

Maricopa County Sheriff's Office

Joe Arpaio, Sheriff



Date: December 4, 2009

JUDGE'S RECORD SHOWS BIAS IN JAILING OF SHERIFF'S DETENTION OFFICER

Officer's Judgment Right or Wrong; Jail Time Unacceptable

(Maricopa County, Arizona) An examination of Maricopa County Superior Court Judge Gary Donahoe's record over the past 18 months shows that defendants who have committed crimes such as child abuse, drug possession, and aggravated assault, often walk away without serving any jail time. Yet, this week, when a young Maricopa County Sheriff's Office detention officer who acted in good faith attempting to maintain the safety and security of courtroom staff and the public, was ordered to serve jail time by Judge Donahoe as a way to fire a political shot and to send a message to the Maricopa County Sheriff's Office.

Some examples of Judge Donahoe's past rulings are as follows:

Tommy Hammond CR2004-018462-001	Reckless Child Abuse Class 3 Felony (Presentence report states the child suffered "serious physical injury")	No Jail Time Probation Only
Zachary James Alosi CR2007-174674-003	Theft of Means of Transportation Class 3 Felony	No Jail Time Probation Only
David Earl Sharp CR2007-169111-001	Theft of Credit Card or Obtaining a Credit Card by Fraudulent Means Class 5 Felony	No Jail Time Probation Only
Christopher Sandoval CR2007-112755-001	Possession or Use of Narcotic Drugs Class 4 Felony	No Jail Time Probation Only
Steve Elliott Eilers CR2008-006933-001	Solicitation of Perjury Class 6 Felony	No Jail Time Probation Only

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Jerome Henley
CR2007-153604-001

Possession or Use of
Marijuana
Class 1 Misdemeanor

No Jail Time
Probation Only

The Maricopa County Sheriff's Office and members of the law enforcement community have expressed shock and disappointment in the fact that Detention Officer Adam Stoddard was jailed this week for civil contempt.

The Phoenix Law Enforcement Association (PLEA) stated, "Punitive actions issued from the bench for apparent political purposes against a law enforcement officer acting in good faith were completely unnecessary in this situation."

Officer Stoddard was working as the security officer in Judge Lisa Flores' courtroom when a criminal hearing was held on October 19, 2009 for known Mexican Mafia associate, Defendant Antonio Lozano. During that hearing, Officer Stoddard's training and education caused him to detect that Mexican Mafia activity may have been afoot between the defendant and what he believed to be out of custody gang members in the courtroom who could potentially jeopardize the safety and security of the courtroom.

While addressing the security concern, Officer Stoddard noticed a document written in pencil, which led him to believe was written by the defendant in plain view, that he had not previously checked for contraband. Upon quick review of the document, Stoddard determined that certain words further heightened his security concerns. In a split second decision, Officer Stoddard took the document in plain view of the judge and security cameras that he was aware would be captured on tape, and handed it over to another officer for copying to preserve the evidence for security purposes.

Judge Donahoe took several days to determine that the contents of this document posed no serious threat to security of the courtroom. Perhaps if Officer Stoddard had the luxury of thinking about his decision for several days he may have acted differently. Officer Stoddard instead had little time to make a decision because of the threat that he perceived.

The document was part of the defense counsel's case file. The document was subsequently shared with the judge but, importantly, was never shared with the prosecutor. To date the contents of this document have been sealed by the court.

Judge Donahoe originally ordered Officer Stoddard to hold a press conference in front of the court building to publicly apologize to defense counsel or go to jail. Judge Donahoe further ordered that the defense attorney be satisfied with Stoddard's apology or risk going to jail upon her decision.

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The Sheriff's Office stands behind Officer Stoddard because the security threat he perceived was very real and Officer Stoddard was doing his best to protect the judge, attorneys, and everyone in the courtroom.

Sheriff Arpaio stated, "If this judge wants to take a politically motivated shot at my office, he should take it at me, not a young hard-working detention officer trying to do his job."

Judge Donahoe's treatment of Officer Stoddard is unconscionable and unprecedented. Officer Stoddard – a hardworking detention officer who was acting in good faith to protect the judge and her courtroom, and who has not been convicted of a crime – must be freed immediately!

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