra Sampson

Dimitra graduated from the College of Law at Arizona State University in 1998. She then worked for the Maricopa County Attorney's Office as a prosecutor until 2004, primarily prosecuting sex crimes. Dimitra then went into private practice for a several years handling mostly medical malpractice defense before joining the USAO in May 2008. Dimitra has been in



APPENDIX — B

STAFF BIOGRAPHIES

the Violent Crime Section for her entire time at the USAO assigned primarily to the White Mountain Apache Tribe handling all of the cases from that reservation, including sex crimes. She is the Tribal Liaison for the tribes in the central portion of the state.

Shelley Clemens

Shelley has been an Assistant U.S. Attorney in the Tucson Office for over seven years. She is also the Tribal Liaison for the Tohono O’odham and Pascua Yaqui Nations. While in the office, Ms. Clemens has served as the deputy chief of the violent crime and Indian Country unit, and the Chief Assistant. Prior to joining the U.S. Attorney’s Office, Ms. Clemens was the First Assistant in the Washington County District Attorney’s Office in Bartlesville, Oklahoma. Ms. Clemens is a graduate of the University of Oklahoma College of Law and received her bachelor’s degree from Northern Arizona University.

Shawn Cox, MSW, LCSW

Since 2006, Shawn has served as the USAO Victim Witness Coordinator. In this role, she supervises the Victim Witness Advocate staff, and implements the Federal Crime Victims Rights Act and the USAO victim and witness policies district-wide. She serves on the Child Fatality Review Team; the Greater Phoenix Area Human Trafficking Task Force, Phoenix Child Protection Team, and several other community and law enforcement based committees. Shawn received her Bachelor’s Degree in Psychology and a Masters Degree in Social Work. She has an extensive history of working with victims of crime, traumatic stress, and child abuse. Shawn worked in a civil role in the military as a supervisor of the social work department and the family advocacy program and received a commendation for her work in expediting child abuse cases throughout the court system. She has a wealth of experience ranging from a rich history in hospital clinical and medical social work, employee assistance counseling, drug and alcohol addiction, program development, and as a clinician in private practice. She also served as an on-call clinical social worker for two local community hospitals. Shawn served as the Regional Director for a national legal advocacy group for abused children. She became the Director of Victim Services for a non-profit victim advocacy agency and pioneered bringing innovative social services to crime victims who received the legal advocacy services in the project. Shawn is a Licensed Clinical Social Worker in the States of Arizona and Michigan. She is a member of the National Association of Social Workers, the American Professional Society on the Abuse of Children and the American Academy of Experts in Traumatic Stress.

Hope MacDonald LoneTree

Hope is currently the Tribal Relations Advisor at the Office of the U.S. Attorney for the District of Arizona. She completed two 4-year terms as a Councilwoman on the 20th and 21st Navajo Nation Council. During her eight years on the Council she served on numerous



APPENDIX — B

STAFF BIOGRAPHIES

committees and subcommittees including six years as the chair of the Public Safety Committee. She co-chaired the U.S. Department of the Justice-Office of Justice Programs Tribal Justice Advisory Group and in 2010 she served on the U.S. Attorney General's Tribal Nations Leadership Council. She served as the first Native American to be elected to the executive board and to Vice-President of the National Foundation for Women Legislators. Hope is a member of the U.S. Department of Health and Human Services Region IX Health Equity Council. She is also a local board member of Parenting Arizona in Tuba City, Arizona.

FLAGSTAFF

Lee Mills

Lee began working at the Phoenix U.S. Attorney's Office in 2003 and has worked in Flagstaff as a Victim Witness Assistant since 2005. Prior to that she worked for the National Weather Service. Lee enjoys helping the victims from all across northern Arizona, including Indian Country and the national parks/recreation areas.

Paul V. Stearns

Paul has worked at the USAO since 2009, handling defensive tort and employment law cases on behalf of the United States and its agencies before joining the Indian Country Team in 2011. Before joining the USAO, he worked in private practice at Bryan Cave LLP in St. Louis for approximately eight years, he was a full-time faculty member at the Police Training Institute at the University of Illinois, and he clerked for the Supreme Court of Missouri. Prior to attending law school Paul was a police officer for the City of Urbana, Illinois for nearly nine years, and he served in both the regular and reserve components of the United States Army. Paul graduated from the Southern Illinois University School of Law.

Adam Zickerman

Adam has worked with the Flagstaff USAO criminal division since 2012. He handles felony and misdemeanor offenses; ranging from simple to complex cases. He began his legal career in 2001, at the Office of The Attorney General in Lansing, Michigan. In 2003, he relocated to rural Show Low and St. Johns, Arizona where he prosecuted violent crimes and sexually based offenses at the Apache County Attorney's Office. In 2005, he continued his prosecutorial career with Coconino County Attorney's Office, in Flagstaff, where he focused solely on violent crime and sexually based offenses. In 2010, he ventured into the world of



APPENDIX — B

STAFF BIOGRAPHIES

private practice handling an array of civil and criminal matters. In 2012, he proudly joined the U.S. Attorneys Office to continue to prosecute criminal acts.

PHOENIX

Sharon Sexton

Sharon is Chief of the Violent Crime Section. She has been with the USAO for nearly 18 years and has worked exclusively in the Violent Crime Section. Before coming to the USAO, Sharon was also a prosecutor for five and a half years at the Maricopa County Attorney's Office. During her time at the USAO, she has specialized in crimes against children to include hands-on and child pornography offenses. She has also handled numerous other prosecutions including those involving conspiracy, murder, sexual assault, and aggravated assault.

Marlene Beall

Marlene Beall has worked for the USAO since 2001 first as the Victim Witness Assistant for the Victim Witness Program and beginning in 2002 as a Victim Witness Specialist. Prior to joining the USAO, she was employed by the Arizona Attorney's General Office as a Victim Advocate for two years. Marlene also worked with the Navajo Nation Criminal Investigations Department, Victim Witness Program as a Victim Assistance Advocate for six years. Marlene has received extensive training in various victim assistance programs, such as the National Organizations for Victim Assistance (NOVA) and International Critical Incident Stress Foundation (ICISF). She also received a certification from the National Transportation Safety Board (NTSB) and graduated from the victim assistance training program, through the National Victim Assistance Academy in Fresno, California. Marlene also serves on the Committee for Arizona Coalition for Victim Services. Marlene graduated from Grand Canyon University in Phoenix, Arizona, with a degree in Criminal Justice

Christina Covault

Christina has worked at the Phoenix USAO for nearly three years. Prior to joining Violent Crimes in January 2013, she prosecuted immigration, firearms, and drug offenses in the Southwest Border Crimes section. Christina now handles cases from the Fort McDowell Yavapai Nation reservation, northern Navajo reservation, and Federal Correctional Institution, Phoenix. Prior to joining the USAO, Christina was prosecutor at Maricopa County Attorney's



APPENDIX — B

STAFF BIOGRAPHIES

Office and before that, clerked for the Honorable Stephen C. Villarreal in Pima County Superior Court. Christina graduated from the University of Arizona James E. Rogers College of Law and Georgetown University's School of Foreign Service. Prior to law school, Christina worked in Shanghai, China, for the United States Department of State.

Roger Dokken

Roger has been an AUSA for over 30 years. He has worked on violent crime matters, drug cases, and has worked on civil matters involving fraud and environmental issues. Roger has served as the First Assistant United States Attorney, Criminal Chief, Deputy Criminal Chief, Tribal Liaison and has served on Attorney General Advisory Committee working groups. Before coming to the USAO, Roger was the Chief Deputy Coconino County Attorney. He earned his law degree from Valparaiso University Law School.

Dyanne Greer

Dyanne has been with the USAO since 2002 and as an AUSA in the Violent Crimes Unit, works primarily on sex crime prosecutions. She specializes in child abuse, child sexual abuse, and sex offender registration issues. Before joining the USAO, Dyanne worked as a pediatric and emergency room social worker and also worked on civil commitment assessments. She has worked as a social worker in the Maricopa County Jail with psychiatric inmates and holds an MSW in clinical social work. After law school Dyanne worked for the Maricopa County Attorney's Office in the Sex Crimes Unit. She also spent a year as a senior attorney for the National Center for Prosecution of Child Abuse in Alexandria, Virginia. Dyanne has taught for years in the areas of child abuse, sex abuse and child homicides. She earned her graduate degree from the University of Arizona, her MSW from Smith College, and her law degree from Arizona State University College of Law.

Melissa Karlen

Melissa has been with the USAO for over three years. Before joining the USAO she worked at the Office of the Chief Counsel, Department of Homeland Security in Los Angeles, California where she represented the United States of America in immigration proceedings resolving citizenship issues for immigrants. From 2002 to 2007, Melissa was a Deputy Prosecuting Attorney for the City and County of Honolulu, Hawaii. In that position, she was assigned to numerous prosecution divisions, including her final assignment with the felony career criminal division.



APPENDIX — B

STAFF BIOGRAPHIES

Christine Keller

Christine Keller has been an AUSA for five years, during which time she has worked in the Violent Crime, Southwest Border and Civil sections. She is also the Human Trafficking Co-Coordinator for the office, specializing in sex and labor trafficking offenses. Christine earned her law degree from Temple University, Beasley School of Law. Prior to working for the U.S. Attorney's Office, Christine spent five years working for a private law firm in Chicago, Illinois.

Raynette Logan

Raynette Logan started with the U.S. Attorney's office in May 2000, as a Special Assistant U.S. Attorney with the Army Judge Advocate General's Corps, prosecuting DoD procurement fraud and other white collar cases. In October 2003, she became an Assistant U.S. Attorney prosecuting immigration and violent crime cases. In October 2008, Raynette became a Section Chief of the Southwest Border Crimes Section, which prosecutes immigration, narcotic, and firearm cases. She moved back into the violent crimes section in December 2012, where she is now the primary AUSA for felony cases arising out of the Gila River Indian Community. Raynette graduated from the University of Arizona in 1995 and went on Active Duty in January 1996. She was a Legal Assistant Attorney for one year before joining the Military Justice shop where she was a Trial Counsel, Senior Trial Counsel, and Chief of Military Justice.

Christina Reid-Moore

Tina has worked for the USAO in the violent crimes unit for over four years. She is currently assigned to the Hualapai Indian Reservation and also prosecutes drug cases in Indian Country. Before joining the USAO, Tina was a partner at the law firm of Renaud, Cook, Drury, and Mesaros and worked there for seven and a half years. Tina also served as a Deputy County Attorney for Maricopa County prosecuting violent and drug crimes for two years. She earned her undergraduate degree from the University of Miami and her law degree from Southern Illinois University.

Eydie Robertson

Victim Witness Specialist Eydie Robertson has worked at the USAO since 2002. Eydie began as the Victim Witness Assistant for the Victim Witness Section then became a Victim Witness Specialist in 2006. Eydie graduated from Arizona State University with a degree in Psychology. She serves on the Innocence Lost/Child Prostitution and Greater Phoenix Area Human Trafficking Task Forces. Before joining the USAO, Eydie worked for the Bureau of Prisons for one and a half years.



APPENDIX — B

STAFF BIOGRAPHIES

Tom Simon

Tom has been an AUSA since January 1991 working primarily in the area of violent crime. He has served as a general and violent crimes prosecutor and Deputy Chief for the Violent Crime Unit. Before joining the USAO, Tom worked as an attorney for Iowa Legal Aid and as a Maricopa County Prosecutor in the Trial, Organized Crime, and Homicide Prosecution Units. Tom also worked in private practice specializing in insurance defense and personal injury cases. He earned his law degree from the University of Minnesota, Drake.

Bill Solomon

Bill is a fifth-generation Arizonan, who earned a bachelor's degree from the University of Arizona and a law degree from the Arizona State University College of Law. He is the newest member of the Violent Crime Section. Prior to joining the Violent Crime Section, Bill handled civil matters for the U.S. Attorney's Office and for the City of Phoenix Law Dept. Bill previously was a prosecutor at the City of Phoenix Prosecutor's Office and at the U.S. Attorney's Office, where he handled firearms, immigration, and human trafficking cases.

Tracy Van Buskirk

Tracy has worked at the USAO for nearly four years, spending a year and a half prosecuting firearms offenses and other matters handled by the General Crimes Section before moving to the Violent Crime and Indian Country Section. Prior to joining the USAO, she worked at the City of Phoenix Prosecutor's Office for five years. Tracy graduated from the Arizona State University College of Law.

Mary Williams

Mary is a Victim Witness Specialist who started with our Victim Witness Program as an intern in 1987. Mary is a graduate of Arizona State University and is member of the San Carlos Apache Tribe and Yavapai Tribe from Camp Verde, Arizona. Mary enjoys her job and the opportunity she has to provide services to victims of crime.

Cassie Bray Woo

Cassie has worked at the USAO for over four years. Prior to joining the Violent Crimes Section in 2011, Cassie prosecuted immigration, firearms, and narcotics offenses in the Southwest Border Section. Previously, Cassie also spent nearly five years working at the Arizona Attorney General's Office as a prosecutor specializing in Criminal Appeals; worked at the U.S. Nuclear Regulatory Commission in their General Counsel's Office; and clerked for United States District Judge Frederick J. Martone. Cassie graduated from the University of Arizona College of Law.



APPENDIX — B STAFF BIOGRAPHIES

TUCSON

Nicole Savel

Nicole is the Chief of the Violent Crimes and Indian Country Section in Tucson and has been with the USAO for over eight years. In the office, her areas of experience include prosecuting drug offenses, violent crimes, and immigration offenses. Before her current supervisory assignment, she supervised a General Border Crimes Unit. Before becoming an AUSA, Nicole was a Deputy Pima County Attorney, from 2001 to 2004, in the sex offenses/family violence unit, and from 1995 to 2000, she was a Deputy Gila County Attorney, where she prosecuted sex offenses, drug offenses, property crimes, vehicular crimes, domestic violence and juvenile matters. She attended law school at the University of Arizona, and received her undergraduate degree from the University of Kansas.

Raquel Arellano

Raquel has worked at the USAO for 10 years. Before joining the USAO, she worked as a Deputy Pima County Attorney at the Pima County Attorney's Office for four years wherein she worked in the Violent Crimes Unit, among other units. Raquel specializes in violent crimes cases from the Tohono O'odham Nation and the Pascua Yaqui Tribe. For more than two years, Raquel supervised the Violent Crime Unit. She attended the University of Arizona College of Law and received her undergraduate degree in General Business from the University of Arizona.

Dori Arter

Dori has been employed by the Tucson USAO since 1977. For the past 21 years she has been a Victim Witness Advocate. She volunteered in the evenings with the local Victim Witness Program for nine years, going to crime scenes with the Tucson Police Department and providing on-scene crisis intervention to the victims and their families.

Mary-Anne Estrada

Mary-Anne has worked in the USAO Tucson Office since 1998 and has been advocating for victims for over 15 years. Prior to coming to the USAO, Mary-Anne was a Victim Advocate for the Pima County Attorney's Victim Witness Program where she worked primarily on homicide cases many of which were death penalty cases. Mary-Anne has a B.S. in Business Administration.



APPENDIX — B

STAFF BIOGRAPHIES

Jesse Figueroa

Jesse graduated from Youngstown State University in 1971 with a B.S and B.A. with a major in accounting. He graduated from the University of Arizona College of Law in 1974. Since graduating from law School, he has been in private practice, a Tucson City Magistrate and a Deputy Pima County Attorney. Jesse has worked at the USAO since 1991.

Micah Schmit

Micah began his career at the Tucson City Prosecutors Office in 1993 and has never left prosecutions. In 1997 he moved over to the Pima County Attorney's Office where he spent the majority of the next 7 years in their felony Special Victims Unit. In 2004 he left to become the chief prosecutor for the Pascua Yaqui Nation, managing an office of six prosecutors and 700 cases annually. He joined the USAO in February 2008 and has been in the Violent Crimes Unit since April, 2010. His extracurriculars include stints chairing the Arizona State Bar's criminal rules committee as well as the Criminal Justice Section and he just concluded his second term on the bar's ethics committee. In 2010 he was appointed to a four-year term on Tucson's judicial nomination/retention committee.

Jovana Uzarraga-Figueroa

Jovana began her career path at the Pima County Attorney's Office working with the Community Justice Boards, a restorative justice program for juveniles. She focused on working with at risk youth and managed boards around Pima County as well as serving as the Volunteer Coordinator for the program. Jovana then moved to the Victim Services Division still at the Pima County Attorney's Office. She worked with victims of violent crime, responding to crisis calls, as well as training and managing new volunteers, and serving as the Volunteer Coordinator for the program. Now, as a Victim Witness Specialist at the United States Attorney's Office she continues to work with victims of crime including Spanish speaking victims. This is a passion of hers and she continues to work hard and strive to better serve victims of crime.

Rui Wang

Rui has worked at the USAO for over three years. Before joining the USAO she worked for the Pima County Attorney's Office prosecuting domestic violence and vehicular crimes for three years. Rui specializes in cases from the Pascua Yaqui Tribe and Tohono O'odham Nation. Rui went to law school at the University of Arizona.



APPENDIX — C

Additional Resources



APPENDIX – C

ADDITIONAL RESOURCES

ARIZONA PROTECTIVE SERVICES

www.azdes.gov/daas/aps

ARIZONA COALITION AGAINST DOMESTIC VIOLENCE

www.azcadv.org

ARIZONA CHILD ABUSE OR NEGLECT

<https://www.azdes.gov/dcyf/cps/reporting.asp>

LOVE IS RESPECT

www.loveisrespect.org

NATIONAL DOMESTIC VIOLENCE HOTLINE

www.thehotline.org

NATIVE AMERICANS FOR COMMUNITY ACTION

www.nacainc.org

NORTHERN ARIZONA CENTER AGAINST SEXUAL ASSAULT

<http://acfan.net/centers/north-az-assault.htm>

NORTHERN ARIZONA REGIONAL BEHAVIORAL HEALTH AUTHORITY

www.narbha.org

PARENTING ARIZONA

www.parentingaz.org

PARENT’S ASSISTANCE HOTLINE

<http://www.azcourts.gov/improve/ParentAssistanceHotline.aspx>

RAPE, ABUSE AND INCEST NATIONAL HOTLINE

www.rainn.org

STALKING RESOURCE CENTER

www.victimsofcrime.org

VICTIME WITNESS SERVICES OF COCONINO COUNTY

www.vwscoconino.org



APPENDIX — C

ADDITIONAL RESOURCES

NORTHLAND FAMILY HELP CENTER

www.northlandfamily.org

SHARON MANOR

www.bothhands.org/#/sharon-manor/4564674982

PAGE REGIONAL DOMESTIC VIOLENCE SERVICES

www.pageregionaldomesticviolenceservices.org

WHITE MOUNTAIN SAFE HOUSE

www.wmsafehouse.org

NAVAJO NATION RULES FOR DOMESTIC VIOLENCE

<http://www.navajocourts.org/indexdistct.htm>

NAVAJO NATION VIOLENCE AGAINST FAMILY ACT

<http://www.navajocourts.org/Resolutions/ViolenceAgainstFamilyAct2011.pdf>