

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Manuel de Jesus Ortega)	
Melendres, et al.,)	SEALED PROCEEDINGS
)	
Plaintiffs,)	CV 07-2513-PHX-GMS
)	
vs.)	Phoenix, Arizona
)	May 7, 2014
Joseph M. Arpaio, et al.,)	10:05 a.m.
)	
Defendants.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE G. MURRAY SNOW

(Status Conference - Excerpt)

(Page 37, Line 2, through Page 46, Line 18)

SEALED PROCEEDINGS

Court Reporter: Gary Moll
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Proceedings taken by stenographic court reporter
Transcript prepared by computer-aided transcription

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1

2 MR. CASEY: Your Honor --

3 THE COURT: You know, if you're going to whisper,
4 which is a good idea, you need to be close.

5 MR. CASEY: Your Honor, I'm going to move to -- that 10:47:28
6 this part of the hearing transcript be sealed by the Court's
7 order because it deals with a pending criminal investigation.
8 Let me tell you why I share this with you.

9 I alerted the monitor last night, yesterday, and
10 plaintiffs' counsel, that one of the key witnesses at our trial 10:47:45
11 was Charley Armendariz. Charley Armendariz has been arrested.

12 THE COURT: Um-hum.

13 MR. CASEY: He has been charged by the MCSO. There
14 may be other charges.

15 During the course of executing the search warrant they 10:47:56
16 found what appears to be weapons, drugs, and other things in
17 MCSO evidence bags. Of the things they found, there are an
18 estimated 50 license plates that go on vehicles. They also
19 have an estimated 500 driver's licenses.

20 Now, we don't know if those are authentic; we don't 10:48:22
21 know if they're forgeries; we don't have a racial breakup --
22 breakdown. But our estimate right now from talking to
23 Chief Sheridan is that if in fact these have been confiscated
24 during the course of a career, it's been going on for a while.

25 We're investigating everything right now, but preliminarily, it 10:48:45

1 looks like there's a lot of Hispanic surnames.

2 What effect it has on the case, I have no idea, but
3 I'm letting the monitor know because it's such extraordinary
4 facts that I don't know what to make out of it other than the
5 best policy I think is for everyone to know.

10:49:06

6 It is a pending criminal investigation right now, and
7 my understanding is that it's either going to be -- there's
8 likely either going to be a grand jury indictment or a direct
9 charge that may -- right now there's just a weapons charge and
10 a drug possession charge, but my understanding is there may be
11 some sort of like obstruction or evidence tampering charge or
12 something because some of this stuff appears --

10:49:23

13 MR. LIDDY: There's an improper handling of evidence
14 charge.

15 MR. CASEY: Something like that.

10:49:38

16 MR. LIDDY: Evidence bags that --

17 THE COURT: That you're --

18 MR. LIDDY: -- were not --

19 THE COURT: -- anticipating taking in front of the
20 grand jury? Or are you charging him by complaint, or how are
21 you doing it? I'm not sure about --

10:49:41

22 MR. LIDDY: I don't --

23 THE COURT: -- state procedures.

24 MR. LIDDY: I don't know.

25 MR. CASEY: It's either -- it's one of the two.

10:49:46

1 That's the only two options is grand jury or a direct charge,
2 but my understanding is those can be done.

3 The reason I mention it to you is we don't know what
4 this all means, and it's kind of -- as a lawyer, it needs --
5 you need to know, they need to know, the monitor needs to know, 10:50:02
6 because it's part of IA, Internal Affairs' investigation, and I
7 do ask for the Court to seal --

8 THE COURT: (Addressing courtroom) Chief Sheridan?

9 MR. LIDDY: We don't know if they involve traffic
10 stops. We believe they probably did. We don't know if they 10:50:15
11 were in large-scale operations. May have been -- may have been
12 him doing one-offs. We don't know if there are any Hispanic
13 surnames. We believe there are. He testified he thought
14 Arizona's majority is Hispanic --

15 THE COURT: Yeah, I remember that testimony. 10:50:28

16 (Chief Sheridan joins bench conference.)

17 MR. LIDDY: He also testified, it would be in
18 deposition, he felt he could pull anybody over at any time. He
19 also testified that he believes he could pull anybody over; if
20 given enough time, they would do a traffic violation. 10:50:40

21 THE COURT: All right. He wasn't the only one that
22 did that, but he was one.

23 Chief, attorney Casey's just shared with us some of
24 the material you found from the Armendariz --

25 CHIEF DEPUTY SHERIDAN: Right. 10:50:56

1 THE COURT: -- initial investigation.

2 I just guess, are you going to have any issue turning
3 all of this over to the monitor after you've done what you have
4 to do with it for the criminal --

5 CHIEF DEPUTY SHERIDAN: No, sir.

10:51:10

6 THE COURT: -- investigation?

7 All right. Do you have any objection from the MCSO if
8 the monitor turns it over in its completeness to the plaintiffs
9 for the plaintiffs to evaluate whether it makes any difference
10 to them?

10:51:21

11 MR. CASEY: Your Honor, I need to address that.

12 No, we have no objection so long as plaintiffs'
13 counsel has been doing what they have been, and we've been very
14 cooperative, and it's legitimately a criminal pending matter.
15 They've kept things confidential. But they need to know it,
16 and as long as they keep it out of the public domain, it
17 doesn't go to our friends in the media, then I have -- they get
18 to know what we know as soon as it's free and out of the
19 criminal investigation realm, so that's our position.

10:51:32

20 THE COURT: All right.

10:51:47

21 CHIEF DEPUTY SHERIDAN: We arrested and physically
22 booked Charley Monday morning. He is out on -- monitored by
23 Adult Probation. But he is acting very erratically. It
24 appears to me he's taking some kind of hallucinogen drug.

25 THE COURT: You do know that part of this made the

10:52:11

1 paper yesterday?

2 CHIEF DEPUTY SHERIDAN: It was on TV last night. I'm
3 sure that they -- probably sure that's why some of the local TV
4 media is here.

5 THE COURT: Yes.

10:52:20

6 CHIEF DEPUTY SHERIDAN: We have about 500 separate
7 items, driver's licenses, credit cards, Social Security cards,
8 Mexican --

9 MR. LIDDY: Consular matricula cards.

10 CHIEF DEPUTY SHERIDAN: -- consular matricula cards,
11 Mexican voting cards, Mexican IDs, and I'll just say in
12 general, I just perused the numbers, I didn't count them,
13 80 percent of those documents are Hispanic in nature.

10:52:36

14 There was also a large amount of drugs. That's what
15 we -- the most serious charge we have on him now. There was
16 heroin, cocaine, methamphetamine, LSD we found in his house.
17 We found a sawed-off shotgun, another firearm. I mean, it goes
18 on and on. 50 license plates. We don't even know what
19 vehicles they belong to. So we have a lot of investigation
20 that we need to continue to do this. We're working with the
21 County Attorney's Office.

10:52:53

22 THE COURT: Let me ask, as long as we're under seal,
23 are you investigating whether or not --

10:53:11

24 Was it Sergeant Armendariz, or it's just "deputy"?

25 CHIEF DEPUTY SHERIDAN: Deputy.

10:53:24

1 THE COURT: Deputy. He investigating whether or not
2 Deputy Armendariz may have been shaking down some illegal
3 aliens?

4 CHIEF DEPUTY SHERIDAN: That is part of our
5 understanding; he very well could have. What's mysterious to 10:53:33
6 me is why we didn't get any complaints from those people.
7 How --

8 THE COURT: Well --

9 CHIEF DEPUTY SHERIDAN: How we didn't know --

10 THE COURT: Well --

11 CHIEF DEPUTY SHERIDAN: -- you know, and those kind of
12 issues.

13 THE COURT: Um-hum.

14 CHIEF DEPUTY SHERIDAN: So that's what we're very
15 concerned with right now. 10:53:45

16 MR. CASEY: And I am not a criminal attorney or a
17 prosecutor, but on this case Mr. Liddy and I have respectively
18 advised our client, without waiving any privilege, to make sure
19 that they conduct a very thorough, conscientious investigation
20 on that particular matter as to why there weren't any 10:54:07
21 complaints.

22 MR. LIDDY: Or if there were --

23 MR. CASEY: What happened?

24 MR. LIDDY: -- why they weren't following up on them.

25 THE COURT: Well, complaints was, as you know, sort of 10:54:17

1 touched on at trial, but I didn't deem the evidence to be
2 sufficient enough for me to make any findings. I guess we'll
3 have to deal with that to the extent we deal with it.

4 CHIEF DEPUTY SHERIDAN: And also one thing -- sorry to
5 interrupt. I didn't want to leave this part out. 10:54:32

6 We did interview Charley. We interviewed him on
7 Friday. Criminally, he invoked. So we have a stopped criminal
8 interview on that.

9 We started an administrative interview. He talked to
10 us for about an hour and a half. The first hour or so was just 10:54:47
11 chitchat about getting him to loosen up to talk to us. Then
12 when we started asking him specific questions about these
13 things he began to implicate some other people that worked at
14 HSU, kind of accusing them of doing it and he was innocent, and
15 then he shut up. And then he resigned Friday afternoon. And 10:55:10
16 so we -- he stopped the interview.

17 THE COURT: Did you tape that interview?

18 CHIEF DEPUTY SHERIDAN: Yes, sir.

19 THE COURT: Is that going to be something that's
20 available to the monitor? 10:55:22

21 CHIEF DEPUTY SHERIDAN: Well, again, these -- we have
22 state statutes about this because of the administrative nature
23 and his rights, you know, so we have to look at that with
24 County counsel about --

25 THE COURT: That's fine, but that's going to be -- if 10:55:35

1 there are materials that you're going to want to withhold
2 because of some sort of state privilege, then I'll ask you --
3 if you want to do it in a sealed filing, that's fine. I'll ask
4 you to identify the materials that you have, and the state
5 privilege that you're asserting why you're not turning them 10:55:49
6 over. That way, we can then litigate whether or not it's
7 appropriate for the monitor and/or the plaintiffs to have
8 access to that, and you are protected in asserting your state
9 law right. All right?

10 CHIEF DEPUTY SHERIDAN: With that information in mind, 10:56:05
11 we also are broadening the investigation to look at the other
12 members that Charley was working with at that time.

13 THE COURT: Yeah, well, I mean, sounds appropriate.

14 I don't want to prevent anybody from saying any other
15 thing, but I do want to raise one other issue. Even though the 10:56:22
16 monitor is not here present at this conference, I have set a
17 conference -- I think you've all been notified -- next week.
18 It has to do with what I -- what I view as a good faith
19 dispute, and it's not a -- not a hugely serious one, but I
20 want -- and while you're here I want you to understand this, 10:56:40
21 too, about the payment of my monitor and the County, and the
22 specificity with which the County wants its billings.

23 I understand the County's trying to do their job to be
24 faithful stewards, and I'm not trying to infringe upon that.
25 The monitor, of course, has confidential informants coming 10:57:00

1 forward, they're engaging in monitoring patterns that they
2 don't exactly want the Sheriff's Office to be able to track,
3 not saying that you are tracking them but don't want you to be
4 able to track them. So we're going to have a little bit of an
5 issue, and I now -- I have a few thoughts about how we can
6 accomplish this without delaying payment to my monitor, who is
7 going to have some big work to do over the next -- has done
8 some already, is going to have some big work, especially at the
9 front end so that we can get this implemented right. I do not
10 want -- I don't know if you're representing the County in this.

10:57:15

10:57:30

11 MR. LIDDY: Doug Irish is. I work directly under him.
12 I'm familiar with the dispute. I'm familiar with what
13 Mr. Irish is going to offer the Court. You can --

14 THE COURT: All right.

15 MR. LIDDY: -- a special master --

10:57:42

16 THE COURT: I just want to send the message that it
17 wasn't back-door dealing, and I'm not viewing anybody as
18 overstepping. It just seemed to me to be something that if
19 I -- instead of you all trying to come up with something that
20 was going to be suitable and spending a lot of time and energy,
21 we could just resolve it next week if I bring everybody in and
22 in good faith we try and resolve it, so that's what we're
23 doing.

10:57:56

24 MR. LIDDY: Right. Mr. Casey's not involved in that
25 dispute.

10:58:07

1 THE COURT: All right.

2 CHIEF DEPUTY SHERIDAN: Thank you.

3 THE COURT: Anything else?

4 MR. CASEY: No. Do I have the Court's order to seal
5 this portion?

10:58:12

6 THE COURT: Yeah. This portion --

7 Unless you have an objection.

8 MS. WANG: No, Your Honor.

9 THE COURT: This portion of the transcript is under
10 seal pending whatever needs to be resolved in terms of the
11 charges that will be brought, the investigation that will be
12 asserted against Deputy Armendariz and possibly others in the
13 HSU, so I view that as an adequate reason to place this under
14 seal.

10:58:20

15 CHIEF DEPUTY SHERIDAN: Thank you.

10:58:36

16 THE COURT: All right?

17 MR. CASEY: Thank you, Your Honor.

18 MS. WANG: Thank you, Your Honor.

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C E R T I F I C A T E

I, GARY MOLL, do hereby certify that I am duly
appointed and qualified to act as Official Court Reporter for
the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute
a full, true, and accurate transcript of all of that portion of
the proceedings contained herein, had in the above-entitled
cause on the date specified therein, and that said transcript
was prepared under my direction and control.

DATED at Phoenix, Arizona, this ^ day of ^, ^.

s/Gary Moll