

From: Joel Feinman
Sent: Thursday, May 19, 2016 4:28 PM
To: Robin Brigode
Subject: Pima County Attorney conviction rates for Fiscal Year 2014 - 2015

Dear Ms. Bigode:

I attended the Pima County Budget hearings several weeks ago in which Pima County Attorney Barbara LaWall testified to the Board about her trial and conviction rates. I am running against Ms. LaWall in the Democratic primary on August 30, so I have a unique interest in researching the data she presented, which I have done and is summarized in this email. If possible I would appreciate it if this email was distributed to all Board of Supervisors members, the County Administrator and his Deputy and Assistant County Administrators, and be made a matter of public record at the Board of Supervisors budget hearing on 5/14/16.

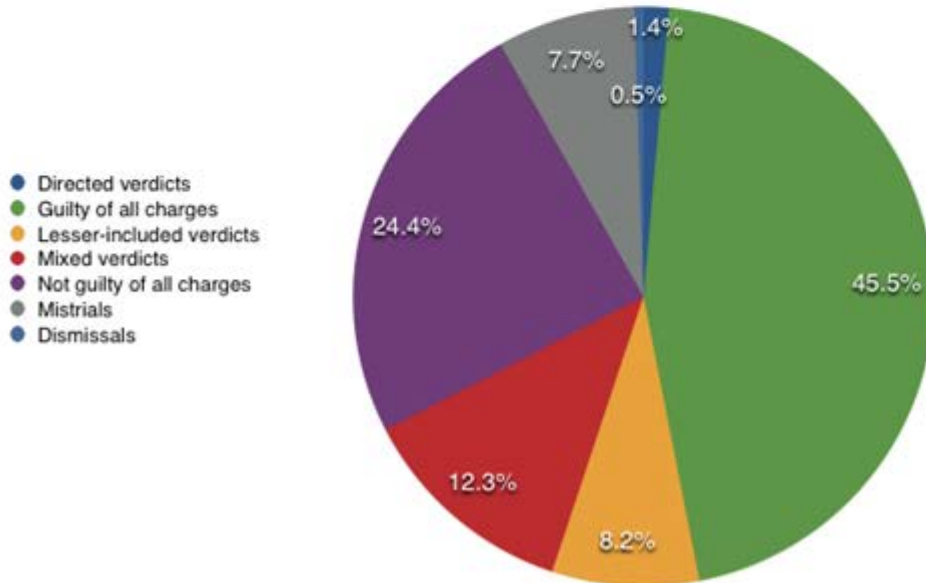
In order to get this information I requested that the Pima County Superior Court provide with me the cases number of all felonies tried in that Court in fiscal year 2014 - 2015, which is public information. After reviewing every since one of those cases I discovered the following:

The Pima County Attorney took 220 felonies cases to trial during fiscal year 2014 - 2015. Of those 220 cases:

- 100, or 45.5% resulted in a verdict of guilty on all charges.
- 58, or 26.4% resulted in a verdict of not guilty on all charges or all charges being dismissed.

This means that last fiscal year the Pima County Attorney “won” less than half of the felony cases they took to trial, in that a jury found the defendant guilty of all charges that the County Attorney brought against them in the indictment. The conviction rate is explained in greater detail below. You can examine all of the raw data for fiscal year 2014 - 2015 trials in the PDF attached to this email.

220 FELONY TRIALS PROSECUTED BY THE PIMA COUNTY ATTORNEY IN FISCAL YEAR 2014 - 2015		
Guilty on all charges	100	45.5%
Not guilty on all charges	54	24.4%
Mixed Verdicts	27	12.3%
Lesser-Included verdicts	18	8.2%
Mistrials	17	7.7%
Directed Verdicts	3	1.4%
Dismissal	1	0.5%
TOTAL	220 felony trials	100%
Drug cases	51 out of 220; 23.18%	



These figures are very much at odds with the 84.9% that the County Attorney testified to at the budget hearings. I do not know where those percentages come from - certainly not Pima County Superior Court. Nor do they come from the Arizona Supreme Court.

The Supreme Court reported that in 2014 - the last year it has data available on its website - 350 criminal trials commenced in Pima County Superior Court, and that 59 of those case resulted in "acquittals." <http://www.azcourts.gov/statistics/#>

However according to the Arizona Supreme Court itself, of these 350 trials 72 were tried to a judge not a jury and were not in fact criminal trials on new charges, but simple judicial determinations that a defendant did or did not have prior convictions. An undetermined number were also prosecuted by the Arizona Attorney General's Office, not the Pima County Attorney. Also according to the Supreme Court, it does not use the term "acquittal" to mean a jury finding that a defendant was not guilty of all charges. In the Court's own language "acquittals" are cases in which a judge found that "the defendant is not guilty of any offense with which he or she has been charged."

I am sharing this information with you and the County Board and Administration because I think it is important that you have an accurate picture of the effectiveness of our justice system, given how much of the County general fund it consumes.

If you have any questions about this information, please do not hesitate to ask.

Thank you for your time.

Sincerely,

Joel Feinman

DEFINITIONS

The list of charges that the County Attorney brings against defendants is called the “indictment.”

“Guilty on all charges” means that a jury found the defendant guilty of all felony charges that the County Attorney alleged in the indictment.

“Not guilty on all charges” means that a jury found the defendant not guilty of all felony charges that the County Attorney alleged in the indictment.

A “mixed verdict” means that a jury found the defendant guilty of some of the charges that the County Attorney alleged in the indictment, and not guilty of others.

A “lesser-included verdict” means that a jury found the defendant not guilty of at least one of the most serious charges, but guilty of at least one of the less-serious charges that the County Attorney alleged in the indictment.

A “mistrial” means either that a jury could not unanimously agree on a verdict, or that the judge ended the trial early because of a legal problem.

A “directed verdict” means that the judge ruled that the defendant was not guilty because no reasonable juror could vote to convict them based on the evidence that the prosecutor presented.