

Judge Allows Debra Milke to Proceed with Civil Rights Claims against the Maricopa County Attorney's Office and Phoenix Police Department Supervisor

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(Phoenix, AZ) Attorneys for Debra Milke today announced that the Honorable U.S. District Judge Roslyn O. Silver ruled that Ms. Milke has properly alleged three separate theories of widespread systemic misconduct in the Maricopa County Attorney's Office, dating long before and long after Ms. Milke's 1990 wrongful conviction.

This ruling directly contradicts the January 13, 2016 press conference statements of Maricopa County Attorney Bill Montgomery when he proclaimed that his office had been completely vindicated of any misconduct against Ms. Milke and that Ms. Milke is guilty despite overwhelming evidence of her innocence.

"We look forward to proving the Maricopa County Attorney's office role in Ms. Milke's wrongful conviction and revealing Mr. Montgomery's shameful efforts to cover up the widespread prosecutorial misconduct of his predecessors that caused an innocent woman to spend well over two decades incarcerated on death row," said Nick Brustin, a partner with the law firm Neufeld Scheck & Brustin, LLP, one of the law firms representing Ms. Milke. "Responsible prosecutors around the country are coming to grips with wrongful convictions and using them as an opportunity to improve the criminal justice system for all citizens. Unfortunately, it appears that Mr. Montgomery is not one of them."

Since the moment of her arrest, Ms. Milke always maintained her innocence, stating unequivocally that she had nothing to do with the senseless murder of her four-year-old son, Christopher. She always maintained that her supposed "confession" was completely invented and fabricated by former Phoenix Police Department Detective Armando Saldate.

After spending over 23 years wrongfully imprisoned, Ms. Milke won her freedom in 2014 after the U.S. Court of Appeals for the Ninth Circuit and the Arizona Court of Appeals both determined that the Maricopa County Attorney's Office had engaged in serious prosecutorial misconduct by failing to disclose to Ms. Milke's defense that Detective Saldate had a long history of judicial findings of lying under oath and violating constitutional rights.

Overall in Ms. Milke's civil rights suit, *Debra Jean Milke v. City of Phoenix, et al.*, No. CV-15-00462-PHX-ROS (D. Az.), Judge Silver has ruled that Ms. Milke has stated viable claims for violations of her constitutional rights by Detective Saldate and his immediate supervisor, as well as against the Phoenix Police Department and the Maricopa County Attorney's Office for their role in covering up Saldate's pattern and practice of unconstitutional misconduct. The ruling was issued late in the day on Wednesday.

Now that Judge Silver has ruled, Ms. Milke's case will proceed to discovery, so that after over 25 years, Ms. Milke and the public may finally discover the truth both about Saldate's misconduct and about how and why the Phoenix Police Department and the Maricopa County Attorney's Office allowed Saldate to operate with such impunity.

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