

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
EXECUTIVE COMMITTEE
MINUTES

March 23, 2016

The meeting of the Executive Committee of the Arizona Prosecuting Attorneys' Advisory Council was called to order by Chair Sheila Polk on Wednesday, March 23, 2016, at 3:02 p.m. at the APAAC Office, located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona.

ROLL CALL

Executive Committee Members Present

Sheila Polk – Chair	Yavapai County Attorney (Telephonic)
John Belatti	Mesa City Prosecutor (Telephonic)
Derek Rapier	Greenlee County Attorney (Telephonic)
Jon Smith	Yuma County Attorney (Telephonic)

Executive Committee Members Present by Proxy

Bill Montgomery	Maricopa County Attorney by Proxy to Mark Faull (Telephonic)
Tobin Sidles	Oro Valley Town Prosecutor by Proxy to Sheila Polk (Telephonic)

Staff Present

Elizabeth Ortiz	Executive Director
Diana Cooney	Office Manager

PROPOSED APAAC U.S. SUPREME COURT AMICUS BRIEF IN STATE V. SIMCOX

Ms. Elizabeth Ortiz provided a case overview of *State v. Simcox*, including the fact that APAAC previously filed an *amicus* brief in support of the Maricopa County Attorney's Office (MCAO) special action before the Arizona Court of Appeals in this matter. MCAO is now requesting that APAAC consider filing an *amicus* brief in the Supreme Court of the United States (SCOTUS) following a recent Petition for *Writ of Certiorari* filed by a victim representative. The deadline for filing an initial *amicus* was March 21, 2016; however, if SCOTUS grants the petition, there will be additional opportunity for an *amicus* filing. MCAO is requesting that the Executive Committee direct APAAC staff to research issues to be addressed in a possible *amicus* brief to be prepared and filed if the petition is granted.

Mr. Mark Faull stated that Simcox has now withdrawn his request in the trial court to personally question the child victims, and will allow advisory counsel to read his cross-examination questions. Nonetheless, because the issue is capable of repetition as Simcox may reurge his original objection, Mr. Faull indicated that MCAO intends to move forward and build on the appellate work that has already been done on the matter.

Mr. John Belatti made a motion, seconded by Mr. Derek Rapier, to support the request for APAAC to file an *amicus* brief if SCOTUS grants the petition. Motion carried.

Pending outcome of the petition, Ms. Ortiz stated that APAAC will move forward with the research and preparation of a possible *amicus* brief, as directed by the Committee.

NEXT EXECUTIVE COMMITTEE MEETING

TBD

CALL TO THE PUBLIC

Mr. Faull stated that MCAO has drafted a response to a proposed rule change regarding a defense attorney's obligation to inform clients of legal consequences of both state and federal laws.

ADJOURNMENT

Ms. Polk adjourned the meeting at 3:12 p.m.