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Courageous Court Employee Exposes Injustice in Stapley Case *Employee Reported Biased Judge to Presiding Criminal Judge, Who Ignored Her*

In a stunning development in the criminal case against Maricopa County Supervisor Don Stapley, Sheriff Joe Arpaio and County Attorney Andrew Thomas announced today that an employee of the Maricopa County Superior Court has come forward with revelations that directly contradict claims by county judges that the judge assigned to the case is fair and impartial.

In a recorded interview granted to sheriff's deputies late yesterday, Robin Hoskins, a long-time and respected court employee who coordinates the county's specialty courts, revealed that she has personally witnessed and complained about retired Judge Kenneth Fields' bias and animosity towards the County Attorney and the County Attorney's Office. Fields' open and politically charged criticism of Thomas and his office were so outrageous that she recently informed Judge Anna Baca about the events.

Specifically, at an October 28, 2008, meeting of the Superior Court's Veterans' Court Exploratory Committee, over which Fields presided, Fields openly rooted for the defeat of Thomas in the election the following week and claimed inaccurately that Thomas opposed the creation of a veterans' court. Fields subsequently gave an interview to KTAR radio repeating this allegation, a story that ran on November 3, one day before the election. Hoskins concluded that Fields' statement misrepresented what the County Attorney's Office said at the meeting.

When the minutes of the meeting taken by Hoskins contradicted Judge Fields and reflected that the County Attorney's Office was not opposed to the concept of a veterans' court, Judge Fields called Hoskins and told her the minutes should be changed. She refused to change the minutes.

During the October meeting on the veterans' court, Hoskins also felt that Judge Fields was "harsh" and evidenced an animosity towards the County Attorney's Office and its representative, long-time prosecutor and Division Chief Barbara Marshall. Marshall's affidavit backs up that claim. It states:

... He also made a comment about the upcoming election and the possibility of a new county attorney who might be more friendly towards this proposal.

...I stated that MCAO did not agree with everything that had been discussed thus far. Judge Fields then stated, "There is one dissent with the **current** Maricopa County Attorney's Office. (*Full copy of Marshall's affidavit attached)

Hoskins was so disturbed by Fields' comments that in early November 2008, she raised them directly with Judge Baca, the county's presiding criminal judge. In her interview yesterday, Hoskins explained:

...If I feel like there's something that um just isn't acting in, act as professional and with integrity that I just had to say something and I did say something to my boss. And I actually did say something to Judge Baca as well.

...I just let her (Baca) know how the first meeting went and I let her know that I had gone to my supervisor and that I had an uneasiness about. And felt if anyone were to go to Judge Fields it couldn't be me. It would have to be another judge. (*Full copy of Hoskins interview transcript attached)

On December 15, 2008, a month after Hoskins expressed her concerns about Judge Fields' open animosity towards the County Attorney's Office to Judge Baca, Baca denied a request seeking to remove Judge Fields from the Stapley case due to bias and prejudice. Judge Baca's ruling stated in part, "*The affidavit fails to allege any facts based on the affiant's personal knowledge.*" In fact, as Hoskins' recorded testimony makes clear, Baca had personal knowledge of animosity Judge Fields holds towards the County Attorney's Office. Not only did she fail to consider it in assigning an unbiased judge, she failed to disclose it to the State.

These latest revelations about Fields' bias are in addition to evidence already presented by prosecutors to the court. This includes:

- A letter Judge Fields sent to the State Bar critical of the County Attorney's Office. The letter cites as its primary source a *New Times* article.
- A November 2007 Republic article in which Fields publicly criticizes Thomas' actions as "reckless"
- A financial disclosure statement that shows Fields contributed \$390 to the campaign of Mr. Thomas' opponent in the November election

Despite having all this information, Judge Fields has refused to recuse himself, as the rules of judicial ethics require him to do, and Judge Baca has refused to appoint a different judge. In court documents, the County Attorney's Office has noted that Presiding Judge Barbara Rodriguez Mundell has worked with Supervisor Stapley to secure funding for a new court tower costing more than \$300 million. The two also have worked together on numerous fiscal and countywide issues. The board of supervisors writes and approves the budget for county agencies, including the county courts.

Arpaio stated, "This is a criminal case involving a very influential suspect. We urge the judges to make sure Mr. Stapley gets no special favors."

Thomas stated, "Judge Baca had direct knowledge from a court employee that Judge Fields is biased against this office and she failed to act in the interest of justice. It is difficult not to conclude that Mr. Stapley is somehow receiving special treatment from the judiciary. It is extraordinary, but not surprising to me, that Judge Fields tried to gin up a negative story about the County Attorney's Office right before the election and then tried to change the minutes of a meeting to back up his statements. What is far worse is that the leadership of the county judiciary has ignored the concerns of one of its own employees about a biased judge who was improperly assigned to an important case."

Thomas stated that these latest revelations may require a broader investigation by the Supreme Court and Legislature, and that he is considering making a formal request for both actions.

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