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News Release

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Supervisors Sue County Attorney to Block Criminal Investigations *Taxpayer-Funded Lawyer Seeks to Destroy Sanctity of Grand Jury*

The Maricopa County Board of Supervisors has filed a lawsuit against the Maricopa County Attorney's Office seeking to halt any potential criminal investigations and prosecutions of themselves and county employees, for any possible crimes, by the Maricopa County grand jury.

The suit, filed late Friday afternoon, asks the presiding criminal judge of the county to prevent county prosecutors from using the county grand jury to investigate or prosecute any member of the Board of Supervisors or any other county employee for any crime. The suit also asks the court to conduct a public "fishing expedition" regarding current investigations by the grand jury, whose operations are secret by state law. The board filed this lawsuit less than a month after they passed a "mediation-first" policy purportedly requiring county officers to engage in mediation before filing a lawsuit.

County taxpayers will pay the cost of this effort. The supervisors have hired attorney Thomas Irvine to represent them. A former (and possibly current) attorney for Conley Wolfswinkel, a convicted felon and business partner of Supervisor Donald Stapley, Irvine is simultaneously an attorney for both the Board of Supervisors and the Superior Court, before which he filed this latest lawsuit.

The grand jury is an institution that predates the American Revolution and has existed in Arizona since statehood. The board's demand that the Superior Court grant them special protection from, and updates on, potential grand-jury investigations about themselves is an unprecedented request that is plainly illegal under Arizona law. Such a request, if granted, would destroy the grand jury's ability to investigate crimes and protect the public.

"The grand jury has served America well since colonial times. Attempts to destroy the sanctity of the grand jury and potentially intimidate grand jurors cannot be tolerated," said Thomas.

The suit by the supervisors is arguably their most dramatic attempt to impede criminal investigations and potential prosecutions of themselves. Last month, the board refused to appoint special prosecutors chosen by County Attorney Andrew Thomas to review the latest criminal case against Supervisor Stapley. The board allegedly based this decision on legal advice provided by Wade Swanson, an attorney who serves at

their pleasure. A former labor attorney with no experience in criminal prosecution, Swanson later acknowledged his opinion was based on non-legal factors when he told the media any effort to prosecute Stapley was a “witch hunt.” At this time, the board has placed the proposed special-prosecutor appointments on its agenda for New Year’s Eve, a date when the board is not scheduled to meet. Supervisor Mary Rose Wilcox has told the media the board does not intend to approve the appointments.

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