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8 **SUPERIOR COURT OF ARIZONA**
9 **COUNTY OF MARICOPA**

10 April Sponsel,
11 Plaintiff,

Case No. CV2022-001488

COMPLAINT

12 v.

13 Allister Adel; and Maricopa County,
14 a body politic,

15 Defendants.

16 Plaintiff April Sponsel (“Sponsel”) alleges:

17 **PARTIES, JURISDICTION, AND VENUE**

- 18
- 19 1. Plaintiff is an Arizona resident.
 - 20 2. Defendants Allister Adel (“Adel”) reside in Maricopa County, Arizona,
21 and has caused events to occur in Maricopa County, Arizona, out of which Plaintiff’s
22 claims arise.
 - 23 3. Defendant Adel is the current Maricopa County Attorney and head of the
24 Maricopa County Attorney’s Office (the “MCAO”).
 - 25 4. Defendant Maricopa County is a body politic of the State of Arizona.
 - 26 5. The MCAO is an agency of Maricopa County and has caused events to
27 occur in Maricopa County, Arizona, out of which Plaintiff’s claims arise.
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1 6. All acts and omissions of Adel alleged in this Complaint were performed
2 or omitted by her on behalf of herself, the MCAO, and Maricopa County.

3 7. All acts and omissions of the MCAO alleged in this Complaint were
4 performed or omitted by MCAO on behalf of itself and Maricopa County.

5 8. This Court has jurisdiction of the subject matter of this Complaint.

6 9. This Court may exercise in *personam* jurisdiction over all Defendants.

7 10. Venue is proper in this Court pursuant to A.R.S. § 12-401.

8 11. This case should be considered a “Tier 3” case for purposes of discovery
9 under Rule 26.2, Ariz.R.Civ.P.

10 GENERAL ALLEGATIONS

11 12. Sponsel is a Deputy County Attorney and an employee of the MCAO.

12 13. Sponsel has been an MCAO prosecutor since May 2004.

13 14. Her assignments on behalf of the MCAO have included, from 2007-2015,
14 directing and prosecuting major gang-related cases and, from 2015-2019, serving as
15 lead or co-counsel in criminal cases that specifically involved aggravated assaults on
16 law enforcement officers.

17 15. Sponsel’s credentials, *experience* and reputation as an MCAO prosecutor
18 in this community are, and have always been, stellar.

19 16. As demonstrated by her most recent May 1, 2020, MCAO evaluation,
20 Sponsel has consistently met, or more often exceeded, professional standards in every
21 category.

22 17. Sponsel is a long-time member of the MCAO First Responders Bureau
23 (the FR “Bureau”), which serves police officers and first responders who are victims of
24 criminal violence.

25 18. Through her work with the FR Bureau, Sponsel has developed an amazing
26 network of contacts and a stellar reputation with law enforcement and has earned their
27 respect for her constant caring and professionalism.

The Summer of Unrest

19. The Summer of 2020 was full of violent, unprecedented rioting in many cities across the country, including cities in Arizona.

20. On May 28-29, 2020, crowds of people converged on downtown Phoenix and elsewhere in the name of Black Lives Matter and other organizations protesting the death of George Floyd in what has been called the “Summer of Unrest.”

21. Early on in those protests, many of those who participated in them were organized and peaceful, and the organizers tried to work closely with the Phoenix Police Department (the “Phoenix PD”).

22. Some of the protestors, however, became aggressive and violent and were identified as groups aligning with Black Lives Matter and ANTIFA.

23. During the first days of unrest, several arrests of protestors were made for committing violent acts against property and law enforcement officers, and many were arrested for other crimes that included rioting.

24. Due to the potential of escalating violence against law enforcement and other first responders, and given her experience and expertise, Sponsel spoke with her Bureau Chief, Sherry Leckrone (“Leckrone”), and offered to take the lead on any case submitted for felony prosecution; Leckrone approved her request.

25. Throughout the summer, more and more arrests were being made of those who committed violent acts; a majority of these cases were assigned to Sponsel.

26. Sponsel exercised her duties with professional judgment and reasonable discretion to determine who to prosecute and who not to prosecute in accordance with MCAO policy guidelines.

27. Many of the relatively minor cases assigned to Sponsel were not filed, but were sent to the City of Phoenix for misdemeanor prosecution.

28. Very few of the more egregious cases were deemed appropriate for felony prosecution. Sponsel used measured, ethical and reasonable discretion to determine

1 who to prosecute and who not to prosecute in accordance with long-standing MCAO
2 policies and guidelines.

3 29. Sponsel worked closely with Phoenix PD police officers and supervisors
4 on all of the of the riot cases that were submitted for charges.

5 30. Pursuant to MCAO policy, Sponsel kept her supervisor, Leckrone, and her
6 Division Chief, Vince Goddard (“Goddard”), informed of the status of these cases at all
7 times due to the high-profile nature of the cases.

8 31. She also kept the MCAO Executive Team, an MCAO leadership group
9 that included Law Enforcement Liaison Tom Van Dorn (“Van Dorn”), Chief Deputy
10 Kenneth Vick (“Vick”), and Maricopa County Attorney Adel (the “MCAO Executive
11 Team”), informed through communications with Goddard and, occasionally, Van Dorn.

12 32. Nicholas Michaud, an MCAO attorney, assisted her in keeping the chain
13 of command informed and updating the MCAO Database.

14 33. Early on, beginning with the first arrests in May 2020, due to the number
15 of cases and the media exposure the MCAO was seeing, FR Bureau members created
16 and maintained a central database (the “MCAO Database”) at the request of Adel and
17 the MCAO Executive Team,

18 34. The MCAO Database identified, listed and kept up to date who had been
19 arrested, whether they had been charged, and whether they had pled guilty to any of the
20 offenses.

21 35. The MCAO Database was fully accessible by any authorized person in the
22 MCAO office, so that if someone needed to check on the status of a case, they could
23 easily do so.

24 36. As the summer progressed, Phoenix PD and other law enforcement began
25 to notice a trend from one group of rioters that specifically identified under the symbol
26 and philosophy of ACAB (“All Cops Are Bastards”).

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1 37. Members of the group tattooed ACAB on their person and left ACAB
2 graffiti at and around the locations of their criminal conduct.

3 38. Law Enforcement obtained information that this ACAB group was tied to
4 ANTIFA and that they were getting tattoos to show their loyalty to their cause.

5 39. As this trend emerged, witnesses came forward, specifically a witness
6 named Riley Behrens (“Behrens”), who was a member of ACAB.

7 40. Behrens was at a protest in the City of Gilbert when she was allegedly
8 attacked by counter-protestors.

9 41. As part of the investigation of the attack, Behrens began to talk to Gilbert
10 Detective Terry Burchette about the philosophy and plans of members of different
11 groups, including the ACAB criminal street gang.

12 42. Behrens told Det. Burchett about the ACAB gang and provided him with
13 information about how they were increasing in violent ideology and that the violence
14 was targeted only at members of law enforcement.

15 43. Det. Burchett shared that information with Phoenix PD Officer Jeff
16 Howell, who passed it along to Sponsel and MCAO Detective Karl Martin (“Martin”).

17 44. One of the goals of the MCAO and law enforcement agencies is sharing
18 information that is a cornerstone of Intelligence Based Prosecution.

19 45. It is imperative that all prosecuting attorneys understand the crimes that
20 face communities and identify which defendants disproportionately drive those crimes.

21 46. Pursuant to MCAO policy, prosecutors like Sponsel are encouraged to
22 meet with members of law enforcement to ensure that defendants are properly charged
23 based on the facts and evidence presented by law enforcement.

24 47. As the investigation of her attack continued, Behrens agreed to work with
25 the FBI and was in the process of being signed as a confidential informant.

26 48. Upon the advice of her father’s attorney, Behrens attended a meeting with
27 the FBI task force of officers and agents and secretly recorded the meeting.

1 49. After leaving the meeting, she or her attorney provided the recording to
2 one a news outlet in Phoenix, who alerted and gave a copy of the recording to the FBI.

3 50. As a result, the FBI refused to further work with Ms. Behrens.

4 **The October 2020 Violent Protest**

5 51. On October 17, 2020, Sponsel was informed by Phoenix PD, Downtown
6 Operations Officers Lt. Benjamin Moore (“Lt. Moore”) and criminal street gang expert
7 Sgt. Doug McBride (“Sgt. McBride”) that several persons, including Behrens, had been
8 arrested for crimes that included rioting and aggravated assault on law enforcement
9 officers at a protest that occurred in downtown Phoenix (the “October 2020 Violent
10 Protest”).

11 52. Sponsel told Lt. Moore that he should make sure the arrest documents
12 were complete, accurate, and individualized to each suspect’s activity and to ensure that
13 there were no copy and paste issues.

14 53. She also told Lt. Moore that they should submit only charges that Phoenix
15 PD felt were supported by probable cause.

16 54. She also told Lt. Moore that Phoenix PD should document and photograph
17 as much evidence as it could and impound identified items of evidence.

18 55. Later that same evening, a list of the persons who were arrested for being
19 responsible for the October 2020 Violent Protest was sent to Sponsel.

20 **MCAO Charges Brought Against the October**
21 **2020 Violent Protest Defendants**

22 56. On October 18, 2020, Sponsel sent an email to the Initial Appearance
23 Court coverage attorney and her chain of command alerting them that several people
24 were being arrested and booked for rioting and other crimes arising out of the October
25 2020 Violent Protest.

26 57. Soon after that, MCAO Executive Team member Van Dorn sent an email
27 to Sponsel asking her to take care of these cases.

1 58. In her return email to Van Dorn, Sponsel agreed to take care of these cases
2 and, pursuant to MCAO policy, included Public Information Officer Jennifer Liewer as
3 a recipient of the email.

4 59. To Sponsel’s knowledge, Van Dorn and everyone else on the MCAO
5 Executive Team, including Adel, was aware of the arrests and who was arrested and
6 added to the MCAO Database.

7 60. Most of the defendants who were arrested and charged were released, with
8 or without bail.

9 61. On October 19-20, 2020, Phoenix PD began submitting charges arising
10 from the October 2020 Violent Protest to the MCAO (the “Violent Protest Case”).

11 62. The Violent Protest Case was officially assigned to Sponsel for charging
12 and prosecuting the arrestees.

13 63. Everyone on the MCAO Executive Team, including Adel and others in
14 her chain of command, was aware that Sponsel would be handling the Violent Protest
15 Case and approved of her handling the case.

16 64. On October 20, 2020, as she began to review the Protest Violence Case,
17 Sponsel saw a pattern emerging that fit the profile of a criminal street gang.

18 65. She immediately called Phoenix PD Sgt. McBride and conferred with him
19 based on his expertise with criminal street gangs.

20 66. Sgt. McBride told her it was his expert opinion that criminal street gang
21 charges were appropriate.

22 67. Sponsel was also aware that other jurisdictions, such as Utah, were using
23 criminal street gang charges to prosecute protest rioters.

24 68. She then notified Leckrone, her Bureau Chief, and Goddard, her Division
25 Chief, and asked them for permission to file Assisting a Criminal Street Gang charges.

26 69. After hearing the facts, both Leckrone and Goddard agreed that the facts
27 fit the crimes and the charges.

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1 70. Due to time constraints, they had to move quickly to get the case before
2 the Grand Jury.

3 71. Over the next several days, Sponsel kept her immediate supervisors in the
4 loop regarding the status of the case.

5 72. Sponsel asked Goddard, her Division Chief, if Adel and Chief Deputy
6 Vick had approved the charges; Goddard told her they had approved the charges.

7 73. During this time, Sponsel was conferring and communicating with her
8 superiors, Phoenix PD, and gang experts regarding the charges.

9 74. On October 21, 2020, Sponsel, Nick Michaud, and MCAO Det. Martin, in
10 accordance with MCAO policy, attended a meeting with the FBI Joint Terrorism Task
11 Force and the Phoenix PD to talk about the continued rioting, public safety threats, and
12 recent arrests (the “October 21, 2020 Meeting”).

13 75. Sponsel attends these meetings in accordance with MCAO policy, as part
14 of information-sharing, in order to learn about issues facing the community and to better
15 understand the totality of the circumstances of a case.

16 76. During the October 21, 2020 Meeting, Sponsel intended to bring up the
17 potential criminal street gang charges, but before she could broach the subject, a
18 Lieutenant with the Phoenix PD, independently suggested the MCAO should consider
19 the criminal street gang charges.

20 77. At the October 21, 2020 Meeting, more than 30 law enforcement officers
21 were in the room, including FBI and Phoenix PD Police Sergeants, Lieutenants,
22 Commanders, and Assistant Chiefs.

23 78. No one in the October 21, 2020 Meeting was opposed to the proposed
24 criminal street gang charges, and all agreed that the charges were appropriate.

25 79. Sponsel informed the group who attended the meeting that she was on the
26 same page and intended to file the charges based on the facts and her years of criminal
27 street gang experience.

1 80. In accordance with her practice when attending these types of meetings or
2 in any interaction with law enforcement, Sponsel also informed everyone who attended
3 the meeting that she could not give them legal advice and that they needed to talk to
4 their own legal advisors.

5 81. While conferring with the Phoenix PD regarding the Violent Protest Case,
6 Sponsel continued to work with her MCAO superiors to set up a formal meeting with
7 MCAO Chief Deputy Vick and others in order to further brief them on the contemplated
8 criminal street gang charges.

9 82. Due to conflicts in schedules, that meeting did not occur until October 30,
10 2020 (the “October 30, 2020 Meeting”).

11 83. At all times prior to the October 30, 2020 Meeting, through the MCAO
12 Database, the status of the Violent Protest Case was easily accessible by anyone in the
13 MCAO office, including Adel and the MCAO Executive Team.

14 84. On October 27, 2020, with the full knowledge and approval of her MCAO
15 superiors, Sponsel presented the Violent Protest Case to a Grand Jury, which returned a
16 16-0 true bill.

17 85. Although charging protest rioters with criminal street gang charges was a
18 novel approach in Maricopa County, the rioting activity and the violence against police
19 officers occurring around the country and in Arizona were themselves unprecedented.

20 86. The MCAO was receiving a multitude of submittals for charges that had
21 not been filed in Sponsel’s recent memory.

22 87. One of the goals of punishment in the criminal justice system is to deter
23 criminal behavior in order to protect the welfare and safety of citizens and to prevent
24 damages to local businesses and police stations.

25 88. Sponsel’s role as the lead prosecutor in the Violent Protest Case was to
26 ethically and responsibly hold such criminal offenders accountable.

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1 89. Between October 20 and October 27, 2020, because of the novel approach
2 she was taking, Sponsel had several conversations with Leckrone and Goddard about
3 the Violent Protest Case and the charges she intended to bring and at all times kept them
4 in the loop.

5 90. Sponsel had a telephone conversation with Goddard during that time in
6 which, because this novel approach would likely be newsworthy, she specifically sked
7 him whether Adel was aware of the charges she intended to bring.

8 91. There is no question that Adel was aware of those charges, whether from
9 information provided to her by Sponsel through Sponsel’s supervisors or from other
10 sources of information.

11 92. It was during this time that Leckrone told Sponsel that, sometime between
12 October 20 and October 27, 2020, she had attended a party at Adel’s home, where she
13 had pulled Adel aside to talk about the direction of the Violent Protest Case and the
14 novel criminal street gang charges.

15 93. According to Leckrone, Adel said nothing to give her any reason to think
16 that the Violent Protest Case and the charges should not go forward.

17 94. Charges in the Violent Protest Case were finalized and filed in the evening
18 or the morning of October 27, 2020.

19 95. Prior to that, Sponsel had been asking and waiting to hear anything that
20 would indicate the Violent Protest Case charges should not go forward.

21 96. Sponsel continued to ask Leckrone and Goddard about going forward, at
22 all times keeping them fully informed of the status of the Violent Protest Case and the
23 charges that would be filed.

24 97. Sponsel tried to keep as many people in the loop as she could.

25 98. Everyone involved was, or certainly should have been, fully aware that
26 she was charging the Violent Protest Case defendants with aggravated assault, assisting
27 a criminal street gang, and other related crimes (the “Violent Protest Case Charges”).

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1 99. The Grand Jury indictment had come down that same day, on October 27,
2 2020.

3 100. After that, but before the October 30, 2020, Meeting, Law Enforcement
4 Liaison Van Dorn called Sponsel.

5 101. Van Dorn asked her about the Violent Protest Case Charges and the
6 meeting with the Phoenix PD that had occurred on October 23, 2020.

7 102. Van Dorn told her that he should have been made aware of the meeting
8 and should be present at any meetings when Assistant Chiefs were going to be present.

9 103. Sponsel told him that she had no idea there would be Assistant Chiefs
10 present at the October 23, 2020, meeting.

11 104. After the Grand Jury indictment had been handed down and drew media
12 attention, at the request of Chief Deputy Vick, October 30, 2020, Meeting was held.

13 105. In preparing for the meeting, Sponsel talked to Goddard about the Violent
14 Protest Case Charges.

15 106. Goddard apparently believed that Sponsel was only going to charge four
16 or five of the strongest defendants with gang charges.

17 107. She reminded Goddard that she had never said or suggested any such
18 thing to him or to anyone else.

19 108. It would not have made sense to charge only four or five of the defendants
20 with gang charges due to the group dynamic of all o defendants working together to riot.

21 109. Goddard told her that it might have been a misunderstanding, but that he
22 understood why she did not limit the charges to only four or five of the defendants, and,
23 in any event, any such misunderstandings or concerns there may have been were later
24 dispelled at the October 30, 2020, Meeting.

25 110. As a 17-year veteran MCAO prosecutor, Sponsel has always presented
26 her cases in the same manner, especially as it relates to gang charges.

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1 111. Sponsel had been with the MCAO for three years and had already led or
2 co-led approximately 30 felony jury trials when she was transferred to the Gang Bureau
3 under the supervision of David Rodriguez and Division Chief Anthony Novitsky; it was
4 then that she began to participate in complex gang investigations and present to the
5 Grand Jury.

6 112. Since starting in the Gang Bureau in 2007, she has been using the same
7 language, comparing different criminal street gangs such as the Crips, Bloods and Hell's
8 Angles to each other and to newer criminal street gangs.

9 113. During all of that time, she was never told that the way she was presenting
10 to the Grand Jury was wrong or inappropriate in any way.

11 114. Her supervisors never questioned or reprimanded her with regard to these
12 types of comparisons or any of her Grand Jury presentations.

13 115. No judge of the Maricopa County Superior Court or the Arizona Court of
14 Appeals, or even defense attorneys when reviewing motions to remand or criminal court
15 appeals, ever questioned or reprimanded her regarding these types of comparisons or
16 any of her Grand Jury presentations.

17 116. During her entire career, Sponsel has always made sure that she stays far
18 away from ethical boundary lines, whether in court or when presenting to a Grand Jury,
19 no matter the type of case or crime.

20 117. Prior to the October 30, 2020, Meeting, the news media began to reach out
21 to the MCAO, asking about the Violent Protest Case Charges.

22 118. At that point, none of the defendants had been served with indictments, so
23 the MCAO was concerned about how the defense was privy to the charges and who had
24 leaked that information to the media.

25 119. The following people attended (virtually) the October 30, 2020, Meeting:
26 MCAO Division Chief Goddard; Bureau Chief Leckrone; Division Chief of Training
27 and Appeals Ryan Green; Bureau Chief of Gangs Heather Livingston; Chief Deputy
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1 Vick; Det. Martin; Information Officer Jennifer Liewer; Chief of Investigations William
2 Long; Law Enforcement Liaison Van Dorn; and Sponsel.

3 120. In the October 30, 2020, Meeting, Goddard, Leckrone, and Sponsel fully
4 explained the Violent Protest Case Charges and why they were appropriate.

5 121. The only one in that meeting who objected to the charges was Mr. Green.

6 122. To Sponsel's knowledge and recollection, no one else in that meeting
7 objected to the charges, and no one suggested a formal incident review.

8 123. Further, no one in that meeting, including Mr. Green, stated or suggested
9 that the MCAO should dismiss any of the charges against any of the defendants.

10 124. For unknown reasons, Chief Deputy Vick attended the meeting rather than
11 Adel, but it was clear that Adel was fully aware, or should have been fully aware, of the
12 course of the investigation and the Violent Protest Case Charges at all times.

13 125. At no time during that meeting did Chief Deputy Vick state that anyone
14 had to wait for Adel's approval before moving forward.

15 126. During the October 30, 2020, Meeting, the participants talked about their
16 concern that the media had known about the Violent Protest Case Charges.

17 127. Chief Deputy Vick and others asked Goddard, Leckrone, and Sponsel to
18 track down the defense attorneys in order to get the indictments officially served so that
19 the MCAO could then respond to media requests for that information.

20 128. The point of these discussions was not to dismiss any charges or slow the
21 process down in order to further consult with Adel, but rather to hurry up, serve the
22 defendants, and speed the process up.

23 129. Between October 21, 2020, and February 2021, to Sponsel's knowledge,
24 there was no further formal review of the Violent Protest Case Charges and no further
25 discussion about them among the MCAO Executive Team.

26 130. Sponsel nevertheless kept her immediate supervisors informed about the
27 status of the charges as well as the status of the Violent Protest Case Charges and all of
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1 the other pending riot cases and aggravated assault cases that she was handling at that
2 time.

3 131. Nick Michaud, an MCAO attorney and a colleague of Sponsel, also
4 continued to work on cases and to co-chair cases that Sponsel had been assigned to
5 prosecute.

6 132. On November 3, 2020, three days after the October 30, 2020 Meeting,
7 Adel released a statement to the media about the Violent Protest Case that supported the
8 Violent Protest Case Charges and in no way disparaged Sponsel or any other prosecutor
9 who was involved in the case. (A copy of Adel’s statement, as reported by an ABC 15
10 News article dated November 3, 2020, is attached as **Exhibit 1** to this Complaint.)

11 133. On November 4, 2020, Adel fell at her home and suffered a brain bleed.
12 She returned from medical leave to her office in February 2021.

13 134. After Adel’s return to her office, in February 2021, ABC 15 news reporter
14 Dave Biscobing began running a series of newscasts and articles called “Politically
15 Charged,” in which he criticized and called for the dismissal of the Violent Protest Case
16 Charges as politically inappropriate, excessive and incendiary.

17 135. On or about February 8 or 9, 2020, for the first time since the October 30,
18 2020, Meeting, Sponsel was told that Adel and the MCAO Executive Team wanted to
19 be further briefed on the Violent Protest Case Charges.

20 136. In a meeting held February 12, 2020 (the “February 12, 2020, Meeting”),
21 Sponsel, Leckrone, Goddard, and Clint Davis (“Davis”), an MCAO-retained criminal
22 street gang expert, presented on the Violent Protest Case for approximately two hours,
23 explaining how the facts fit the crimes that were charged.

24 137. At the February 12, 2020, Meeting, Sponsel in particular was peppered
25 with multiple questions about what each individual defendant had specifically done.

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1 138. Sponsel explained to everyone how the charges would be proven under an
2 accomplice liability theory that she had successfully charged and proven many times in
3 her many years of experience in that kind of case with similar facts and evidence.

4 139. One defendant who had been charged, Ryder Collins (“Collins”), had
5 been seen among the rioting group and documented as being a member of the group.

6 140. Collins became a main focus of the February 12, 2020, Meeting.

7 141. Sponsel explained to everyone what evidence she had against Collins at
8 the time and why she believed that, based on the evidence, Collins had been involved in
9 the Violent Protest Case riot and other offenses, and was thus properly charged.

10 142. Davis, the independent criminal street gang expert, agreed with her.

11 143. Sponsel provided everyone with a transcript of Collins’ statements to the
12 police denying his involvement, but demonstrated that the evidence of his actions was
13 contrary to what he had told the police.

14 144. After presenting the facts and the evidence regarding Collins and the other
15 defendants who were charged, Sponsel and Davis left the February 12, 2020, Meeting.

16 145. Hours later, Sponsel was informed that the Violent Protest Case Charges
17 would be dismissed as to all of the defendants who were charged, despite the opinions
18 of two separate street gang experts, including Davis, the independent criminal street
19 gang expert hired and paid for by the MCAO.

20 146. Sponsel and her supervisors were perplexed. She asked her supervisors
21 not to put her name on the dismissal papers because she did not agree with that decision.

22 147. She was told that refusing to do so could be an act of insubordination
23 subject to discipline.

24 148. She therefore agreed to sign the papers, as instructed.

25 149. Sponsel is aware that, after the February 12, 2020, Meeting, several other
26 meetings were held without her input on other cases she had charged over the summer.

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1 150. She was told by her immediate supervisors that some of the charges would
2 be dismissed and others would not be dismissed.

3 151. Contrary to standard MCAO policies and procedures, Sponsel was never
4 invited to be a part of these meetings, which would have given her the opportunity to
5 explain why the Violent Protest Case Charges were brought, what the defendants did,
6 and the evidence she relied on to charge them.

7 152. Sponsel’s extensive experience, expertise, and professional judgment were
8 obviously being scrutinized, second-guessed and criticized by Adel and members of the
9 Executive Team for the first time in her 17-year exemplary career with the MCAO.

10 153. Sponsel’s involvement and participation in such matters was consistent
11 with her professional duties and at all times were known and approved, or soon known
12 and approved, by her MCAO supervisors and superiors.

13 154. Sponsel has always and solely acted in accordance with her prosecutorial
14 duties as a Deputy County Attorney in this and any other matter with the knowledge and
15 approval of Adel and her MCAO supervisors and superiors.

16 155. Soon after the Violent Protest Case Charges had been dismissed, Sponsel
17 realized that she would become Adel’s scapegoat in order to blunt the criticism leveled
18 by the news media, to absolve herself of any personal responsibility for bringing the
19 charges, and to blunt the politically damaging consequences of making or approving the
20 decision to bring the charges.

21 156. Adel soon began a campaign borne of personal and political self-interest
22 to falsely blame Sponsel, and Sponsel alone, for purportedly failing to follow MCAO
23 policies and procedures and purportedly committing professional misconduct by filing
24 the Violent Protest Case Charges, supposedly without Adel’s review or approval.

25 **Adel’s False and Defamatory Statements to the News Media**

26 157. Just after the MCAO had filed a motion to dismiss the Violent Protest
27 Case Charges, in an article dated February 12, 2021 titled “Maricopa County Attorney’s

1 Office dismisses case against protestors charged as criminal street gang,” ABC 15 News
2 reported that Adel had issued only a brief statement about the dismissal, confirming that
3 the MCAO had filed the motion to dismiss the Violent Protest Case Charges and stating
4 that the MCAO was “re-evaluating the evidence that has been and continues to be
5 submitted for review.” (A Copy of Adel’s statement reported in this February 12, 2021,
6 article is attached as **Exhibit 2** to this Complaint).

7 158. Adel thus falsely implied that the evidence supporting the Violent Protest
8 Case Charges had not been submitted for review before the charges were dismissed.

9 159. Adel also hedged on whether the Violent Protest Case Charges had been
10 properly filed, saying the “MCAO remains committed to holding those who committed
11 criminal acts in this event responsible.” (Ex. 2).

12 160. From that point forward, as the media heat turned up and Adel’s campaign
13 of political self-interest kicked into gear, things got worse, a lot worse, for Sponsel.

14 161. Just three days later, on February 15, 2021, in an article titled “Politically
15 Charged: ABC 15 Investigates Protest Prosecutions,” Adel began defending herself at
16 Sponsel’s expense, rather than telling the truth about what had occurred before the
17 Violent Protest Case Charges had been filed.

18 162. Adel intentionally and with purpose lied about what had occurred, making
19 the following “prepared statements” to publically and falsely blame Sponsel as a lone
20 rogue prosecutor who was solely responsible for filing the charges without her (Adel’s)
21 knowledge or approval in violation of MCAO policies and procedures:

22 The Maricopa County Attorney’s Office is admitting *prosecutors failed to*
23 *properly vet a controversial case that resulted in a group of protestors*
being charged as a criminal street gang. ...

24 Maricopa County Attorney Allister Adel said *prosecutors did not follow*
25 *procedures before bringing the charges and the case was not properly*
vetted.

26 As County Prosecutor, it is my expectation that complex and/or cases of
27 public interest are reviewed by my leadership team at the county attorney’s
28 office prior to charging. This practice includes a review of the facts and
evidence by seasoned prosecutors and a robust discussion about the case in

1 its entirety. It concludes with a determination if charges are appropriate and
2 what those charges should be, so I can make a final charging decision *In*
3 *this case, this practice was not followed* and at my direction, a review took
4 place this past Friday, February 12. *I participated in the review* and
ultimately decided to dismiss the charges in CR2020-139581. [*Emphasis*
added.]

(Copy of this widely reported article is attached as **Exhibit 3** to this Complaint).

5 163. None of that was true, and, based on the facts, Adel made these prepared
6 statements to the news media with actual malice, meaning that she knew what she said
7 was false or acted in reckless disregard for the truth.

8 164. On March 1, 2021, after reading the distributing, deliberately untruthful
9 press releases made by Adel, Sponsel sent an email to her MCAO chain of command
10 demanding to know what MCAO policy she had supposedly violated.

11 165. On March 2, 2021, the next day, in furtherance of Adel's self-serving
12 campaign, Sponsel was suddenly, and wrongfully, placed on administrative leave for
13 purportedly violating still unidentified MCAO policies and protocol, presumably having
14 something to do with the Violent Protest Case Charges. (A copy of this letter is attached
15 as **Exhibit 4** to this Complaint).

16 166. It is now February 2022, nearly a year later, and Sponsel still remains on
17 administrative leave and *to this day* still has not been told what MCAO policies or
18 protocol she had purportedly violated to be put on administrative leave.

19 167. Adel then furthered her campaign and compounded the damage she had
20 already done to Sponsel by telling the news media that Sponsel, and no one else, had
21 been placed on administrative leave pending an investigation of her conduct.

22 168. As reported by ABC15 News in an article dated March 3, 2021, titled
23 "Lead Maricopa County prosecutor on protest cases placed on administrative leave,"
24 Adel reported, or was responsible for reporting, to ABC 15 News that Sponsel alone
25 was the only one who had been placed on administrative leave in connection with the
26 Violent Protest Case Charges and that "no other [MCAO] employees were affected." (A
27 copy of this news report is attached as **Exhibit 5** to this Complaint).

1 169. The statements that Adel made, or caused to be made, to the news media
2 about Sponsel are provably false and defamatory. (See, e.g., copy of an ABC 15 News
3 article dated July 3, 2021, attached as **Exhibit 6** to this Complaint).

4 170. The text message attached as **Exhibit 7** to this Complaint is documented
5 evidence that, along with other facts and she intends to submit in this case proves this.

6 171. Upon information and belief, Adel has repeated all of these provably false
7 and defamatory statements (or words to that effect) to others, both internally within and
8 outside the MCAO for the same reasons she made them to the news media.

9 172. Adel has intentionally ducked the duties and responsibilities she owes to
10 the citizens of Maricopa County and deliberately chosen to protect herself and her own
11 career and reputation at Sponsel's expense, knowing that, in doing so, she would very
12 likely, if not certainly, cause irreparable damage to Sponsel's stellar career, good name,
13 reputation, and general physical and emotional wellbeing.

14 173. AS her employer, Maricopa County is vicariously liable for the torts and
15 wrongdoing committed by Adel.

16 **COUNT ONE**
17 **(Defamation)**

18 174. Plaintiff restates and incorporates all prior allegations as if fully restated.

19 175. Adel repeatedly published the statements set forth above, either directly or
20 indirectly, to third persons, including, in order to achieve maximum effect, to the news
21 media.

22 176. All such statements were of and concerning Sponsel.

23 177. All such statements made by Adel about and concerning Sponsel were per
24 se defamatory, in that they impeached Sponsel's personal and professional honesty,
25 integrity, virtue and reputation, tended to injure her in her profession and business,
26 and/or accused her of immoral and/or criminal conduct.

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1 178. All such statements brought or tended to bring Sponsel into disrepute,
2 contempt or ridicule.

3 179. No such statement was privileged.

4 180. All such statements were, at the time they were made, false.

5 181. Adel published all such statements knowing that they were false or with
6 reckless disregard for their truth.

7 182. All such statements alone or in combination, have irreparably harmed and
8 damaged Sponsel's personal and professional good name, standing, and reputation in
9 the community and elsewhere.

10 183. Adel and Maricopa County are liable to Sponsel for presumed damages in
11 an amount to be proved and determined by the court or a jury at trial.

12 184. Further, Adel and Maricopa County are liable to Sponsel for general and
13 special damages caused by Adel's conduct in amounts to be proved at trial.

14 185. Adel has repeatedly published all such statements with actual malice and a
15 deliberate indifference or recklessness as to the truth or falsity of any such statement
16 and for the deliberate, intended purpose and effect of damaging Sponsel's personal and
17 professional good name, standing and reputation in the community and elsewhere.
18 Accordingly, Sponsel is entitled to an award of punitive damages in an amount
19 sufficient to punish Defendants and deter others from engaging in similar conduct.

20 WHEREFORE, Plaintiff requests judgment against all Defendants, and each of
21 them, jointly and severally, as follows:

- 22 A. For damages in amounts to be proved at trial;
23 B. For an award of punitive damages;
24 C. For an award of her costs; and
25 D. For such other and further relief as is proper and just.
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COUNT TWO

(False Light Invasion of Privacy)

186. Plaintiff restates and incorporates all prior allegations as if fully restated.

187. Adel has intentionally published the statements set forth above to third persons, including to the news media.

188. No such statement was privileged.

189. All such statements were, at the time they were made, false.

190. Adel published all such statements knowing that they were false or with reckless disregard for their truth.

191. All such statements, alone or in combination, have placed Sponsel in a false light by, without limitation, invading her privacy and publishing false, scandalous and opprobrious accusations of personal and professional corruption, unlawful conduct, racism, and unethical conduct about her or directed to her.

192. All such statements are and would be highly offensive to any reasonable person.

193. Adel and Maricopa County are liable to Sponsel for presumed damages in an amount to be proved and determined by the court or a jury at trial.

194. Further, Adel and Maricopa County are liable to Sponsel for general and special damages caused by Adel's conduct in amounts to be proved at trial.

195. Adel has repeatedly published all such statements with actual malice and a deliberate indifference or recklessness as to the truth or falsity of any such statement and for the deliberate, intended purpose and effect of damaging Sponsel's personal and professional good name, standing and reputation in the community and elsewhere. Accordingly, Sponsel is entitled to an award of punitive damages in an amount sufficient to punish Defendants and deter others from engaging in similar conduct.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them, jointly and severally, as follows:

A. For damages in amounts to be proved at trial;

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- B. For an award of punitive damages;
- C. For an award of his costs; and
- D. For such other and further relief as is proper and just.

COUNT THREE

(Intentional Interference with Contract)

196. Plaintiff restates and incorporates all prior allegations as if fully restated.

197. At all relevant times, a valid and subsisting employment contract (the “Employment Contract”) has existed between Sponsel and the MSAO.

198. At all relevant times, Adel has known of the existence of the Employment Contract.

199. Adel has intentionally interfered with Sponsel’s Employment Contract by causing a third party, Maricopa County, to materially breach the contract in various ways, including, without limitation, by unfairly and inappropriately disciplining her, by taking her away from her work and placing her on indefinite administrative leave, by causing Maricopa County to breach the implied covenant of good faith and fair dealing, and by taking other adverse actions against her that are professionally and personally unwarranted, embarrassing, and in violation MCAO policies and procedures.

200. Adel’s conduct has been improper, fueled by improper motives and her own self-interests she has sought to advance.

201. Adel and Maricopa County are liable to Sponsel for general and special damages caused by Adel’s conduct in amounts to be proved at trial.

202. Adel has repeatedly published all such statements with actual malice and a deliberate indifference or recklessness as to the truth or falsity of any such statement and for the deliberate, intended purpose and effect of damaging Sponsel’s personal and professional good name, standing and reputation in the community and elsewhere. Accordingly, Sponsel is entitled to an award of punitive damages in an amount sufficient to punish Defendants and deter others from engaging in similar conduct.

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WHEREFORE, Plaintiff requests judgment against Defendants, and each of them, jointly and severally, as follows:

- A. For damages in amounts to be proved at trial;
- B. For an award of punitive damages;
- C. For an award of his costs; and
- D. For such other and further relief as is proper and just.

DATED this 4th day of February, 2022.

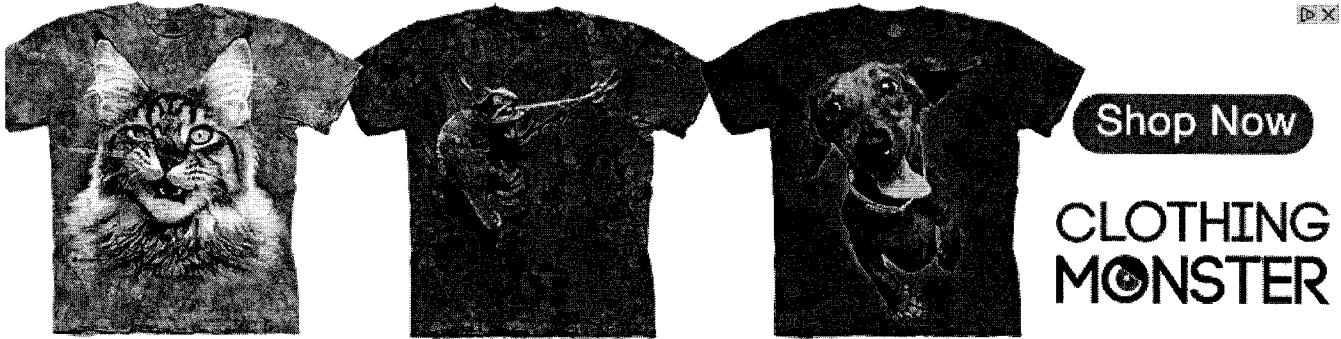
Jaburg & Wilk, P.C.

/s/ David N. Farren

Thomas S. Moring
David N. Farren
3200 N. Central Avenue, 20th Floor
Phoenix, AZ 85012
Attorneys for Plaintiff

EXHIBIT 1

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BREAKING NEWS

Protesters' indictments on gang-related charges criticized by attorneys, advocates

Prosecutor's ties to DPS trooper also called into question

Uriel J. Garcia, Lauren Castle and Chloe Jones Arizona Republic

Published 10:09 a.m. MT Nov. 3, 2020 | Updated 10:30 a.m. MT Nov. 3, 2020

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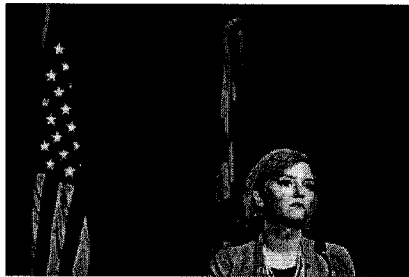


Gang-related charges brought by a Maricopa County prosecutor against 15 people protesting police violence drew condemnation from attorneys and community advocates, who said the charges were far too harsh and could intimidate people from exercising their free-speech rights.

The Maricopa County Attorney's Office suggested the charges to a grand jury, which returned the indictment last week.

The protesters worked together so they couldn't get arrested and turned violent when officers apprehended them at the Oct. 17 demonstration in downtown Phoenix, according to police testimony against one of the defendants.

This case has raised the level of prosecution of demonstrators who have protested police violence and systemic racism in Phoenix since George Floyd's death in Minneapolis. Other protesters have been arrested on suspicion of assault on police, obstructing streets and rioting. But this is the first time a prosecutor has filed gang-related charges in connection with this year's protests.



Maricopa County Attorney Allister Adel Eil Imadali/The Republic

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That the 15 people are being charged with gang activity “is another example and escalation” of silencing protesters, said Christina Carter, a Phoenix attorney who has represented other protesters in demonstrations over the summer

“The fact that now they can see the potential of facing street gang charges for participating in lawful First Amendment protests it’s going to chill free speech.”

In a statement to The Republic, Maricopa County Attorney Allister Adel said, “This office fully supports everyone’s right to peacefully assemble and protest as guaranteed by our Constitution. Doing so is a hallmark of a healthy democracy. However, committing acts of lawlessness and violence cannot be tolerated.

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“Thousands of people in this community have appropriately and lawfully exercised their rights to protest over the last several months. A small few, however, have seen these events as an opportunity to attack law enforcement officers and endanger the safety of others lawfully expressing their views.”

Dressing in black, carrying umbrellas, working together

The criminal street gang statute says: “A person commits assisting a criminal street gang by committing any felony offense, whether completed or preparatory for the benefit of, at the direction of or in association with any criminal street gang.”

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The latest public-safety news in the Valley.

If any of the defendants are found guilty of the class three felony of assisting a gang, at least five years in prison will be added to any sentencing for other charges.

The demonstrators also were indicted on other charges, including rioting, obstructing a thoroughfare, unlawful assembly, aggravated assault with a deadly weapon and resisting arrest.

The Oct. 17 protest near Van Buren Street and 10th Avenue involved a small group of protesters who began marching in the road and "soon began throwing incendiary devices that emitted smoke at officers," according to a report at the time from police spokesperson Sgt. Ann Justus.

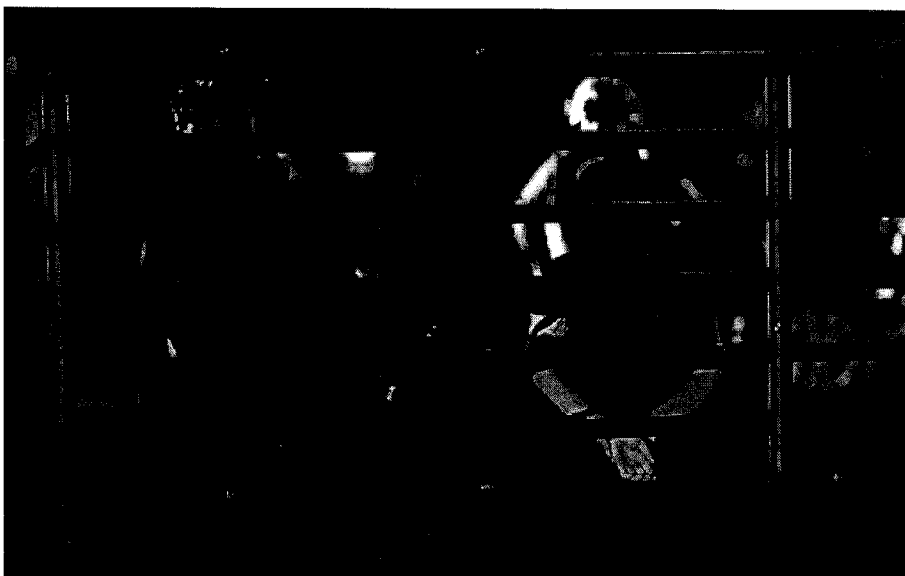
During an evidentiary hearing Friday against one of the defendants, Phoenix police Sgt. Douglas McBride said in Maricopa County Superior Court that the group of protesters worked together to avoid arrest and turned violent when officers apprehended them.

He also said the group dressed in all black, carried umbrellas and used the common phrases "All Cops Are Bastards" and "ACAB."

Protesters have used umbrellas to protect themselves from the Arizona sun, block their identities if they do not want to be seen and, in some places, as shields to protect their faces from tear gas.

"These particular groups they try to make it as difficult as possible for us to arrest them," McBride testified. "They try every tactic they can to protect each other from the police and inflict as much pain as they can on us while we're trying to effect an arrest."

Besides the 15 people being charged as adults, three minors were taken into custody. It was not immediately known what charges were brought against the minors in Maricopa County Juvenile Court.



Phoenix police arrested 18 people at a protest on Oct. 17, 2020, in downtown Phoenix. *Courtesy Of Jason White*

'Chilling effect' on protests; 'selective and vindictive,' attorneys say

Kenneth Countryman who is representing Suvarna Ratnam, one of the 15 demonstrators, said he was shocked to find out about the gang-related charge.

It is an intimidation tactic to deter protesters, he said.

Countryman said the gang-related charge is very serious and could have a "chilling effect" on protesters who now may think twice about marching in the streets to advocate for racial justice.

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"They're protesting for civil rights; they aren't selling drugs around the neighborhood," Countryman said.

Community groups had advocated for the release of Ratnam, who originally was held in Maricopa County's Estrella Jail after arrest. Ratnam was released on a \$5,000 bond after two weeks in custody. Ratnam was arrested on suspicion of aggravated assault on an officer, riot, unlawful assembly, hindering prosecution and obstructing a road.

Countryman said Ratnam was only protesting law enforcement's actions against people of color and was "very committed to social justice reform."

Countryman said actions like holding defendants "non-bondable" and filing street gang charges are designed to scare people from protesting.

"It is working. There are a lot of people who don't want to go out and protest because they know people who are arrested," he said.

Dave Erlichman, an attorney representing defendant Amy Kaper, filed a court document on Monday saying his defense of his client will be that the case is selective and vindictive, and unconstitutional use of the gang-assistance statute.

Ryan Tait, an attorney representing defendant Riley Behrens, said he plans to question if the state statute was meant to target demonstrators.

Tait, who ran for Maricopa County attorney as a Democrat but dropped out of the race before the primary, said he is concerned about the charge because it's "a very heavy sanction."

“ We find it deeply troubling anytime when the criminal justice system has the potential for stifling free speech and freedom of assembly.

LOUIS FIDEL, PRESIDENT-ELECT OF THE ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

Louis Fidel, president-elect of the Arizona Attorneys for Criminal Justice, said, "We find it deeply troubling anytime when the criminal justice system has the potential for stifling free speech and freedom of assembly. These prosecutions are concerning."

Adel, who is running for election against challenger Julie Gunnigle, has received numerous endorsements from police unions. She has stated that she does not take endorsements or think about politics when looking into charging decisions.

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- Mesa wrestler Laura Smith emerges from tragedy to triumph
- Phoenix educator, analog astronaut joins elite explorers club



Deputy county attorney in case draws scrutiny

April Sponsel, the deputy county attorney prosecuting the case, is the wife of Arizona Department of Public Safety Trooper Alfonso Galindo, a 13-year DPS veteran who was recently shot at by a 17-year-old boy.

Many local protests have focused on Dion Johnson, a Black man shot by a DPS trooper on Memorial Day, the same day Floyd was killed by a Minneapolis police officer. Their deaths led to weeks of protests in the Phoenix area demanding equal treatment for people of color.

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Adel announced in September that the trooper would not be prosecuted.

A motion was filed on Monday in Maricopa County Superior Court asking the judge to disqualify Sponsel from prosecuting the case.

"People are specifically being targeted for our political views. I think as well that this is a personal vendetta," said Viri Hernandez, executive director for Poder in Action, an advocacy group. "This is a personal task from this prosecutor who is married to the police to now target and prosecute in a way that we've never seen before."

Carter said "it is concerning" that a prosecutor married to an officer involved in a shooting is on the case.

"It definitely gives one pause," she said.

In September, Galindo was shot at by a 17-year-old boy near 37th Avenue and McDowell Road.

A driver in a silver Infiniti with custom wheels and temporary plates pulled up alongside the trooper's vehicle and honked the horn, at which point the passenger got out of the Infiniti and shot an AK47 assault pistol at the trooper, DPS Director Heston Silbert said at news conference at the time.

The driver fled, leaving the shooter behind, Silbert said. Galindo and another trooper returned fire.

The case normally would have been reviewed by the Maricopa County Attorney's Office to determine if the shooting was justified. Because of the office's ethics policy, prosecutors are prohibited from having a personal relationship with a victim or witness on a case, Adel said. The case is being reviewed instead by the Pinal County Attorney's Office.

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Public court records show that Galindo and Sponsel were married in 2017 in Pinal County.

In July 2018, the Mesa Police Department awarded Sponsel with the Citizen Meritorious Service Award "for her tireless efforts in securing significant convictions for known gang members in a lengthy high-profile prosecution "

convictions for known gang members in a lengthy high profile prosecution, according to a 2018 Maricopa County Attorney's Office newsletter.

"This award is an example of what can be achieved when law enforcement and prosecutors work together to protect a community," Sponsel was quoted as saying in the newsletter. "While this case required a great deal of legal time and effort it is truly the outstanding work of the detectives and officers at the Mesa Police Department that should be most honored."

Lola N'sangou, executive director of the Phoenix advocacy group Mass Liberation Arizona, said that Sponsel's marriage to a DPS officer and Adel allowing Sponsel to prosecute the case was no surprise.

"The Maricopa County Attorney's Office has been motivated to suppress the movement of defunding the police and getting justice for families of people shot by police," N'sangou said. "It's very clear to us, you have a prosecutor motivated by the interests of DPS to prosecute people protesting the DPS shooting of Dion Johnson."

Jocquese Blackwell, a lawyer who previously represented Johnson's family, said, "You are going to prosecute free speech and give them gang charges? That's crazy."

Blackwell said Sponsel needs to be taken off the case because some of the protesters have demonstrated against the killing of Johnson. That she's married to another DPS trooper should be considered a conflict of interest, he said.

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The advertisement is a rectangular graphic divided into three vertical sections. The left section is a black and white photograph of a desert landscape with various plants and a path. The middle section has a white background with the title "WIND, WATER, EARTH" in large, bold, black, sans-serif capital letters. Below the title, it says "BY NATASHA LISITSA AND DANIEL SCHULTZ" in smaller, black, sans-serif capital letters. The right section has a white background with the word "WATER" in large, bold, black, sans-serif capital letters. Below it, it says "See 2,000 plants come together in this floral installation." in smaller, black, sans-serif text. Underneath that, it says "Now through March 28" and "Included with Garden Admission Reservations Required". At the bottom of this section is a black button with the text "GET TICKETS" in white, sans-serif capital letters. Below the button is the logo for "DESERT BOTANICAL garden" which includes a small plant icon.

"She can't represent the state without any bias, particularly when her husband was part of a (shooting)," he said. "I don't see how that's not a conflict."

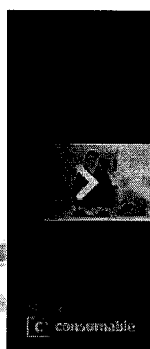
Uriel Garcia covers public-safety issues in Arizona. Reach him at uriel.garcia@azcentral.com. Follow him on Twitter [@ujohnnyug](https://twitter.com/ujohnnyug).

Have thoughts about the Maricopa County Attorney's Office? Reach criminal justice reporter Lauren Castle at Lauren.Castle@gannett.com. Follow her on Twitter [@Lauren_Castle](https://twitter.com/Lauren_Castle).

Get in touch with breaking news reporter Chloe Jones at Chloe.Jones@arizonarepublic.com and find her on Twitter at [@chloeleejones](https://twitter.com/chloeleejones).

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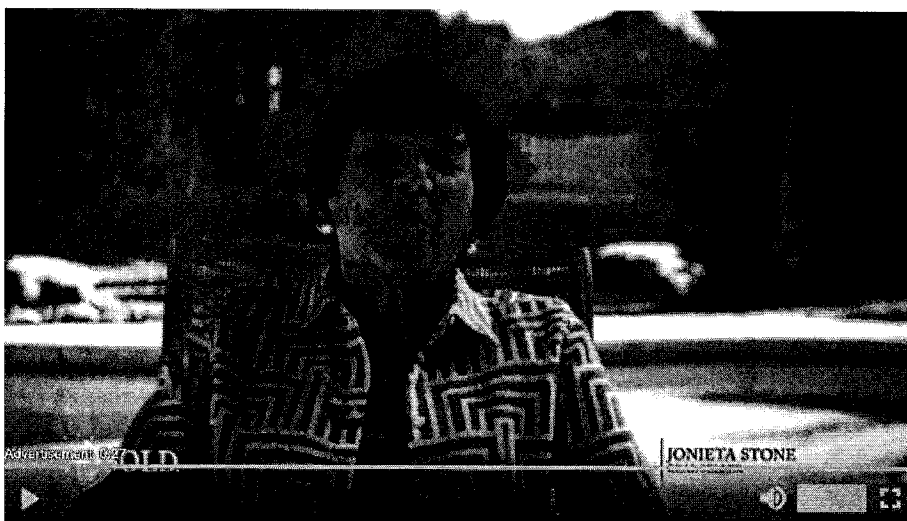
EXHIBIT 2



NEWS > LOCAL NEWS > INVESTIGATIONS > PROTEST ARRESTS



Maricopa County Attorney's Office dismisses case against protesters charged as criminal street gang



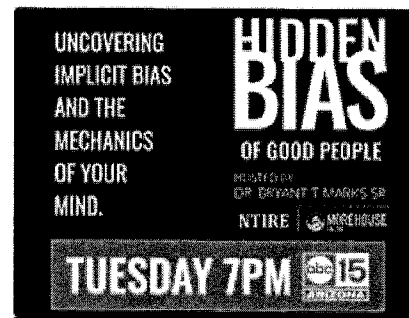
Following a series of ABC15 investigative reports, the Maricopa County Attorney's Office has dismissed a highly-controversial case against a group of protesters who were charged as a criminal street gang.



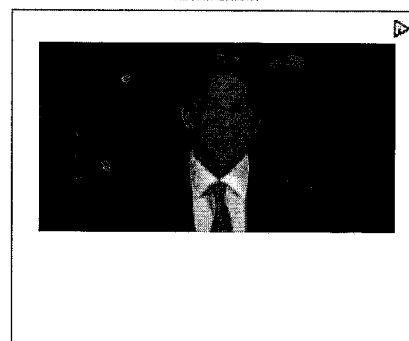
By: Dave Biscobing

Posted at 8:49 PM, Feb 12, 2021 and last updated 10:33 PM, Feb 12, 2021

PHOENIX — Following a series of ABC15 investigative reports, the Maricopa County Attorney's Office has dismissed a highly-controversial case against a group of protesters who were charged as a criminal street gang.



Watch the 'Hidden Bias of Good People' special Tuesday at 7PM on ABC15 Arizona



County Attorney Allister Adel announced the dismissal of the criminal case against 18 individuals late on Friday night.

There is a potential for future charges.

The decision comes just a week after ABC15 began airing reports in its “Politically Charged” investigation into the case and other protest arrests.

The original report can be found at abc15.com/protests.

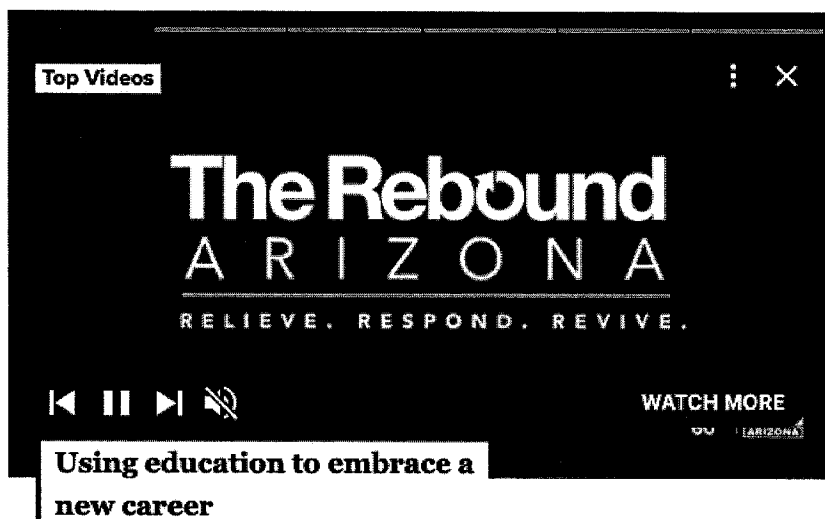
This stems from our reporting over the past week about how MCAO and Phoenix PD lied and exaggerated to a grand jury about how this group was like the Bloods, Crips, and Hells Angels.

Catch up: <https://t.co/McENZxBJWN>

— Dave Biscobing (@DaveBiscobing15) February 13, 2021

Adel issued this brief statement about the dismissal.

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“The Maricopa County Attorney’s Office (MCAO) has filed a motion to dismiss case CR 2020-139581. The office is re-evaluating the evidence that has been and continues to be submitted for review. MCAO remains committed to holding those who committed criminal acts in this event responsible.”

A motion to dismiss was filed for each of the defendants.

The short filing gave a simple reason for the dismissal: “In the interest of justice.”

The gang charges, based on broad and easily-abused statutes, were a clear “political prosecution” intended to silence dissent and scare protesters from organizing, according to community activists, defense attorneys, and legal groups like the ACLU.

IAN KING REVEALS
NO. 1 STOCK PICK

ABC15 spent months investigating the gang charges and other protest prosecutions. The station interviewed defendants and their attorneys, obtained hundreds of pages of police reports and grand jury transcripts, and watched hours of police body camera and surveillance video.

The evidence shows police and prosecutors presented grand jurors with dubious claims, one-sided evidence, exaggerations, and lies.

Arizona statutes regarding criminal street gang classification are broad and only require two of the following criteria to be met: (1) Self proclamation; (2) Witness testimony or statements; (3) Written or electronic correspondence; (4) Paraphernalia or photographs; (5) Tattoos; (6) Clothing or colors; (7) Any other indicators.

~~Phoenix Police Sgt. Doug McBride, a "grenadier" who manages the Tactical~~
dubious claims, one-sided evidence, exaggerations, and lies.

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Phoenix Police Sgt. Doug McBride, a "grenadier" who manages the Tactical Response Unit and former gang detective, testified that all members of the group met the criteria for three reasons.

The first is the chanting of "All Cops are Bastards," which he claimed is self proclamation. The second was most of the group dressed in black, which meets the colors requirement. And the third was many of the group carried umbrellas, which McBride claimed was part of their uniform.

ACAB is a common protest chant that originated almost a century ago and is used across the world.

Maybe the most stunning grand jury testimony was when McBride and MCAO prosecutor, April Sponsel, repeatedly compared the group to notorious street gangs like the Crips, Bloods, and Hells Angels.

One of the defense attorneys in the case, Christopher DuPont, filed a motion that put the allegation into context.

"The state called a witness to testify at grand jury that ACAB was just as dangerous — and in many ways more dangerous — than notorious gangs like the Crips and the Bloods. two gangs that have accounted for as many as 15,000

Maybe the most stunning grand jury testimony was when McBride and MCAO prosecutor April Sponsel repeatedly compared the group to notorious street

prosecutor, upon subpoena, repeatedly compared the group to notorious street gangs like the Crips, Bloods, and Hells Angels.

One of the defense attorneys in the case, Christopher DuPont, filed a motion that put the allegation into context.

“The state called a witness to testify at grand jury that ACAB was just as dangerous — and in many ways more dangerous — than notorious gangs like the Crips and the Bloods, two gangs that have accounted for as many as 15,000 homicides in the United States during their 30 year run,” DuPont wrote.

The Maricopa County Attorney’s Office was also going to have to weather mounting allegations and evidence of bias.

~~ABC15 exposed that members of the Tactical Response Unit owned, shared,~~

and sold celebratory challenge coins to commemorate shooting a protester in the groin.

The coin has messaging inspired by hate speech, and the city has launched an outside investigation.

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ABC15 also obtained body camera video that recorded officers on scene of the arrest disbaring protesters by calling them “dickheads,” “asshole kids,” and “f***ing liberal pieces of sh**.”

Defense attorneys and community groups issued a flurry of statements about the motions to dismiss late Friday. [ABC15 will continue to cover this development in the coming days with more reaction.]

While pleased with the decision, they believe the charges should be dismissed with prejudice.

They also want MCAO to further evaluate a number of other controversial protest responses and arrests.

[Editor’s note: This report is part of an ongoing series of ABC15 investigative reports called “Politically Charged.” The series can be found at ABC15.com/protests. Contact ABC15 Investigator Dave

EXHIBIT 3



New Glasses Takes US by Storm



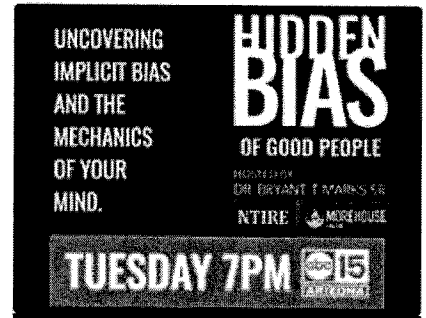
Everyone Over 55 is Rushing to Get These Revolutionary Reading Glasses



NEWS > LOCAL NEWS > INVESTIGATIONS



MCAO admits protest case flaws, Phoenix reassigns nine officers



Watch the 'Hidden Bias of Good People' special Tuesday at 7PM on ABC15 Arizona

In a pair of major developments following an ABC15 investigation, the Phoenix Police Department has reassigned nine officers and the Maricopa County Attorney's Office is admitting prosecutors failed to properly vet a controversial case that resulted in a group of protesters being charged as a criminal street gang.



By: Dave Biscobing

Posted at 6:24 PM, Feb 15, 2021 and last updated 4:44 AM, Feb 16, 2021

PHOENIX — In a pair of major developments following an ABC15 investigation, the Phoenix Police Department has reassigned nine officers and the Maricopa County Attorney's Office is admitting prosecutors failed to properly vet a controversial case that resulted in a group of protesters being

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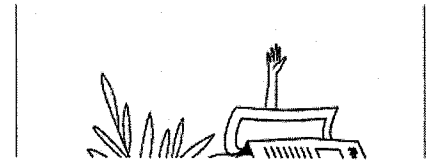
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charged as a criminal street gang.

POLITICALLY CHARGED: ABC15 INVESTIGATES PROTEST PROSECUTIONS

The police officers have been placed in non-enforcement positions as the city and an outside law firm investigate a challenge coin scandal and issues tied to the arrests of protesters on October 17, 2020, according to the city manager's office.



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In response to questions regarding the abrupt dismissal of the protest “gang” charges on Friday, Maricopa County Attorney Allister Adel said prosecutors did not follow procedures before bringing the charges and the case was not properly vetted.

"As County Attorney, it is my expectation that complex and/or cases of public interest are reviewed by my leadership team at the county attorney's office prior to charging. This practice includes a review of the facts and evidence by seasoned prosecutors and a robust discussion about the case in its entirety. It concludes with a determination if charges are appropriate and what those charges should be, so I can make a final charging decision," Adel said in a prepared statement. "In this case, this practice was not followed and at my direction, a review took place this past Friday, Feb. 12. I participated in the review and ultimately decided to dismiss the charges in CR2020-139581. We are reviewing the evidence to decide next steps in this case and determining if further review of other cases related to the protests this summer is warranted."

ABC15's investigation into to gang case found police and prosecutors provided the grand jury with gross exaggerations, dubious claims, and outright lies.

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In one stunning example, officials testified that they believed the group of protesters were comparable to the Bloods, Crips, and Hells Angels.

National and internal media outlets are also covering ABC15's reporting.

The Washington Post posted an article on the front page of its website this weekend about three officers recored on a body camera video disparaging protesters and lamenting the requirement of body cameras. The Post's report also discussed the large controversy with Phoenix and MCAO's protest cases.

TMZ also covered the body camera story.

Phoenix City Manager Ed Zuercher released a statement Friday and called the cascading number of problems coming out as "disturbing."

"The more information we learn, the more concerned I become. I believe the majority of Phoenix Police officers do great work for our community every day," he said. "But it's obvious we have deep rooted issues in the Phoenix Police Department that must be addressed. This department is going to change. I demand it. Chief Williams demands it. And the public expects it."

As pressure grows on Phoenix and the county attorney's office, community groups continue to cite ABC15's reporting to push for further accountability and action.

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A press release sent this weekend from Mass Liberation AZ called for the Department of Justice to open a civil rights investigation.

So far, emails sent to the United States Attorney's Office in Arizona and the White House were not returned Monday.

While the controversial “gang” protest case was dismissed Friday, there are still major questions and issues to answer and address.

In the broadcast report posted in the video box at the top of the page, ABC15 Investigator Dave Biscobing outlines the key questions and issues that are still outstanding and what will happen next.

[Editor’s note: This report is part of an ongoing series of ABC15 investigative reports called “Politically Charged.” The series can be found at ABC15.com/protests. Contact ABC15 Investigator Dave Biscobing at Dave@ABC15.com.]

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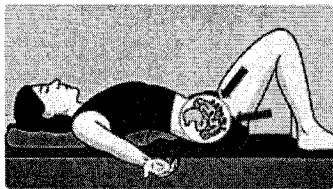
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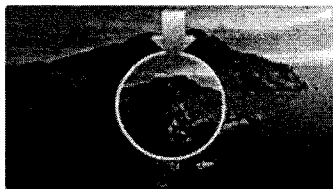
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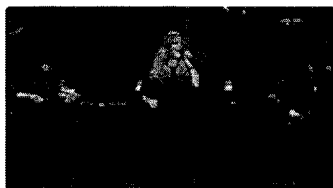
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EXHIBIT 4



Maricopa County Attorney

ALLISTER ADEL

March 2, 2021

VIA HAND DELIVERY

April Sponsel

Dear Ms. Sponsel:

As you have been notified, this office is currently conducting an independent review of various actions related to charges that were filed for events that occurred this last summer and fall. This letter is to notify you that effective immediately you are placed on paid administrative leave pending the outcome and review of that investigation. You will retain the status of an MCAO employee for the duration of your paid administrative leave. It is my expectation that you will adhere to all MCAO and County policies and procedures while on leave.

For the duration of this administrative leave, your new schedule is 8:00 a.m. to 5:00 p.m., Monday through Friday, with an hour lunch. You must stay at your personal residence between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (unless it is an official County holiday), and contact Chief William Long by telephone (602-334-9800) prior to 9:00 a.m. each work day until further notice. You must take a one-hour lunch break from 12:00 p.m. to 1:00 p.m. each workday and, during your lunch break, you are not required to remain at your residence. During the time that you are required to remain at your residence, you must be available by phone.

While on paid administrative leave, you may not enter MCAO facilities or property. In addition, you are not to discuss your paid administrative leave with any MCAO or Maricopa County personnel or officials, and you are not to attempt to contact any MCAO or Maricopa County personnel or officials during your paid administrative leave except as directed above. If there are any matters that require communication for you, you must communicate directly with Chief Long.

At this time, you must surrender all Maricopa County property in your possession, including your Maricopa County ID badge; parking card, bus card or any other County issued items. If you need to recover personal items from your workstation and/or desk, please call Chief Long to arrange a time during non-business hours when you can come to County premises to retrieve your personal items. Failure to comply with the conditions of this paid administrative leave will result in disciplinary action up to and including dismissal.

Sincerely,



Allister Adel
County Attorney

cc: Phil Pembroke, HR Manager

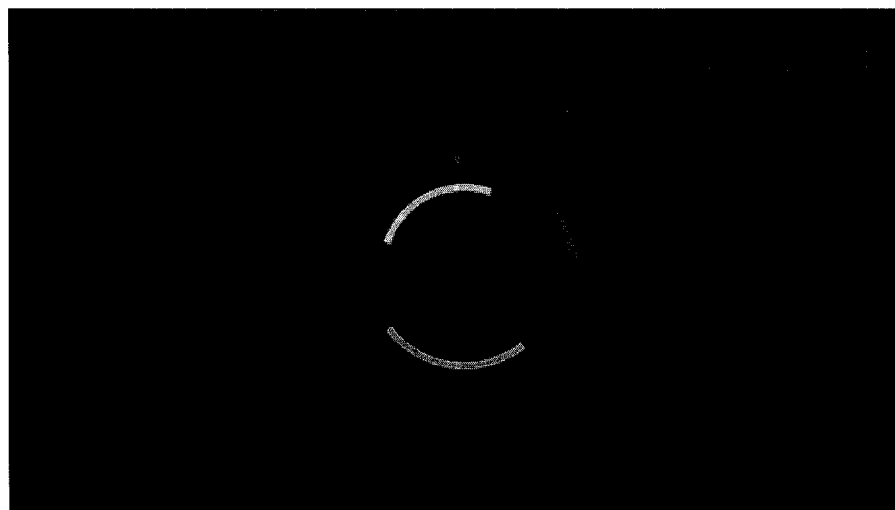
EXHIBIT 5



NEWS > LOCAL NEWS > INVESTIGATIONS > PROTEST ARRESTS



Lead Maricopa County prosecutor on protest cases placed on administrative leave



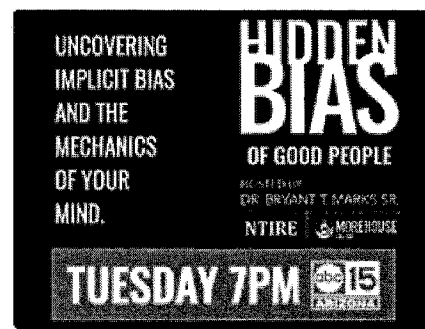
The Maricopa County Attorney's Office has placed the lead prosecutor for a collection of protest cases on administrative leave amid an outside investigation into how a group of demonstrators was charged as a criminal street gang. MCAO confirmed Wednesday that April Sponsel was placed on administrative leave. A spokesperson said no other employees were affected.



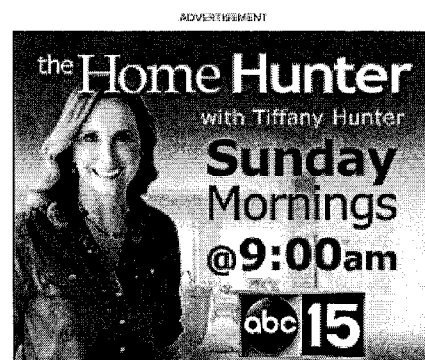
By: Dave Biscobing

Posted at 10:06 AM, Mar 03, 2021 and last updated 7:01 PM, Mar 03, 2021

PHOENIX — The Maricopa County Attorney's Office has placed the lead prosecutor for a collection of protest cases on administrative leave amid an outside investigation into how a group of demonstrators was charged as a



Watch the 'Hidden Bias of Good People' special Tuesday at 7PM on ABC15 Arizona



criminal street gang.

MCAO confirmed Wednesday that April Sponsel was placed on administrative leave. A spokesperson said no other employees were affected.

The news of Sponsel’s leave was first reported by the Arizona Republic.

Recent Stories from abc15.com



Sponsel was assigned to multiple protest cases that been the focus of ABC15’s ongoing “Politically Charged” investigation.

The "Politically Charged" investigation exposed one case that was especially problematic: a group of protesters arrested on Oct.17 was charged as a criminal street gang based on exaggerations and lies.

ABC15 obtained records and police radio calls that show Sponsel was actively advising officers before the arrests were finalized. The audio further raised concerns about inappropriate coordination between Phoenix police and the Maricopa County Attorney’s Office.

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Maricopa County Attorney Allister Adel has distanced herself from the

gang charges, claiming she was out of the loop due to a traumatic brain injury last year. However, the arrests and charges were finalized before Adel was hospitalized.

Adel dismissed the gang charge case a week after ABC15's investigation launched, but the charges were dismissed without prejudice, which means new charges could be refiled.

The county attorney then ordered an outside investigation to be conducted by a retired Maricopa County Superior Court judge, Roland Steinle.

Sponsel is a veteran member of MCAO and is assigned to the First Responders Bureau, a specialized unit created by Adel in late 2019.

She's also a former gang unit prosecutor.

News of Sponsel's placement on leave was a surprise to defense attorneys and MCAO insiders who told ABC15 she was working as recently as Tuesday.

Sponsel worked closely on the protest cases with Deputy County Attorney Nick Michaud leaving some defense attorneys also questioned why he hasn't been placed on leave too.

Michaud filed gang allegations against protesters in a separate case only to withdraw them shortly after ABC15's reports.

MCAO claiming those gang allegations were filed "inadvertently" and a "clerical error."

ABC15 also discovered that Michaud and Phoenix police officers presented a grand jury with demonstrably false information in the criminal case

Michaud filed gang allegations against protesters in a separate case only to withdraw them shortly after ABC15's reports.

MCAO claiming those gang allegations were filed "inadvertently" and a "clerical error."

ABC15 also discovered that Michaud and Phoenix police officers presented a grand jury with demonstrably false information in the criminal case against prominent activist Bruce Franks Jr.

Michaud's brother is a Phoenix police sergeant.

Sgt. Doug Michaud, who previously worked in the gang unit, responded to at least one protest in which his brother is prosecuting defendants.

In an email, a spokesperson said MCAO doesn't see a conflict. "Sergeant

In an email, a spokesperson said MICHAUD DOESN'T SEE A CONFLICT. Sergeant Doug Michaud is not a witness in the cases. He is not a victim. He was not involved in arresting any of the defendants. Therefore, there is no conflict in this situation."

This report is part of an ongoing series of ABC15 investigative reports called "Politically Charged." The series can be found at ABC15.com/protests. Contact ABC15 Investigator Dave Biscobing at Dave@ABC15.com.

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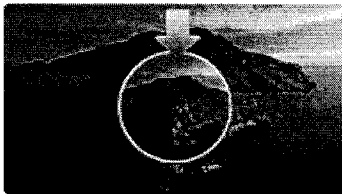
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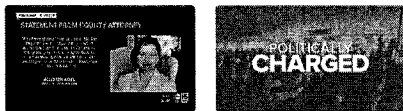


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Maricopa County Attorney Allister Adel knew about the plan to charge a group of police protesters as a criminal street gang, according to the initial prosecutor assigned to the case.



By: Dave Biscobing

Posted at 11:05 AM, Jul 02, 2021 and last updated 9:08 PM, Jul 02, 2021

PHOENIX — Maricopa County Attorney Allister Adel knew about the plan to charge a group of police protesters as a criminal street gang, according to the initial prosecutor assigned to the case.

ABC15 obtained text messages for the prosecutor, April Sponsel, that were sent on Nov 2020 — one week after the case was presented to a grand jury.

When asked by a colleague if Adel knew about the plan before the indictments, Sponsel texted, “Yes she did know.”

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POLITICALLY CHARGED: INVESTIGATING PHOENIX PROTEST CASES

Adel has declined multiple interview requests to discuss the gang case.

In an emailed statement for this report, the county attorney wrote: “As I have stated response to similar inquires, I was not properly briefed about the plan to present thi to the grand jury. I cannot speculate as to what an employee meant in a text messag conversation with others that I was not a part of.”

Adel’s response does not specifically deny that she knew about the plan to charge th as a gang.

The county attorney has distanced herself from the gang charges in multiple stateme over the past several months. She said a serious fall and brain injury she suffered in October 2020 affected her ability to properly vet the case.

The text messages were obtained through public record requests made by defense attorneys representing some of the protesters. ABC15 independently verified the authenticity of the messages before contacting MCAO for comment.

RELATED: MCAO held high-level meetings before protest gang charges

The messages also raise public record concerns, experts said.

Sponsel asks her colleague if he uses Signal, a text encryption app that can reduce th digital trail of messages.

When asked why Sponsel and others in the office use the app, she responded. “Reca [sic] of the disappearing text options.”

“Reca
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conversations that evade the public record law.”

Regarding the concerns about the use of Signal, an MCAO spokesperson sent the following written statement.

“In response to a public records request, a review of employee-issued cell phones was completed by MCAO. It was determined that Signal was not downloaded onto any of our county-issued devices. Additionally, as part of the office’s continued efforts to comply with public records law, several employees, including April Sponsel, were asked if “Signal was being used to conduct county business on personal cellphones and employees reported this did not occur,” the statement said. “How and what people use to communicate on their private devices about personal matters is not something this office has the ability to regulate or track. However, the County Attorney’s Office fully acknowledges that should an employee choose to conduct official business on a personal device, it is a public record.”

The protest gang case has been permanently dismissed, and Sponsel is currently on administrative leave.

Under increasing public pressure, Adel hired a retired judge in March to conduct an investigation into how her office handled the protest case and any related ethical concerns.

A completion date for the judge’s investigation has not been announced.

Contact ABC15 Investigator Dave Biscobing at Dave@ABC15.com

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10/18/20, 7:45 PM

youtu.be

10/23/20, 1:53 PM

Call??

Sure

10/23/20, 5:06 PM

Talk to Ken?

Yep. Good to go

Really...no reservations???

10/23/20, 11:16 PM