



KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

May 16, 2024

VIA EMAIL

The Honorable Rachel Mitchell
County Attorney
Maricopa County Attorney's Office
225 West Madison Street
Phoenix, Arizona 85003

Re: Death penalty

Dear County Attorney Mitchell:

Thank you for the ongoing dialogue we have had about the death penalty over the last 17 months. I write this letter to ensure that you understand my position and plans regarding death sentences in Arizona.

First, I wish to reiterate that my office continues to defend death sentences obtained by county attorneys in Maricopa County and elsewhere. Lawyers in my office continue to defend more than 100 death sentences through the appellate, post-conviction, and habeas corpus processes in state and federal court. Indeed, earlier this year, my Section Chief for Capital Litigation argued *Thornell v. Jones* in the United States Supreme Court. This is a case in which the Ninth Circuit vacated a death sentence and I made the discretionary decision to request that the Supreme Court overturn that decision and reinstate Jones's death sentence.

As I have conveyed to you multiple times now, including when we met in January of this year, I respect the role of the death penalty in Arizona's laws. And I understand that many family members of victims continue to await closure in these (often decades-old) cases. As the chief law enforcement officer of the State, it is my intent to enforce Arizona law, whether that be through the defense of lawfully imposed death sentences on appeal or the seeking of warrants in a timely manner once a defendant has exhausted his appeals and ADCRR is prepared to carry out the warrant lawfully.

To that end, I intend to begin seeking warrants no later than the first quarter of 2025, so long as ADCRR is capable of carrying out a lawful execution at that time. By then, I anticipate that Judge Duncan will have completed his independent review and that ADCRR will have had

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sufficient time to make any appropriate improvements to their procedures for carrying out the death penalty.

In the interim, my office will continue to defend death sentences in appellate proceedings, as we did in the United States Supreme Court this April, and prepare for the warrant process, which as you know has historically required significant preparation and entailed significant litigation.

If you have any questions or would like to discuss these issues further, please let me know, and I will do my utmost to meet with you promptly. I would also be happy to discuss with you other issues of great importance to Arizonans, including women's access to reproductive health care and the importance of equal treatment under the law, regardless of a defendant's wealth, prominence, or political connections.¹

Sincerely,



Kris Mayes
Attorney General

¹ On that front, I have concerns about your Office's recent prosecution of former ADCRR Director Charles Ryan. See, e.g., <https://www.azcentral.com/story/news/local/tempe/2024/02/26/tempe-police-detectives-say-charles-ryan-got-preferential-treatment-after-standoff/72704243007/>.