

Declaration of Duane Belcher

I, Duane Belcher, under penalty of perjury, state the following to be true and accurate to the best of my personal recollection and knowledge.

1. I served on/for the Arizona Board of Executive Clemency (the "Board") in the following capacities from approximately 1992 until April 23, 2012: Board Member, Chairman, Chairman/Executive Director, and Executive Director.

2. My last term ended in January, 2011, however, I continued serving on the Board until April, 2012 when a new Board Member was nominated and subsequently confirmed by the Arizona State Senate. I had previously submitted an application to be re-appointed to serve another term on the Board. I was informed that I would not be considered for re-appointed to the Board but was asked if I were willing to remain with the Board for a period of time to serve in a training capacity for the three new incoming Board Members.

3. In my view, my vote as a Board Member was mine to make based on the information (documents and testimony) that I received during a public hearing. The Governor could not "own my vote"; only I could. I always voted my conscience.

4. In early 2012, I had a meeting with Joe Sciarotta and Scott Smith, General Counsel and Deputy Chief of Staff to Governor Brewer. They were direct, and made it clear to me, that the Governor's office was unhappy with my vote to recommend clemency for William Macumber in 2009 and again in 2011. I was told that the Governor was "blindsided" by the Board's vote to recommend Clemency in the Macumber case. They also questioned me regarding the Board's vote to recommend clemency in the case of Robert Flibotte ADC #265716. The aforementioned were considered to be high profile cases.

5. If the Board voted against recommending clemency, the matter ended, however, if the Board voted to recommend clemency, the case would then be submitted to the Governor for her to accept or reject. In my view the Governor's Office was attempting to influence the Board's vote in certain cases that were recommended for executive clemency.

//

//

//

6. I was abruptly terminated on April 23, 2012, by Scott Smith from my training agreement. Earlier that day, the three new members of the Board had failed to show up for hearings at the scheduled beginning time, leaving members of the public waiting due to insufficient number of Board Members to conduct hearings. Although no official reason was given in writing, I was informed by Scott Smith that I should have contacted the new Board Members and made sure that they were present.

7. I served on the Board for approximately 20 years. When Governor Brewer decided to replace three Board members (including myself) at one time, I was quite surprised. During my tenure with the Board, I had never seen a time where an Arizona Governor had replaced so many Board members at one time. It was my opinion that the Governor's office wanted Board Members who would vote the wishes of her office, rather than vote their conscience, based on the facts and circumstances of each case.

Signed this 26th day of September, 2013.

A handwritten signature in cursive script that reads "Duane Belcher". The signature is written in black ink and is positioned above a solid horizontal line.

Duane Belcher