



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

April 15, 2021

The Honorable Laura Conover
Pima County Attorney
32 N. Stone Avenue
Tucson, Arizona 85701

Dear County Attorney Conover:

Thank you for your letter dated April 6, 2021. I remember well the challenges I confronted after first being elected to office and wish you the best in your new role as Pima County Attorney.

Your letter requests that I place a “temporary hold on any death warrants” from Pima County cases to permit you to reassess certain convictions and sentences. You have not identified the specific cases to which you refer, so the scope of your request is unclear. Our records indicate that two current death row inmates who were prosecuted by the Pima County Attorney’s Office, Richard Greenway and Eric Mann (sentenced in 1989 and 1995, respectively), have both exhausted their state and federal appeals. Thus, these inmates have exercised the entire appellate process to which they were entitled over the past approximately three decades, and have had ample opportunity to address concerns regarding prosecutorial or any other perceived error.

Although the timing of your letter may suggest otherwise, I can only presume that your request is not intended to result in a “hold” on the warrant proceedings I have already initiated in Frank Atwood’s case. As you may know, that case was tried by an Assistant Attorney General (the Honorable John Davis). The first-degree murder and kidnapping convictions and death sentence in that case, therefore, were obtained by the Attorney General’s Office, rendering any proposed review of this case by you unnecessary, as well as untimely.

Finally, I am concerned that your letter is less about an internal review and more about ending the death penalty in general, consistent with your public statements on the matter. Recently, you notified the Pima County Superior Court that you have withdrawn all pending notices of intent to seek the death penalty in cases charged by your office. As the Pima County Attorney, you have chosen to exercise your prosecutorial discretion. As Attorney General, I am

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charged with enforcing the laws of Arizona, including carrying out capital punishment sentences. I also take seriously the finality of jury verdicts, as well as the constitutional rights afforded crime victims to a prompt and final resolution of a criminal case.

The decades-old cases at issue have been through multiple rounds of stringent review in both state and federal courts during which the inmates were continuously represented by constitutionally competent defense counsel. Any forthcoming decision to seek an execution warrant in these cases will not be a hasty one.

I appreciate the introduction and look forward to meeting you in person soon.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mark Brnovich
Attorney General