

Maricopa County Sheriff's Office

Joe Arpaio, Sheriff



ANOTHER LAWSUIT WON BY ARPAIO AND THE COUNTY ATTORNEY'S OFFICE

ILLEGAL IMMIGRATION ACTIVISTS LOSE PROP 100 COURT BATTLE IN LOPEZ-VALENZUELA CASE

(Phoenix, AZ) After several months under consideration, Federal Judge Susan Bolton this week ruled in favor of Maricopa County Sheriff Joe Arpaio and the County Attorney's Office in a hotly contested matter about whether illegal immigrants, who were arrested on felony charges, should be able to post bond and get out of jail.

In 2006, Arizona voters approved Proposition 100 which precluded bail to arrestees who entered or remained in the state illegally and who were charged with serious felony offenses.

When Sheriff Joseph Arpaio, in conjunction with the Maricopa County Attorney's Office, developed policies and procedures to implement the new law, two National Law Firms and the National ACLU Representatives sued the Sheriff and County Attorney to stop them from enforcing it.

The ACLU claimed Prop 100 was unconstitutional on its face, excessively harsh in how it was being enforced and a violation of the illegal alien arrestee's due process, and 5th, 6th, and 8th Amendment Rights.

Federal District Court Judge Susan Bolton considered motions for summary judgment filed by the ACLU and Sheriff Arpaio and the other county defendants. After carefully examining a substantial volume of evidence submitted by both sides, Judge Bolton resolved each legal issue in favor of Arpaio and the County Attorney

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Bill Montgomery. The original court complaint listed six claimed constitutional violations. Five of the six were the subject of Judge Bolton’s decision – all resolved in Arpaio’s favor.

Sheriff Arpaio stated “I am happy to get Judge Bolton’s decision. I always knew and felt that the County Attorney and I proceeded fairly and correctly to implement the mandate of the voters. Proposition 100 was crafted to deal with an ongoing problem – illegal aliens committing serious felonies and using the courts as a revolving door to escape justice by skipping out after getting a far too lenient bail.”

Tim Casey represented the Sheriff, County Attorney Bill Montgomery and the County. Mr. Casey successfully defended the lawsuit in which two national law firms, the local and National ACLU were aligned against him.

Sheriff Arpaio praised Mr. Casey’s results. Arpaio said “Tim Casey was confident from the beginning of the case we would prevail. I firmly believe we will be equally successful in the other lawsuits we are defending. When all of those are resolved, I’m sure we will be exonerated of all charges of racial profiling, depriving people of constitutional rights and all the other claims of wrong doing.”

Sheriff Arpaio and the former Maricopa County Attorney formed the vanguard for implementing the provisions of Prop 100. Arpaio took the point position in enforcing the new law. The Valenzuela Case was the test case for its validity. One count of the original complaint survives the decision by Judge Bolton. The losing Plaintiff’s plans for going forward or appealing are unknown at this time.

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