

Arian Noma

Criminal Division

David Stevens, Chief Criminal Deputy
Jason D'Avignon, Criminal Deputy
Felecia Chandler, Juvenile Deputy
Julia Monroe, District Court Deputy
Alec J Anderson, District Court Deputy

Civil Division

David Gecas, Chief Civil Deputy
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Odilia Espino, Program Advocate

Office Administrator

Christa (Teagan) Levine

December 10, 2020

Okanogan County Commissioners
123 Fifth Ave North, Room 150
Okanogan, WA 98840

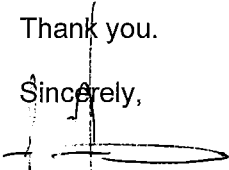
Re: Letter of Resignation

Commissioners,

This letter is intended to provide notice that effective January 15, 2021, I hereby resign my position as the Okanogan County Prosecutor.

Thank you.

Sincerely,


Arian Noma
Prosecuting Attorney for Okanogan County

PRESS RELEASE

Dear Citizens,

During the two years I served as Okanogan County Prosecutor, I led this office to face numerous challenges head-on regardless of the difficulty. Today I write you to share some of our accomplishments, inform you of pending actions, the budget, and community matters that should make each of us concerned for the future of the Prosecutor's Office and the safety of our County.

Upon my taking office, as promised, we redefined our approach to charging decisions and how we resolved cases. Most notably, for non-violent crimes, we focused more on rehabilitation and less on punishment. We followed the Supreme Court's rulings prohibiting us from assessing excessive discretionary fees on defendants, making it difficult for people who served their sentences to remove themselves from the criminal system once their cases concluded. During this time, we cleared the backlog of "felony review" and "misdemeanor review" cases. Review cases occur when our office has not filed a case in court even though an arrest may or may not have resulted. Prior to the Pandemic, we also cleared all of the District Court gross misdemeanor reviews. A clear backlog means we can assure citizens that cases are resolved in real time. This protects the defendant's speedy trial rights, upholds the law, and promotes public safety.

Meanwhile, we also brought the appellate unit and connected cases up to date. For those that are unaware, the appellate unit is crucial to the Prosecutor's Office. Once a person is convicted in our courts, almost everyone who receives a lengthy sentence of incarceration files numerous appeals in hopes of their sentences being overturned or reduced. Upon my arrival, the appellate unit was behind. Not only were we able to catch up in those cases, we closed them. Thus far, we won all of them. This fact means that no prisoners serving sentences for major crimes were released under my watch. At the trial court level, we successfully prosecuted major offenders including but not limited to Mark Worth, Philip Lester, Jon Devon, and more. Accomplishments such as these benefit Okanogan County residents and administer justice in alignment with our State and Federal Constitutions. I am thankful for everyone's team effort. There are still many serious cases to try, and I am confident that the Prosecutor's Office shall not rest until justice is done.

Nonetheless, these past two years has not come without its fair share of challenges. The mandatory shutdown of jury trials ordered by the Supreme Court of Washington due to COVID-19 created a backlog of cases once more. Thus despite our efforts, a lack of funding to hire more attorneys and rapid employee turnover, means the cases sitting in review status are once more, quickly multiplying.

The growing backlog leads to a primary purpose of writing this letter, which is to inform you that Okanogan County's budget crisis is one of the most pressing dilemmas and threats to public safety. Accordingly, the Prosecuting Attorney's budget is woefully deficient. The office is short-staffed by at least seven (7) attorneys and three (3) support staff. For example, each of our two (2) Superior Court deputy prosecutors has 100+ cases at any one time. One deputy currently has 242 open cases and the other has 140. I carried the balance of those cases, which were 60+

cases, most of which were very serious crimes or homicides, and the entire appellate unit comprised of 30-40 cases. Okanogan County adheres to the State's indigent defense standards that prohibit a defense attorney from having over 100 felonies at one time. This limit makes sense; a lawyer with too many cases cannot serve all of his or her clients effectively. While this rule does not strictly apply to prosecutors, it is not good practice to allow deputy prosecutors to have more than 100 felonies at any given time, but because this office does not have a specific client in criminal cases, Okanogan County government does not believe that this rule should apply to the prosecutor's office.

Deputy's caseload management is essential because the defense is not responsible for proving anything at trial. Instead, the Prosecutor must prepare the case from start to finish. This work includes ensuring all of the witnesses are summonsed to court and attend. In some cases, a trial can require 50 or more witnesses' testimony, which takes effort from multiple persons in the Prosecutor's office to procure. Just drafting and mailing fifty subpoenas takes a lot of time, this doesn't include drafting opening and closing arguments, and all of the questions for those witnesses. And if the case is postponed, the office will have to redraft and resend all of the subpoenas again starting the process all over.

Second, preparing the cases for trial is extremely difficult due to the budget crisis. The Superior Court only holds criminal trials the first two weeks of each month. On average, we must thoroughly prepare for 40-60 cases set for trial during each trial cycle. We are charged with ensuring that the witness lists are filed and subpoena all the witnesses are subpoenaed, we must file complete jury instructions, draft opening and closing argument, prepare for opposing counsel's arguments, prepare all court orders and the sentencing documents, prepare and ready the witnesses for trial, prepare all of the physical evidence, and file, argue and respond to motions. It is next to an impossible feat for three persons to be prepared to try this many cases simultaneously. The COVID-19 pandemic compounded these problems by delaying cases already set for trial for several months, inflating the future normal-sized calendars. Additionally, we must prepare for trial and coordinate issues that arise due to persons with underlying health conditions.

Thus, to overcome these budget deficiencies, most deputies and I work well into the late evenings during the week, and most weekends. However, putting in more time is not moving us ahead, it is barely keeping the office afloat. The dockets will not be relieved of the overburden until we can assign more staff to the job. The backlog in cases was a mess I inherited, but it was because this office has always been underfunded.

I have repeatedly asked for additional funds to do this service, but unfortunately that has not materialized. To be clear, it is not fair to our client, the Okanogan Public, to only have three trial deputies to handle the job requiring at least five. I cannot ethically consent to "business as usual" where cases are unfiled, trials are delayed, or even dismissed or lost due to lack of personnel. To me, this is a violation of the public's best interests.

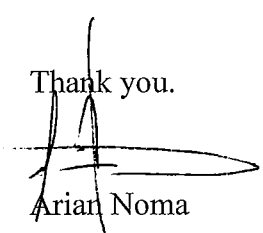
Simultaneously, while civil criticism of any public office is merited, it pains me to say there have been undue attacks on this office and its leaders, including racially motivated attacks that are un-equivocally un-American. I routinely received vile attacks about my race, ancestry,

and even the color of my skin. My home and minor children have been watched, my vehicles have been followed and photographed, and a Facebook page was set up for the sole purpose of harassing my home, family, voters, and friends that supported me. Within this racist campaign against me, I am referred to as a “man” instead of a man. I am called “prosecutor,” instead of a prosecutor. They refuse to call me by my last name because “utilizing a last name denotes some sort of respect.” Throughout the campaign, this same group continuously used the well-known racial epithet “boy” when referring to me. It is worth noting that such a page never appeared about any of the White prosecutors who preceded me. It should go without saying that social media use to publically disseminate my vehicle information, the location of my home, and instructions to find my address in order to locate my home was utterly inappropriate, potentially dangerous, caused my family fear and anxiety to this day, and by any rational or ethical standard, out of bounds. When I took office, I did so with the willingness to overcome such attacks, which, unfortunately, still come along with holding public office for many non-White officials.

Contrary to some of our fellow Okanogan citizen’s beliefs and behavior, and despite a complicated history, racism and anti-Blackness are not American values. Yet, they are evidentially far more pervasive in Okanogan County than I ever imagined. Before being elected, I had a successful private practice. I took a pay cut to serve as a public employee because I thought Okanogan County desired change, I believe that doing the best for our community required personal sacrifice. However, I have no duty to suffer holdover covert racism and dehumanizing ignorance in service to my community and country.

The combination of an impossible institutional task and an utterly dehumanizing work context makes my tenure as your Prosecutor untenable. For these reasons, I cannot continue in this role, and will resign effective January 15, 2021. It was an honor to serve the Okanogan County citizens. I look forward to continued service and work to improve our county and country as your fellow American and citizen of Okanogan County.

Thank you.



Arian Noma