

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL  
MINUTES

November 2, 2012

The special meeting of the Arizona Prosecuting Attorneys' Advisory Council was called to order by the Chair, Sheila Polk, on Friday, November 2, 2012, at 1:30 p.m., at the APAAC Office which is located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

COUNCIL MEMBERS PRESENT

Samuel Vederman	La Paz County Attorney (telephonic)
William Montgomery	Maricopa County Attorney (telephonic)
Sheila Polk	Yavapai County Attorney (telephonic)
Jon Smith	Yuma County Attorney (telephonic)
Tobin Sidles	Oro Valley Town Prosecutor (telephonic)

PROXIES

Ed Rheinheimer	Cochise County Attorney (telephonic) Proxy Sheila Polk
James Walsh	Pinal County Attorney (telephonic) Proxy Richard Platt
George Silva	Santa Cruz County Attorney (telephonic) Proxy Lilliana Ortega
David Byers	Arizona Supreme Court (telephonic) Proxy Jerry Landau
Aaron Carreon-Ainsa	Phoenix City Prosecutor (telephonic) Proxy Jessica Breedlove
Baird Greene	Tucson City Prosecutor (telephonic) Proxy William Mills

STAFF PRESENT

Elizabeth Ortiz	Executive Director (telephonic)
Denise Helm	Executive Assistant

REQUEST FOR AMICUS IN *MISSOURI v. MCNEELY*

Ms. Sheila Polk stated that the issue for consideration to the Council is a request to support an *amicus* brief in the *Missouri v. McNeely* case. Ms. Polk introduced Ms. Elizabeth Ortiz to present the details of the request.

Ms. Ortiz indicated the *amicus* request came from the National Association of Prosecutor Coordinators, of which APAAC is a member. The *amicus* is being drafted by Mr. Albert Locher, Assistant District Attorney with the County of Sacramento, California. The issue in this case is whether or not there were sufficient exigent circumstances to justify a warrantless

search in a DUI case. The agenda attachments provide an outline of the case facts and the three issues raised by the *amicus* brief. Ms. Ortiz reports that prosecution agencies in many other states have already committed to support the *amicus* brief. Discussion followed

Mr. Bill Montgomery made a motion, seconded by Mr. Tobin Sidles, to authorize APAAC to support the *amicus* brief in *Missouri v. McNeely*. The motion carried, with Mr. Jerry Landau abstaining.

#### CALL TO THE PUBLIC

There was no call to the public.

#### NEXT COUNCIL MEETING

Ms. Polk announced that the next Council meeting will be held on Friday, January 11, 2013, at 10:00 a.m. at the APAAC office.

#### ADJOURNMENT

The meeting was adjourned at 1:50 p.m.