

Joseph E. Collins, Chief Deputy Jessica Scibelli, Civil Division QUNTY ATTORNEY'S OF AT JUSTITIA GILA COUNTY ATTORNEY Bradley D. Beauchamp June 11, 2025 Joe Albo Ryan Alcorn Tanner Beckwith Denise Boode Mariana Cheskis Kayla Evans Jessica Oortman Barry Standifird Michael VanAuker Ronald Washington Arizona State Bar Attention: Katherine I. Hyde 4201 N. 24th Street, Suite 100 Phoenix, AZ 85016-6266 Re: File No: 25-1279 Complainant: Michelle Pettitt

The following is my response to the allegations made by Michelle Pettitt dated May 10, 2025. It should be noted that the only direct participation I had in Ms. Pettitt's case was court coverage in the Globe Regional Justice Court where I dismissed her misdemeanor charges because the facts of the case met the elements of Aggravated Harassment, a felony, and should have been submitted for felony review.

The allegations made by Ms. Pettitt were litigated before Gila County Superior Court on the record during multiple hearings and two trials. Ms. Pettitt makes several allegations which are not supported by the facts such as withholding exculpatory evidence and that her first trial resulted in a mistrial. Ms. Pettitt seems to be looking for someone to blame for her actions and it appears that person is me. Ms. Pettitt's allegations will be addressed in order.

Globe Main Office: 1400 E. Ash Street, Globe, AZ 85501 Phone: (928) 425-3231 Ext. 8630 me474-40681 Page Fax: (928) 425-3720 Fax: (928) 474-9066

- **1: My "Recusal" was not Necessary and was Fully Litigated.**
- Ms. Pettitt alleges several conflicts of interest and claims that I should have recused myself as a result. Ms. Pettitt, through her retained attorney, filed two motions to disqualify the entire Gila County Attorney's Office. It is important to note that Ms. Pettitt's first motion to disqualify the entirety of the Gila County Attorney's Office came only after plea negotiations fell through. Ms. Pettitt and her attorney were well aware of my activities as a volunteer coach for the Miami Unified School district since prior to the indictment even being issued. Ms. Pettitt and her attorney did not see the necessity of requesting this office be disqualified until this office refused to give them the plea that they desired. Up until that point, Ms. Pettitt and her attorneys did not seem to have any issue with my volunteer activities.
- This issue was then litigated extensively in front of Gila County Superior Court and every single one of her demands that the Gila County Attorney's Office be disqualified was denied. A superior court judge appropriately considered the Gomez Factors as required under Arizona Law (See State v. Chambers, 255 Ariz. 464, 533 P.3d 195 (2023)) and found no appearance of impropriety upon which to disqualify the office. Ms. Pettitt's attorney filed petitions for special actions with the Arizona Court of Appeals, Division II, and each time the Court of Appeals unanimously denied review. (Exhibit C). Unfortunately, Ms. Pettitt is demanding this issue of disqualification be reviewed again so these issues will be further discussed in detail below.

- Ms. Pettitt first asserts that I was a named party under the June 2022 Injunction Against Harassment. This allegation is not supported by the evidence. My name doesn't appear anywhere on the injunction against workplace harassment. (Exhibit A). In fact, under the section pertaining to persons who should also be on this order, the section is blank. (Bates 00013). This issue was included in Ms. Pettitt's motion to disqualify that was litigated and denied. 2|Page Ms. Pettitt next asserts that, as her son's football coach, that I attained personal knowledge of and influence over her family, which compromised my impartiality.
- My activities as a coach were limited to her son's assignments in various defensive coverage schemes and his technique as a defensive back. I did not gain any knowledge about Ms. Pettitt or her personal life nor did I care to gain any such information. I met Ms. Pettitt a single time at an end of the year banquet where her son introduced me as his coach. Furthermore, my limited involvement as a volunteer coach for the Miami Unified School District had nothing to do with the underlying case. As far as I am aware, Ms. Pettitt did not have any children in the Miami Unified School district when the final three emails in the case were sent. I was not coaching any of her children when this litigation took place.
- In fact, I was not coaching at all for most of the time this case was active. I agreed to volunteer once more at some point after her initial trial took place due to there being a substantial need for qualified coaches. Ms. Pettitt's attorneys took my return to coaching as an opportunity to relitigate the issue of disqualification, which is why the Superior Court was forced to consider the issue twice. They denied her motion a second time and Ms. Pettitt tried to Special Action this decision to the Arizona Court of Appeals. Not surprisingly, the Arizona Court of Appeals returned the same answer, they unanimously denied review. Ms. Pettitt is now making these allegations for a third time hoping that the Arizona State Bar will give her a different answer than the Gila County Superior Court and the Arizona Court of Appeals.
- **2. I Did Not Proceed Without Probable Cause**
- Ms. Pettitt asserts that I pursued charges without probable cause. First, I did not personally present the case to the Grand Jury. Second, the Grand Jury returned a True Bill. Ms. Pettitt is aware the Grand Jury returned a true bill because she published the 3|Page grand jury transcripts on Facebook in violation of A.R.S. § 13-2812. Ms. Pettitt was cited for this violation, and she pleaded guilty to this offense. Once again, these issues were fully litigated in the Gila County Superior Court. Once again, these issues were litigated before the Gila County Superior Court in a Motion to Remand and the motion was denied.
- **3. I Did Not Withhold Any Exculpatory Evidence**
- Ms. Pettitt next alleges exculpatory evidence was withheld from the Grand Jury and the first Trial (July 2024) and this resulted in a mistrial. This is not factual accurate. The evidence in question is the automated emails to the school from Ms. Pettitt's computer sent via Boomerang. The emails themselves were not physically presented to the Grand Jury during the Grand Jury presentation. Ms. Pettitt alleged in a motion to remand that

the emails themselves were exculpatory because they only contained facially benign requests to attend events at the school.

- However, it was never the State's contention that the contents of the emails were harassing. The State's theory was that the volume of the emails, the times they were sent, the fact that they were sent with no legitimate purpose, was what made them harassing under the statute. According to the Attorney who was assigned to this case, that was the information that was presented to the Grand Jury. Ms. Pettitt's Motion to Remand to the Grand Jury alleged this very theory and Gila County Superior Court denied the motion on those grounds. (Exhibit D). It is also important that the Motion to Remand was held in abeyance pending plea negotiations. It is unclear why a defense attorney would hold a Motion to Remand in abeyance due to failure to disclose exculpatory evidence and lack of probable cause. Regardless, it was apparently not important enough at the time to demand that it be addressed immediately.
- Ms. Pettitt also argues that the State withheld evidence related to her email logs and posits that we proceeded despite knowing that there was an error with the 4|Page Boomerang Program. This office did not have access to Ms. Pettitt's Boomerang email logs when the case was presented to the Grand Jury. Furthermore, Ms. Pettitt's attorney didn't provide the Boomerang Email logs to the State until July 9, 2024, as indicated in their ARIZ. R. CRIM. P. Rule 15.2 Disclosure Statement. (Exhibit H.) This was barely 8 days prior to the first trial held on July 17, 2024. The Boomerang Email logs display the time that the emails were sent in UTC (Coordinated Universal Time) as opposed to MST (Mountain Standard Time).
- Ms. Pettitt then advanced the theory that she was not aware that she was sending emails to the school in the middle of the night because she did not know that Boomerang was using UTC. This is what she refers to as a Boomerang error. Ms. Pettitt's contention that there was a Boomerang error is not supported by the evidence (the emails themselves display time in MST) and is not exculpatory. This was merely a defense theory advanced at trial. Finally, this case survived not one, but two Motions to Dismiss under ARIZ. R. CRIM. P. Rule 20(a)(1). Prior to the first trial, Ms. Pettitt's attorney prepared an 18-page motion to dismiss they planned to submit to the Judge upon the conclusion of the State's case. (Exhibit L.) This extensive motion was denied during the first trial and Ms. Pettitt was found guilty of all charges. In fact, counsel for Ms. Pettitt filed multiple Motion to Dismiss which were all denied. (Exhibit M.)
- Ms. Pettitt also alleges that the State withheld the emails at issue from the jury at the first trial, but this is patently inaccurate. The record shows that emails in question were admitted as exhibits during the trial and were even displayed to the jury in the State's Power Point presentation during opening statements. (Exhibit I). The assigned attorney informed me that these emails were integral to the State's case because they served as the basis for each of the three counts in the Direct Indictment. Purposefully withholding these emails from the trial jury would have been akin to withholding the proverbial smoking gun. 5|Page It is true that the emails were not provided to the jury during deliberations, but this was due to an error by the courtroom clerk. This error was acknowledged by the Court in a minute entry sent out after the first trial was completed. (Exhibit F, G).

- The result of this error by the courtroom clerk, not the Gila County Attorney's office, was a motion for a New Trial filed by Ms. Pettitt's attorney. This motion was subsequently granted. In short, there wasn't a mistrial due to any conduct by the Gila County Attorney's office, rather a new trial was granted because the courtroom clerk failed to provide the exhibits the State properly admitted to the jury during deliberations. (Exhibit F).

- **4. Other Allegations**

- The allegations made by Ms. Pettitt pertaining to Detective Shaw, Deputy Wingett, and the Miami Unified School District administration are allegations that are not directed at myself or this office. Ms. Pettitt also alleges she was on the Miami Unified School District Campus to vote, which does not tell the whole story. It is true the Miami Unified School District is a polling place during elections, and that Ms. Pettitt uses that polling place to vote. Nobody is claiming Ms. Pettitt didn't have the right to be on campus to vote. Ms. Pettitt was given limited permission to be on the school campus for the sole purpose of honoring her constitutional right to vote. She was not given permission to be on the campus at that time for any other reason.
- She was not allowed to campaign on the property of the Miami Unified School District while she was there to vote. It was reported that Ms. Pettitt abused her limited permission to be on campus to vote by campaigning for a write-in candidate for the Miami Unified School District School Board she was supporting. Ms. Pettitt even posted on Facebook that she was at Miami High School while posting a picture of what appears to be palm cards for the write-in 6|Page candidate she was supporting. (Exhibit J.) The evidence shows that Ms. Pettitt was not at the school just to vote.
- Former Principal Glen Lineberry, the true victim in the underlying case, had previously agreed to the misdemeanor case being dismissed and not immediately proceeding with felony charges so long as Ms. Pettitt complied with the orders contained in the Injunction Against Workplace Harassment. Ms. Pettitt's attorney promised there would be no further issues when the misdemeanor charges were dismissed. When Ms. Pettitt violated her court order not to be on campus except for the very limited purpose of exercising her right to vote, Glen Lineberry immediately reported that the harassing behavior had not stopped and asked the State to review the original case.
- The assigned attorney independently reviewed the case and found there was a reasonable likelihood of conviction for three counts of Aggravated Harassment. The State did not charge Ms. Pettitt for being on campus to vote or to campaign. The State charged Ms. Pettitt with sending an avalanche of purposeless, automated, late-night emails, in violation of an Injunction Against Workplace Harassment, after being told on more than one occasion that her emails were harassing the district, and after posting on Facebook that she had no intention of stopping the emails.