

### Declaration of Ellen Stenson

I, Ellen Stenson, under penalty of perjury, state the following to be true and accurate to the best of my personal knowledge, information and belief:


1. I served as a Member on the Arizona Board of Executive Clemency (the "Board") from 2007, when I was appointed by Governor Napolitano, until April of 2012.
2. When my term expired in 2012, I had hoped to continue to serve on the Board. I applied to maintain my position but was not chosen by Governor Brewer. My replacement occurred at the same time as those of Chairman Duane Belcher, who had served for at least twenty years, and Member Marilyn Wilkens. All three of us wished to remain on the Board, and we expressed that wish to the Governor's Office. I was very surprised that the Governor nevertheless replaced three of the five-member Board at once. It appeared to be an unusual, if unprecedented event. The Governor's action did not make sense to me because I believed it would be very difficult to select and adequately train a chairperson and two members before their votes were needed. I believed that it would be unfair to the inmates, the victims' families, and anyone else involved in the process.
3. Our ousters in April 2012 generated significant press because it was an unusual event. The Governor's spokesperson was quoted in the press stating that our departures were not forced in retaliation for any of our previous votes. However, my experience during my interview with the Executive Clemency Selection Committee ("Committee") led me to conclude that this was not true.
4. My 2012 interview was a very different experience from my 2007 interview. Committee members interviewing me in 2012 included Scott Smith, Joe Sciarotta, Eileen Klein, Linda Stiles, and one other individual. However, in contrast to my previous interview, which was more of a relaxed conversation among the Committee and myself, this interview was short and combative. Scott Smith ran the show, and most of the interview consisted of Mr. Smith firing questions at me.
5. Mr. Smith specifically asked me whether I stood by my 2009 vote to recommend commutation for Bill Macumber, a man who had served over 30 years for a murder and had brought forth substantial evidence to the Board that he was innocent. Governor Brewer had denied Mr. Macumber clemency in November 2009, in spite of the Board's unanimous recommendation of five pro-clemency votes. Her decision made national news and generated significant criticism. Two years later, Mr. Macumber was permitted to re-apply for clemency. Mr. Belcher and I were the only still-sitting Board

members from the 2009 Board which had unanimously recommended clemency. His hearing was scheduled for March, 2012. However, well before the hearing date was scheduled, I had a trip planned to Ohio to assist my sister in adopting two children, and the trip could not be rescheduled. I understand that the 2012 vote was 2-2, with Chairman Belcher and Member Jack LaSota voting for clemency and Ellen Kirschbaum and Marilyn Wilkens voting against it. Because there was a tie, the case was not sent to the Governor to decide. Had I been able to be present for the vote, assuming that the evidence was substantially the same as in 2009, I would have voted again to recommend clemency, and the case would have gone to the Governor again. At the time of my Committee interview in 2012, Mr. Macumber was still imprisoned, and so it was quite possible that his case would come before the Board again.

6. My response to Mr. Smith's question whether I stood by my 2009 vote was Yes. I told him that I still believed that Mr. Macumber deserved a chance at parole and that I would stand by my 2009 vote. I was not reappointed. I believe that my 2009 Macumber vote in combination with my interview response that I did not regret my 2009 vote and my indication that I would likely vote the same way, if given the chance, influenced the Governor's decision to oust me from the Board.

7. Another event that concerned me was that in 2009, shortly after Governor Brewer took office, the legislature voted to significantly reduce our pay and our benefits. The annual salary was suddenly reduced from approximately \$47,000 to \$37,000, and we lost benefits. My understanding is that the Governor's office had lobbied for these cuts. It appeared to me that the clemency Board was the only public agency to receive these kind of salary and benefits cuts at this time. Therefore, I contacted the Arizona Department of Administration to inquire, and I was told that I was correct: no other state agency had been targeted for salary and benefits cuts at this time and that the office was not aware that this had ever been done before. At least one previous Board member left as a direct result of the cuts.

Signed this 20th day of September, 2013, in Maricopa County, Phoenix, Arizona.

  
Ellen Stenson