



Arizona Criminal Law for Legislators

Overview: The Academy for Justice at the Sandra Day O'Connor College of Law at Arizona State University—in conjunction with the Arizona Prosecuting Attorneys' Advisory Council—are hosting this *non-partisan, in-person, invite-only* event exclusively for policymakers and their staff. The event will present information on Arizona Criminal Law in practice and as a matter of law while also providing an academic perspective which may shed light on national practice and policy. Speakers include judicial officers, prosecutors, defense attorneys, law enforcement representatives, and criminal legal scholars. The four sessions include (1) case initiation and charging; (2) initial appearance, arraignment, and pre-trial release; (3) pre-trial proceedings, case evaluation, and plea bargaining and; (4) sentencing, incarceration, and re-entry. The lunch time session will explore the impact of the recent *Castro-Huerta* decision and *Castro-Huerta* in current practice.

Monday, December 12, 2022 | 9:00 a.m. - 3:00 p.m.

Historic Senate Chambers, 1700 W. Washington, Phoenix, AZ 85007

9:00 - 9:30 a.m. Breakfast and Registration

9:30 - 9:40 a.m. Welcome Remarks

Ashley Oddo, Director, Academy for Justice, Sandra Day O'Connor College of Law at Arizona State University

9:40 - 10:40 a.m. **Session 1 | Case Initiation and Charging**

Prosecutors, a law enforcement representative, and a legal scholar will shed light on case initiation and charging here in Arizona. This panel will discuss how law enforcement agencies submit cases for charging as well as both misdemeanor and felony case initiation. The panel will further explore Arizona prosecution including federal (U.S. Attorney's Office and Tribal prosecutors) and State (Attorney General, County Attorneys, and Municipal Attorneys). Lastly, the panel will talk about prosecutorial discretion in filing and alternatives to prosecution. The panel will be rounded out with an academic perspective on case initiation and charging.

Moderator:

Luis Santaella, Deputy City Attorney, Scottsdale City Attorney's Office

Panelists:

Shannon Johanni, Research Director at the Academy for Justice, Sandra Day O'Connor College of Law at Arizona State University; former Assistant City Prosecutor, City of Phoenix

Detective Eric Nash, Family Investigations Bureau, Phoenix Police Department

Bill Ring, Coconino County Attorney

Professor Ronald Wright, Professor of Law, Wake Forest University

10:40 - 10:50 a.m. 10 min break

10:50 - 11:50 a.m. Session 2 | Initial Appearance, Arraignment, and Pre-Trial Release

This panel will discuss initial appearance and arraignment hearings. Drawing upon the expertise of practitioners (prosecution, defense, and judicial) and a legal scholar, the panel will explore the various facets that play into such hearings including criminal history, risk assessments (Form IVC), the probable cause statement, rule changes, and statutory support for bond determinations.

Moderator:

Commissioner Dawn Walton, Maricopa County Superior Court

Panelists:

Commissioner Elizabeth Bingert, Maricopa County Superior Court

Jessica Breedlove, Charging Bureau Chief, City of Phoenix Prosecutor's Office

Bruce Chalk, Chief Criminal Deputy, Pima County Attorney

Professor Lauryn Gouldin, Crandall Melvin Professor of Law, Syracuse University College of Law

Mark Williams, Criminal Defense Attorney

11:50 - 12:50 p.m. Lunch Session | Oklahoma v. Castro-Huerta

During lunch, policymakers and their staff members will learn about the recent Castro-Huerta decision which held that the federal government and the states have concurrent jurisdiction to prosecute crimes by non-Indians against Indians in Indian country. The discussion will explore the impact of the decision and how the decision has impacted practice moving forward.

Moderator:

Dean Designate Stacy Leeds, Sandra Day O'Connor College of Law at Arizona State University

Panelists:

Derrick Beetso, Director, Indian Gaming & Tribal Self-Governance Programs, Sandra Day O'Connor College of Law at Arizona State University

Brad Carlyon, Navajo County Attorney

12:50 - 1:50 p.m. Session 3 | Pre-Trial Proceedings, Case Evaluation, and Plea Bargaining

Attendees will hear from practitioners (prosecution, defense, and judicial) and a legal scholar, in a discussion of pre-trial proceedings, case evaluation, and plea bargaining.

Moderator:

Professor Erik Luna, Amelia D. Lewis Professor of Constitutional and Criminal Law and Faculty Director of the Academy for Justice, Sandra Day O'Connor College of Law at Arizona State University

Panelists:

Ellen Dahl, Deputy County Attorney, Maricopa County Attorney's Office

Paul Hawkins, Mesa City Prosecutor

Thea Johnson, Associate Professor of Law, Rutgers Law School

Judge Delia R. Neal, Presiding Juvenile Judge, Pinal County Superior Court

Jeffrey Roth, Public Defender Law School Clinic Coordinator, Sandra Day O'Connor College of Law at Arizona State University

1:50 - 2:00 p.m. *10 min break*

2:00 - 2:50 p.m. **Session 4 | Sentencing, Incarceration, and Re-Entry**

The final panel will discuss Arizona's sentencing scheme, sentencing options ranging from incarceration (prison and jail) to rehabilitation (probation, community service, and diversion). The experts will also explore aspects of the Arizona Department of Corrections and other reentry programs.

Moderator:

Kevin Heade, Defender Attorney, Appeals and PCR Unit, Maricopa County Office of the Public Defender

Panelists:

Shanda Breed, Adult Probation Services Director, Arizona Supreme Court, Administrative Office of the Courts

Judge Suzanne Cohen, Maricopa County Superior Court

Eric Stewart, Assistant Director - Community Corrections, Arizona Department of Corrections

Kent Volkmer, Pinal County Attorney

Professor Kevin Wright, Director, Center for Correctional Solutions and Associate Professor, School of Criminology & Criminal Justice at Arizona State University

2:50 - 3:00 p.m. **Closing Remarks**

Elizabeth Burton Ortiz, Executive Director, Arizona Prosecuting Attorneys' Advisory Council