



Maricopa County Attorney

ANDREW P. THOMAS

301 W. JEFFERSON, SUITE 800
PHOENIX, AZ 85003
www.maricopacountyattorney.org

PH. (602) 506-3411
TDD (602) 506-4352
FAX (602) 506-8102

News Release

FOR IMMEDIATE RELEASE

December 8, 2009

For more information contact:

Mike Anthony Scerbo, Public Information Officer
(602) 506-3170 (office) or (602) 489-6913 (cell)

Stapley, Wilcox Indicted *Other Investigations Continue*

Sheriff Joe Arpaio and County Attorney Andrew Thomas announced today that the Maricopa County grand jury has indicted Supervisors Donald T. Stapley Jr. and Mary Rose Wilcox.

Stapley has been indicted on 2 counts of fraudulent schemes and artifices, 19 counts of theft, and 2 counts each of perjury, forgery and false swearing. The first count of fraudulent schemes involves obtaining mortgage loans under fraudulent pretenses. The second fraudulent scheme and theft counts relate to Stapley's alleged solicitation and use of NACo campaign funds for personal aggrandizement. Stapley allegedly spent \$6000 of these funds at Bang and Olufson electronics, along with \$1300 for hair implants, \$400 for candle holders and \$10,000 for furniture for his home. He also spent these funds, solicited as campaign money, to buy tickets to Broadway plays and movie theatres, flowers, grocery store bills, massages, department stores and trips for his family to Sundance, Utah to ski, a trip for his son and friends to Florida and a three-week vacation in Hawaii for his entire family at a beach house costing approximately \$11,000.

Wilcox was indicted for 12 counts of conflict of interest and 8 counts each of perjury, forgery and false swearing. Wilcox obtained five known loans from Chicanos Por La Causa, an organization devoted to assisting the disadvantaged, through its lending arm, Prestamos. While she had a \$7500 loan outstanding in 2002 and into 2003, she allegedly voted on numerous contracts or grants involving that agency as a member of the Board of Supervisors. She never filed any type of conflict notice with the Clerk of the Board as required by law. She continued to vote to give Chicanos Por La Causa funds in 2004-2005 then obtained an additional loan of \$50,000 in 2005. While that loan was outstanding, she voted in 2005-2006 to give the same organization contracts or grants. In 2008, she received three loans, one personal loan for \$120,000 and two business loans totalling \$240,000.

In an effort to mediate differences with the Board of Supervisors, Thomas transferred the first Stapley case and other criminal investigations to the Yavapai County Attorney's Office. After sheriff's deputies arrested Stapley on new charges earlier this year, and following the failure of these efforts at reconciliation, Yavapai County returned ongoing matters to the Maricopa County Attorney's Office, and Thomas appointed special prosecutors to investigate them. However, in an unprecedented act, the Board

refused to approve their appointment. As a result of these and related factors, including an attempt to save taxpayer dollars, Thomas' office has opted to prosecute these matters itself.

Thomas stated the law is clear there is no conflict of interest for his office to prosecute county officers or employees for crimes, and these defendants will be treated the same as any others. Even retired Judge Kenneth Fields, whom Arpaio and Thomas sued in a federal racketeering lawsuit last week, found there was no conflict of interest in the County Attorney's Office's first indictment and prosecution of Stapley. The Arizona Court of Appeals has held specifically that the Maricopa County Attorney can prosecute a Maricopa County elected official for crimes in office without a conflict of interest (State v. Brooks). The Arizona Supreme Court likewise found no conflict of interest in the Attorney General's prosecution of Governor Evan Mecham.

All of the defendants named in the federal racketeering lawsuit filed last week by Arpaio and Thomas are under active criminal investigation for hindering prosecution and other offenses. Sheriff's deputies have formally requested voluntary interviews from the four Superior Court Judges named in the lawsuit.

Thomas stated that any person, and particularly government employee or taxpayer-funded individual, who takes any public or private action to obstruct or intimidate investigation or prosecution of county officials or employees will be dealt with appropriately.

Sheriff Arpaio stated, "The allegations against these elected officials reflect a pattern of their using their offices to benefit themselves."

"Nobody is above the law," said Thomas. "Our office will continue to aggressively prosecute white-collar, fraud and public-corruption cases."

###