

E. The Attorney General's Capital Case Commission

Janet Napolitano, Chair
Arizona Attorney General

Janet Napolitano began serving a four year term as Arizona Attorney General in January 1999. During her term she has concentrated on issues that make meaningful differences in the lives of Arizonans. She established the Child and Family Protection Division to better serve children who fall victim to abuse and neglect. The Elder Affairs Unit has combated fraud schemes aimed at seniors through litigation and public awareness. The new Computer Crimes Unit has trained law enforcement in the identification and investigation of cybercrimes and has successfully prosecuted some of the first cybercrime cases in Arizona. One of Ms .Napolitano's major achievements was the drafting and passage of the Computer Crimes Act of 2000, which puts Arizona in the forefront of the battle against cybercrime. Ms. Napolitano brings to the position more than four years experience as the United States Attorney for Arizona. During her tenure as a federal prosecutor from 1993-1997, she oversaw the prosecution of more than six thousand cases. Before being appointed U. S. Attorney in 1993, Ms. Napolitano was a partner in the law firm of Lewis and Roca. Early in her career in 1983, she served as a law clerk for the Honorable Mary Schroeder on the U. S. Court of Appeals for the Ninth Circuit.

Pre-Trial Issues Subcommittee Members

Thomas LeClaire, Chair
Snell & Wilmer LLP

In June 2000, Tom LeClaire joined the Indian Law Practice Group of Snell & Wilmer, specializing in economic development in Indian country. In 1996, he was appointed by Attorney General Janet Reno as the Director of the Office of Tribal Justice to serve as her senior advisor for Indian affairs, to act as the Department of Justice's liaison to the 558 federally recognized tribes and to coordinate Indian policy within the Department of Justice and with other agencies. As Assistant United States Attorney for more than ten of his nineteen years of law practice, he prosecuted violent crimes and corruption matters affecting Indian country. Mr. LeClaire testified frequently before the United States Senate regarding the Department of Justice's Indian policies, is a frequent lecturer on Indian and criminal law issues, was an adjunct professor of Criminal Law and Procedure at American University and served as a trial techniques instructor at the Attorney General's Advocacy Institute. He also served as the Chief Defense Counsel for the United States Navy in Europe.

Paul Ahler
Maricopa County Attorney's Office

Paul Ahler was appointed Chief Deputy of the Maricopa County Attorney's Office in 1993. He is responsible for reviewing all first-degree murder cases that have been staffed by the Office's Capital Review Committee, and for supervising the Division Chief's staff and special assistants on the County Attorney's staff. Mr. Ahler chairs the Attorney Hiring Board and the Incident Review Board. Prior to serving as Chief Deputy, he served the Criminal Trial Division, Trial Bureau D, the Homicide Bureau, Division Chief for the Criminal Trial Division, and Division Chief at the Southeast Facility of the Maricopa County Attorney's Office. Mr. Ahler was an Assistant City of Phoenix Prosecutor for more than four years, assigned as a trial attorney, training attorney and Team Leader.

James Bush
Fennemore Craig
(Chair, Governor's Mental Health Task Force)

James Bush is a private practice attorney with extensive experience in legislative and governmental affairs, including the areas of financial institutions, taxation, mining, water, health care, franchising, petroleum and environmental matters. He was the principal lobbyist behind the adoption of the Arizona Interstate Bank and Saving and Loan Association Act and the Arizona Credit Union Conversion Act. He was an active participant in drafting the Arizona Groundwater Management Act; served on the Governor's 1972 and 1973 Task Forces on Education; and the Governor's 1986 Task Force on Water Quality. Mr. Bush has also served in the following positions: president of the Arizona Chamber of Commerce, vice chairman of the Indian Reserved Water Rights Committee of the Western Regional Council, chairman of the Governmental Relations Committee of the Arizona Mining Association and president of the National Conference of Commissioners on Uniform State Laws.

Jose Cárdenas
Lewis and Roca LLP

Jose Cárdenas is the Managing Partner at the law firm of Lewis and Roca, primarily practicing in the areas of commercial and civil litigation. He has been involved in death penalty litigation since joining the firm in 1978. Mr. Cárdenas is active in the community and in the Bar Association. Among other things, he is the current president of the Arizona-Mexico Commission, and a member of the American Law Institute.

Harold Higgins
Pima County Assistant Public Defender

Harold Higgins has served as the Assistant Pima County Public Defender since 1995. He was a Prosecutor and Chief of the Civil Division in the Pima County Attorney's Office for eleven years before entering private practice in 1984. In 1987, Mr. Higgins became the Director of the Pima County Public Defender's Office, a position he held for two years before returning to private practice.

Cindy Jorgenson
Pima County Superior Court Judge

Cindy Jorgenson was appointed Pima County Superior Court Judge in 1996. She was assigned to the Criminal Bench from April 1996 to February 1998, and has served as Associate Presiding Judge of the Domestic Bench since then. From 1986 to 1996, Judge Jorgenson served as an Assistant U.S. Attorney where she prosecuted federal offenses, defended medical malpractice cases, supervised the forfeiture unit, and briefed and argued criminal and civil appeals before the Ninth Circuit. From 1977 to 1986, Judge Jorgenson was a Deputy Pima County Attorney, starting in the Criminal Division, and later supervising the Sex Crimes Unit and the Felony Trial Team.

John Loredó
Arizona House of Representatives

John Loredó was first elected in 1997 and reelected in 1999 to the Arizona State House of Representatives. He is now serving in House Leadership as the Democratic Whip for the 44th Legislative Session. His standing committee memberships include Judiciary, and Health and Human Services.

Representative Loreda became involved in politics while attending Phoenix College. He was elected President of M.E.Ch.A. (Movimiento Estudiant Chicano de Aztlan), and was the first President and Founding member of LULUC Young Adult Council (League of United Latin American Citizens). Representative Loreda worked with Cesar Chavez organizing marches, rallies and boycotts. And, his first political campaign was the "NO on 106 (English only) committee.

Patricia Orozco
Yuma County Attorney

In 1999 Patricia Orozco was appointed Yuma County Attorney, the first Hispanic and first woman to hold the position in Arizona. The State Bar of Arizona, Committee on Minorities and Women in the Law awarded her for outstanding achievement advancing equal opportunities in the legal profession. Prior to her appointment, Ms. Orozco was in private practice in Arizona for eight years. She was named Outstanding Young Lawyer by the Arizona Bar Association Young Lawyers Division, and in 1994, she opened her own practice handling family law, juvenile dependency and delinquency, bankruptcy and landlord/tenant matters. Ms. Orozco also served as Judge Pro Tem for the Cocopah Tribal Court for five years.

Lee Stein
Fennemore Craig

Lee Stein practices in the areas of criminal law, governmental investigations and compliance planning. He also represents business entities in criminal investigations and prosecutions. Mr. Stein has significant experience in the prosecution of criminal fraud, public corruption, and environmental cases as well as professional malpractice, antitrust, securities fraud, licensing and appellate law matters.

George Weisz
Executive Assistant to the Governor

George Weisz has served as an Executive Assistant to Governor Jane Dee Hull since September 1997, and as the Governor's policy advisor on criminal justice and law enforcement. He is also the Governor's liaison with the Department of Public Safety, Department of Corrections, Department of Juvenile Corrections, State Liquor Department, the Arizona Lottery, and a number of commissions and legislative committees. Mr. Weisz served for many years as a Special Agent for the Attorney General's Office where he spearheaded investigations into organized crime, corruption, and financial fraud. He also served in the Arizona House of Representatives. Mr. Weisz is a member of the Arizona Juvenile Justice Commission and serves on the Board of Directors of the Arizona Voice for Crime Victims and the Anti-defamation League.

Trial Issues Subcommittee Members

David R. Cole, Chair
Maricopa County Superior Court Judge

David R. Cole, Judge of the Superior Court of Arizona, Maricopa County, currently presides over a criminal calendar, as well as the Maricopa County Superior Court's special "DUI Court." He previously presided over criminal, civil, domestic relations, and special assignment calendars. Before his 1989 appointment to the bench, Judge Cole served as Clerk of the Arizona Supreme Court, Assistant Arizona Attorney General,

Deputy County Attorney for Pima and Maricopa Counties, and Associate Professor of Law at Pepperdine University. In the early 1990s, Judge Cole served as an editor for the Capital Cases Bench Book, published by the National Judicial College. He is a former certified specialist in criminal law, and is licensed to practice law in all Arizona courts, the U.S. Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Court, District of Arizona. Judge Cole is a frequent presenter for judicial and legal education programs. In 1995, the Maricopa County Bar Association presented Judge Cole with the Hon. Henry S. Stevens Award for "Outstanding Service to the Legal Profession."

Steven Conn

Mohave County Superior Court Judge

Seven Conn has served as a judge of the Mohave County Superior Court Division 3 since 1985, and is assigned 44% of all felony criminal cases in Mohave. Judge Conn has presided over 267 felony jury trials, of which 18 were first degree murder cases. From 1977 to 1985, Judge Conn was a prosecuting attorney with the Mohave County Attorney's Office and served as Chief Deputy County Attorney for the last four of those years. As a prosecuting attorney, he tried 88 felony jury trials, of which 3 were first degree murder cases.

Jaime Gutierrez

Former Arizona State Senator

Jaime Gutierrez currently serves as Assistant Vice President for Community Relations at the University of Arizona. Prior to this latest appointment, he served as Special Assistant to the President and served on the President's Cabinet and assisted the President in a variety of administrative functions, including legislative lobbying. Mr. Gutierrez served as an Arizona State Senator for 14 years and was elected to several leadership positions including Minority Whip and Assistant Minority Leader. He served on a number of interim legislative committees dealing with juvenile delinquency and dependency matters and developed a reputation as an advocate for children's issues. During his final two years in the Legislature, Mr. Gutierrez served as chairman of the Senate Appropriations Committee, as well as chair of the Joint Legislative Budget Committee and Senate Ethics Committee. Prior to joining the legislature, he worked for over seven years at the Pima County Juvenile Court Center, starting as a juvenile probation officer in 1971 and leaving in 1978 as Deputy Director of Court Services.

Charles "Chick" Hastings

Yavapai County Attorney (former)

Chick Hastings served as Yavapai County Attorney from 1981 through 2000. He is the current Chairman of the Arizona Prosecuting Attorney's Advisory Council and was appointed six times to the Arizona Criminal Justice Commission by the State Legislature and the Governor, where he served as past Vice Chairman and Chairman. Mr. Hastings served as Deputy District Attorney for Monterey County, California from 1972 to 1975. He was in private practice in Prescott, Arizona for five years, before becoming the Prescott City Prosecutor.

Marilyn Jarrett

Arizona House of Representatives

Marilyn Jarrett, an Arizona native, was elected to the House of Representatives in 1994 and reelected in 1996 and 1998. She serves on the following committees: Human Services; Ways and Means; Rules; Ethics, Chairman; and Judiciary, Chairman. Bills she has sponsored include regulation of sexually oriented businesses; establishing the auto theft authority; requiring parental consent of a minor before abortions;

banning partial birth abortions; resolutions to the federal government to bring vehicles into compliance with Arizona clean air laws; requiring government to comply with clean air regulations; providing funding for incentives; and lowering vehicle license tax. Ms. Jarrett is a retired business owner and owned an orthodontics lab.

Christopher Johns

Maricopa County Deputy Public Defender – Appeals Division

Christopher Johns joined the Maricopa County Public Defender’s Office in 1988 as a trial attorney, then served as the Training Director from 1990 until 1996. He presently serves in the Office’s Appellate Division. Mr. Johns was an adjunct faculty member for the ASU Justice Studies Department, the Institute of Criminal Advocacy at San Diego Western Law School, the National Institute of Trial Advocacy’s Southern California Regional training at Loyola Law School, and the Arizona State Bar’s College of Trial Advocacy. He also served on the State Bar’s Criminal Rules Committee for several years and was the recipient of the Bar’s 1996 Award of Special Merit.

Michael Kimerer

Kimerer & LaVelle

Michael Kimerer is a leading Arizona criminal defense attorney. He is the managing partner of Kimerer & LaVelle, a law firm specializing in criminal and civil litigation. Mr. Kimerer is listed in “Best Lawyers in America” and has served as past President of the Arizona State Bar, American Board of Criminal Lawyers for the United States and Arizona Attorneys for Criminal Justice. He has also served as a member of the Arizona Judicial Counsel from 1991 to 1997.

Gail Leland

Director, Homicide Survivors

Gail Leland is the director of the Homicide Survivors Victim Assistant Program in Tucson, Arizona, and president and founder of the National Coalition of Homicide Survivors, Inc. She founded the Tucson Chapter of Parents of Murdered Children, now called Homicide Survivors, after the disappearance and brutal murder of her 14 year old son, Richard, in 1981. Ms. Leland was one of the driving forces that led to the creation of the Crime Victim Compensation Program in Arizona and the Arizona Constitutional Amendment for Crime Victim Rights. She is a member of NOVA, serves on the editorial board of the National Center for Victims of Crime, the Arizona VOCA Advisory Board, Arizona’s Voice for Crime Victims, Pima County Crime Victim Compensation Board, and Crime Victim Assistance League.

John Stookey

Osborn Maledon PA

John Stookey is a criminal defense attorney with the law firm of Osborn Maledon in Phoenix. He is also a Ph.D. in Political Science and taught at Arizona State University for 20 years before beginning the full-time practice of law. Mr. Stookey practices in the area of white collar crime as well as capital case defense. In 2001, he received a Presidential Commendation from the Arizona Attorneys for Criminal Justice for his work in studying the death penalty in Arizona. He is the author of two books and more than 30 articles on the American Legal System.

Rick A. Unklesbay
Pima County Attorney's Office

Rick Unklesbay is currently the Chief Criminal Deputy Attorney with the Pima County Attorney's Office. Since joining the County Attorney's Office in 1981, Mr. Unklesbay has tried about 200 felony jury cases including 80 homicides and about 12 death penalty cases.

Direct Appeal and PCR Subcommittee Members

Michael Ryan, Chair
Arizona Court of Appeals Judge

Michael Ryan was appointed to the Arizona Superior Court bench in June 1986. He previously served as a Deputy County Attorney with the Maricopa County Attorney's Office where he handled major felonies and was a trial group supervisor and sex crimes unit coordinator. Since his appointment to the Bench, Judge Ryan has handled both a civil and criminal calendar. He was appointed the associate presiding judge of the criminal department in 1994. Among his duties was chairmanship of the court's Probation-Court Liaison Committee. He was also a member of Maricopa County's Intermediate Sanctions Committee and the court's Judicial Executive Committee. In 1996, Judge Ryan was appointed to Division One of the Arizona Court of Appeals, and in 1997, he was appointed by the Chief Justice of the Arizona Supreme Court to chair the Committee on the Appointment of Counsel for Indigent Defendants in Capital Cases.

Paul Babbitt
Coconino County Board of Supervisors

Paul Babbitt, District 1 Supervisor, has served the Coconino County Board of Supervisors for twelve years, currently in the capacity of Chairman of the Board. His previous political experience includes four years as Mayor of Flagstaff and four years as a member of the Flagstaff City Council. He currently serves on the Arizona Conservation Corps Commission, Arizonans for Cultural Development, Civilian Aide to the Secretary of the Army, Director of Banc One Arizona, Flagstaff Symphony Association, the Governor's Grand Canyon Airport Commission, and the Lowell Observatory Advisory Committee.

Peg Bortner
Center for Urban Inquiry, College of Public Programs
Arizona State University

Dr. Peg Bortner is the Director of the Center for Urban Inquiry in the College of Public Programs at ASU. She has conducted extensive research in juvenile justice and criminal justice. She is the author of *Inside a Juvenile Court: The Tarnished Ideal of Individualized Justice*; *Youth and Justice: An Age of Crisis*; and *Youth in Prison: We the People of Unit Four*. Dr. Bortner holds a PhD in Sociology and has been a member at ASU for 20 years. She is the chair of the Data/Research Subcommittee of the Attorney General's Capital Case Commission.

Chris Cummiskey
Arizona State Senator

Chris Cummiskey is a member of the Arizona State Senate, currently serving as the Assistant Senate Floor Leader, previously serving as Assistant Senate Minority Leader. He was a member of the State House of Representative from 1991 to 1994 and has been a member of the State Senate since. Senator Cummiskey serves on the Finance, Judiciary, Rules and Joint Legislative Tax committees; and is a member of the Democratic Leadership Council National Advisory, the Udall Forum, the National Conference of State Legislatures, Valley Leadership Board of Directors, and Valley Citizen League.

Stanley G. Feldman
Arizona Supreme Court Justice

Stanley Feldman was appointed as Justice of the Arizona Supreme Court in 1982, and served as Chief Justice from 1992 to 1997. He serves on the Board of Directors for the Conference of Justices, and is a member of the Arizona Judges Association, Board of Editors of the State Constitutional Commentary, National Advisory Council of the American Committee for the Weizmann Institute of Science, and the Northern Advisory Board of the Arizona Cancer Center. Justice Feldman's previous associations include: Anti-Defamation League of Tucson and B'nai B'rith; Tucson Jewish Community council Board; Pima County Bar Association Board President; State Bar of Arizona Board of Governors President; American Board of Trial Advocates President; Supreme Court Committees on Rules and Civil Procedure and Uniform Instructions; and the Arizona Advisory Committee to the United States Commission on Civil Rights.

Charles Krull
Maricopa County Deputy Public Defender, Appeals Division

Charles Krull was in private practice for three years before joining the Maricopa County Public Defender's Office in 1975, where he served as a trial attorney for ten years. For the past 15 years, Mr. Krull has been a member of the appeals division with the primary responsibility of reviewing and assigning all post-conviction relief cases, and writing criminal appeals. He was co-chair of the 1992 Rule 32 committee and currently serves on the 1996 Rule 32 committee. Mr. Krull lectures on post-conviction relief issues each year at the Judicial College of Arizona (a new judge orientation for recently appointed/elected superior court judges), at in-house, local and state-wide CLE seminars, and acts as a post-conviction relief resource for public and private attorneys who have Rule 32 practices.

James Moeller
Former Arizona Supreme Court Justice

James Moeller was in private law practice from 1959 to 1977. He is a former Director of the Foundation for Blind Children and a founding director of the Arizona Society for the Prevention of Blindness. Judge Moeller was appointed to the Maricopa County Superior Court in 1977, and served as a judge of that Court until 1987, serving in criminal, civil, and special assignment and appellate assignments. In 1987 he was appointed to the Arizona Supreme Court where he served until retiring in 1998. From 1992 to 1996 he served as Vice Chief Justice of the Court.

Tom Smith
Arizona State Senate

Tom Smith has been a member of the Arizona State Legislature for eight years. A member of the House of Representatives from 1993 to 1998, he was elected to the State Senate in 1999. Since his election to the Senate, he has served as Chairman of the Rules Committee, Vice Chairman of the Judiciary Committee, member and Chairman of both Appropriations Subcommittee, and member of the Education Committee. Prior to joining the Legislature, Senator Smith was a teacher and school principal for 17 years.

Steven Twist
Viad Corp
(Founder, Arizona Voice for Crime Victims)

Steve Twist has served as Assistant General Counsel for Viad Corporation since February 1996. From 1978 to 1990, he served as the Chief Assistant Attorney General for the State of Arizona. He is the principal author of the Arizona Criminal Code and the author of the Arizona Constitution's Victims' Bill of Rights. Mr. Twist serves as Chief Counsel for the National Victims' Constitutional Amendment Network, and on the Board of Directors of the National Organization for Victim Assistance. He is a founder and Vice President of Arizona Voice for Crime Victims.

Lois Yankowski
Pima County Assistant Legal Defender

Lois Yankowski joined the Office of the Pima County Legal Defender in 1995, is now a senior counsel in the appellate division, and represents defendants on appeal, including death penalty cases. She received her JD from Georgetown University Law School in 1975 and was admitted to the D.C. Bar that year. She was a Prettyman Fellow at Georgetown from 1975 to 1977 and received her LL.M in 1979. From 1980 to 1988, Ms. Yankowski was a professor of law at Antioch University Law School. For several years prior to joining the Pima County Legal Defender, Ms. Yankowski practiced private criminal law in Tucson.