

ARPAIO AND THOMAS: THE MOST UNETHICAL SHERIFF AND PROSECUTOR IN AMERICA CONSPIRE TO ABUSE POWER AND OBSTRUCT JUSTICE

In addition to some of the finest weather and most spectacular natural beauty in the US, Arizona is also home to two of the biggest and most virulent self serving political hacks imaginable, Sheriff Joe Arpaio and Maricopa County Attorney Andrew Thomas. For years, there has been an escalating turf war between the Siamese twins of local law enforcement oppression, Arpaio and Thomas on the one hand, and the Maricopa County Board of Supervisors and the Maricopa County judiciary, who keep trying to reign in the out of control officers, on the other hand.

Last week, Arpaio and Thomas upped the ante in the war by filing a civil racketeering suit in Federal court. From The Arizona Republic:

Alleging widespread conspiracy, Maricopa County Attorney Andrew Thomas and Sheriff Joe Arpaio filed a civil suit in U.S. District Court on Tuesday against county administrators, elected officials, judges and attorneys. Those defendants, they say, are violating federal racketeering laws by hindering criminal investigations and depriving their offices of resources.

County officials dismissed the claim as frivolous, saying Arpaio and Thomas have routinely lost on similar claims in state and local courts.

In the lawsuit, Thomas and Arpaio name all five members of the Board of Supervisors along with County Manager David Smith, Deputy County Manager Sandi Wilson, four Maricopa County Superior Court judges, director of the county's civil-litigation division, two attorneys and a law firm.

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The suit, in essence, reiterates all of Thomas' battles with the courts and county since 2006, including accusations of conspiracy by Judges Barbara Mundell, Anna Baca, Donahoe and Fields, claiming that the dispute began with the court's opposition to Thomas' immigration policies. It revisits the questions Thomas raised about the new \$341 million court tower. Donahoe removed Thomas' office from that investigation, and **the Arizona Court of Appeals upheld Donahoe's decision. Coincidentally, on Tuesday, the Arizona Supreme Court refused to reconsider that case.**

(emphasis added)

The last part in bold is key. Thomas and Arpaio have waged war against Maricopa County, the courts, elected officials and anybody else that dares to question or restrain their use and abuse of power. The issue here is a local concern, under purely Arizona state law, on which Thomas and Arpaio have resoundingly lost at every level of Arizona court, all the way to the Supreme Court of Arizona. With disdain and contempt for any court disagreeing with them, which is pretty much every court that reviews their conduct, they have now tried to counter the rule of law by tying the entire Maricopa County government in knots through spurious and unethical application to the Federal court.

The Judge Donahoe referred to in the Arizona Republic quote above is Maricopa County Superior Court Presiding Criminal Judge Gary Donahoe. Arpaio and Thomas have a special vendetta

against Judge Donahoe and, today, doubled down on their crusade by criminally charging Judge Donahoe with bribery, hindering prosecution and obstruction based, amazingly, primarily on the same complaints and facts that the entire spectrum of trial and appellate courts in Arizona have previously rejected. From a late breaking story today by The Arizona Republic:

The escalating legal battle between county officials manifested itself in more criminal allegations Wednesday when Maricopa County Attorney Andrew Thomas and Sheriff Joe Arpaio filed charges against Superior Court Judge Gary Donahoe.

The direct complaint alleges that Donahoe participated in a scheme to commit bribery, hinder criminal prosecution and obstruct a criminal investigation.

The charges center on Donahoe's role in the sheriff's and county attorney's investigation of the criminal court tower under construction in downtown Phoenix. The complaint also pulls in a host of other issues related to the judge, including the prosecution of Supervisor Don Stapley and Donahoe's recent ruling on a sheriff's detention officer who took documents from a defense attorney during a sentencing hearing.

The charges were released hours before Donahoe was scheduled to hear arguments on whether the Board of Supervisors and county administrators have the authority over appointing a pair of outside prosecutors to investigate allegations against Stapley. County officials have tried to block funding for the "special prosecutors" Thomas had appointed and asked a court to rule on the issue, which Thomas said was related to the obstruction allegation against Donahoe.

This battle royale spilled into the national consciousness in early October when Thomas and Arpaio, frustrated at having their heavy handed attempt to criminally prosecute one of the Maricopa County Board of Supervisors summarily dismissed by the court, tried to hire the expensive and controversial husband and wife right wing partisan hit team of Joe diGenova and Victoria Toensing, from Washington DC, as special prosecutors to further investigate and refile charges against the Supervisor, Don Stapley.

That attempt ground to a halt in light of the fact that County Attorney Thomas did not have authority to hire out of state counsel, was planning on funding the gambit from inappropriate draining of seized RICO funds and, of course, the pesky little fact that diGenova and Toensing are not licensed to practice law in front of Arizona state courts. Andrew Thomas is no stranger to improper abuse of the RICO funds; he has previously depleted the account for purposes of proselytizing his pet religious and faith based initiatives (See the Phoenix New Times here, here and here).

Given the sordid history of Thomas and Arpaio's war of intimidation and attrition on Maricopa County and its courts, you would hope they would have the minimal character and ethics to not charge the Presiding Criminal Judge for Maricopa County with felony crimes of dishonesty without substantial factual and legal basis, but that would appear to be asking far too much.

From Paul Rubin of the Phoenix New Times, who was at the dog and pony press conference Thomas and Arpaio held to announce the charges:

But Thomas couldn't offer any evidence to the assembled media scrum that Donahoe actually had accepted a bribe of any sort. Instead, he and Sheriff Joe Arpaio (who stood next to Thomas at the lectern) offered the same vague allegations they have made for nearly a year regarding the county's planned

court tower, currently under construction.

In fact, the county attorney said no evidence exists that the veteran judge personally has received anything in the way of a personal financial benefit during the flap over the \$347 million construction project.

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But today's announcement that Donahoe now faces felony charges – when the only evidence of “wrongdoing” on the judge's part is a series of rulings that Thomas and Arpaio vehemently disagree with – is unprecedented even in Maricopa County.

Donahoe also is the same judge who ordered detention officer Adam Stoddard to jail last week for swiping a defense attorney's notes – drawing Sheriff Joe's ire.

Even the Valley's usually compliant press corps seemed incredulous with the announcement of criminal charges against the highly respected Donahoe, who is retiring from the bench in the near future.

A quick explanation of Rubin's reference to the Adam Stoddard matter yields yet another example of the contempt and abuse of office by Sheriff Joe Arpaio and his partner in conspiracy Andrew Thomas. Stoddard is a Maricopa County Detention Officer; the detention officers are employees of the Sheriff's office responsible for staffing Sheriff Joe's jails, transporting defendants and security at Maricopa County Superior Court complexes and courtrooms. Stoddard, while on duty in a criminal courtroom, stole privileged work product from a defense attorney's file at the defense table while the attorney was up arguing her client's case. Stoddard then had the material copied and tried to surreptitiously place it back in the file.

Arpaio, instead of disciplining his employee for the outrageous conduct, belligerently supported him and tried to slander the attorney by associating her with unrelated criminal conduct she had nothing to do with. Judge Donahoe, as presiding criminal judge, found Stoddard's acts improper and tried to give him an easy out by ordering him to apologize. When Stoddard refused (reportedly at Arpaio's urging), he was held in contempt of court and jailed. In response, Sheriff Joe Arpaio's detention officers petulantly staged a "sick out" (during which a bomb threat curiously and suspiciously was made) effectively shutting down the entire Maricopa County criminal court system.

Today, Arpaio and Thomas filed and announced their criminal charges against Judge Donahoe just hours before he was scheduled to hear a petition by the County Board of Supervisors to disallow once and for all the publicity stunt Thomas and Arpaio tried to pull with the attempt to inappropriately hire the unlicensed partisan hit team of diGenova and Toensing. When the bogus Federal racketeering suit did not get the removal of Donahoe like they wanted, they upped the unethical ante yet again and filed bogus criminal charges against him.

The foregoing is the consistent and unrelenting method of operation for Sheriff Joe Arpaio and Maricopa County Attorney Andrew Thomas; they use and abuse their positions of authority and public trust to pursue personal and political desires and vendettas and, if questioned or challenged, use their offices to attack and cripple their enemies, whether they be private individuals or elected officials and judges. It is a corrupt and craven fiefdom they are running in the fourth most populous county in the United States.

This reign of intimidation and abuse of office has been going on for years. Conspiring together, Arpaio and Thomas have created a power center that is uncontrollable and dismissive of any and all local authority and law; they answer

to no one, and will attack anyone in their way. You have to wonder where the Feds are, and how the conduct is allowed to continue.

Phoenix Mayor Phil Gordon, another victim of Arpaio's wrath, has repeatedly sought intervention by the Department of Justice, even going so far as to travel to Washington to seek assistance. The US House of Representatives Judiciary Committee implored Eric Holder and Obama's DOJ to intervene against the abuses and described the situation as a:

...repeated course of conduct, which values publicity opportunities over the civil rights of residents of Arizona, is too disturbing to leave enforcement of the civil rights laws to private litigants. There are several tools at the federal government's disposal to address these allegations, and we urge their prompt consideration and application.

But nothing ever bears fruit, even from the vaunted Department of Justice, and the oppressive conduct maintains unabated. In October, the Phoenix CBS news affiliate, KPHO News5, did an outstanding and comprehensive investigative story on Arpaio's abuse of authority to carry out personal and political vendettas. Unable to get a get any response or traction with the DOJ with their powerful compilation, CBS News5 retained former US Attorney David Iglesias to review and evaluate the investigative materials. Iglesias' response was:

"I've been in and around law enforcement for about 20 years – state, local and federal level (and) even some military prosecution work. I've never seen anything like this," Iglesias said after he looked through 5 Investigates' research and did some on his own.

If he were handling the case, Iglesias

said, "I would work very closely with the civil rights division in Washington, D.C., and based on the information I have, I would seek an indictment."

The video from the KPHO CBSNews5 investigation is excellent and is attached above.

Any rational Federal prosecutor would do the same as Iglesias suggests, but that, of course, would require the DOJ and its vaunted Civil Rights Division to be willing to do their job. There has been scant evidence of that willingness or ability to date. The refusal to take on a powerful right wing wildcard like Arpaio, and his legal henchman Thomas, might have been understandable under the emaciated Bush DOJ Civil Rights Division, but Barack Obama and Eric Holder took office swearing to restore the pride and primacy of the most critical division for protection of the rights of the public and rule of law.

Where are they?