



# Maricopa County Attorney

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October 27, 2009

Ms. Fran McCarroll  
Clerk of the Board of Supervisors  
Maricopa County  
301 W. Jefferson, 10<sup>th</sup> Floor  
Phoenix, AZ 85003

Dear Ms. McCarroll:

The attached agenda item relating to the appointment of special prosecutors is submitted to you for inclusion on the Board of Supervisors' November 4, 2009 agenda.

As you will recall, a similar agenda item was scheduled for consideration by the Board of Supervisors on October 21, 2009, but was summarily removed from the agenda at the request of County Manager David Smith. Mr. Smith, in requesting that the agenda item be removed, apparently relied upon a faulty legal analysis. Subsequent to the failure of the Board of Supervisors to consider the appointment of special prosecutors, the Maricopa County Attorney's Office has submitted an appropriate legal analysis in support of said appointment.

The failure of the Board of Supervisors to consider the appointment of special prosecutors on October 21, 2009, has impeded and delayed the investigation of serious allegations of potential criminal conduct by one or more members of the Board of Supervisors.

The actions of the Board of Supervisors and county management in delaying the appointment of special prosecutors is unprecedented and represents a departure from previous appointments of special prosecutors. Attached is documentation which reveals that on fourteen (14) prior occasions the Board of Supervisors approved the appointment of special prosecutors requested by County Attorney Andrew Thomas and former County Attorney Richard Romley. At no time did the Board of Supervisors raise any objection. In each instance they performed their ministerial duty and approved the appointment.

If the Board of Supervisors declines to consider the appointment of special prosecutors on November 4, 2009, the County Attorney's Office will have no alternative than to consider other legal options.

It is imperative that the investigation be conducted without further delay.

Sincerely,

A handwritten signature in cursive script that reads "Sally Wells".

Sally Wells  
Chief Assistant County Attorney

enclosures

cc: Max Wilson  
Fulton Brock  
Andrew Kunasek  
Mary Rose Wilcox  
Don Stapley  
David Smith  
Sandi Wilson  
Wade Swanson