



Exhibit 11

From: [Paul Ahler \(MCAO\)](#)
Sent: Monday, November 7, 2022 11:58 AM
To: [CA-MCAO](#)
Subject: Federal Court Ruling re ARS 13-4433(B)
Attachments: Victim Services Federal Court Ruling VSFCR_.docx

Importance: High

This is the letter being sent by Victim Services regarding the recent District Court Order. The letter code is VSFCR. It has been uploaded in PbK. Please make sure you discuss any Motions from Defense Counsel reference the Decision with your supervisors. We will keep you updated on the Attorney General's efforts to get a stay in this matter. Thanks, Paul



Paul W. Ahler
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From: [Paul Ahler \(MCAO\)](#)
Sent: Friday, November 4, 2022 9:50 AM
To: [CA-MCAO](#)
Subject: FW: District Court Order Regarding Constitutionality of ARS 13-4433(B)
Attachments: 025125602644.pdf; 025125602529.pdf

Importance: High

As many of you know by now, a Federal District Court in Phoenix issued an Order holding that ARS 13-4433(B) violated the 1st Amendment rights of defense attorneys and defense investigators. ARS 13-4433(B) provides: "The defendant, the defendant's attorney or an agent of the defendant shall only initiate contact with the victim through the prosecutor's office. The prosecutor's office shall promptly inform the victim of the defendant's request for an interview and shall advise the victim of the victim's right to refuse the interview." The Order was issued on November 2nd and takes effect immediately.

We have been in contact with the Attorney General's Office who handled this litigation. They will be appealing this matter to the 9th Circuit. They will also be filing a Motion to Stay sometime next week. We are in the process of creating a team that will handle litigation that will ensue because of this Decision. Nick Klingerman and Krista Wood will be spearheading this team. In the meantime, we are drafting a letter that will go out to all victims in both active cases and those that will be charged in the future explaining the decision and their rights. I will provide a copy of that letter once it is finalized. We will vigorously defend the rights of victims! Thanks for your vigilance and please notify your chain of command if Motions reference this Decision are filed in your respective cases or if you are contacted by victims who are contacted by defense attorneys or their staff.



Paul W. Ahler
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Maricopa County Attorney

RACHEL H. MITCHELL

November 4, 2022

SANGELO T TESTPERSON
12345 N 3RD STREET
PHOENIX, AZ 85003

CA No.: 1893990
Court No.: CR9999-893990-001

State vs. Pomelo Testperson, Sr

We are contacting you because a federal judge recently issued a ruling that affects your rights as a victim. This letter will explain how that ruling affects your rights and provide contact information should you have any additional questions.

Arizona law prohibits the defendant, the defendant's attorney, or anyone acting on the defendant's behalf from directly contacting victims. Based on that law, we may have told you that any communication from the defendant, or anyone associated with the defendant, was required to go through the Maricopa County Attorney's Office.

On November 2, 2022, a federal judge ruled that the First Amendment to the United States Constitution allows defense attorneys and their employees to directly contact victims in criminal cases. Due to this ruling, the defendant's attorney, investigator, or another employee from the defense attorney's firm may contact you without first notifying the Maricopa County Attorney's Office.

The Maricopa County Attorney's Office will not give your personal or contact information to the defendant, or anyone working with the defendant, unless ordered to disclose that information by a court. If defense counsel otherwise learns your contact information, they may use that to contact you directly due to this federal court ruling.

As a victim, you continue to have the right to refuse to talk to anyone you do not wish to, including anyone associated with the defendant. Unless you receive a subpoena for a court hearing, it is your choice whether you talk with defense counsel or the prosecutor.

The federal court's ruling does not apply to criminal defendants. Arizona law continues to prohibit a defendant from directly contacting you without the court's permission. Also, the defendant's attorney and the attorney's employees are prohibited from asking you to participate in an interview or otherwise interview you. Any request to interview you must still go through the Maricopa County Attorney's Office.

You have the right to be treated with dignity and respect and not feel harassed or intimidated by anyone, including defense attorneys and their employees. Defense attorneys and their employees must also be respectful of your wishes to be left alone. If defense counsel does contact you, please let us know because it can affect the criminal case. If you desire no contact with the defense attorney, please let us know that as well, and we will notify the attorney of your wishes.

When contacting our office, please provide case number(s) listed above to ensure that we are immediately able to reference your case to provide prompt assistance. If I can provide any additional information or schedule a meeting with the assigned Deputy County Attorney, please contact me Monday through Friday, 8:00 am to 5:00 pm.

Sincerely,

Victim Services Division
Advocate Name
Advocate
(602) 506-1697
advocate@mcao.maricopa.gov

jw
VSFCR—Victim Services Federal Court Ruling