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AUG - 4 2016

FILED

8/4/2016

TONI L. HELLON, Clerk

Webster

Deputy

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JANEL EIKLEBERRY

CASE NO. CR20160300-001

COURT REPORTER: Barb Smith
Courtroom - 572

DATE: August 02, 2016

STATE OF ARIZONA

Daniel B South, Esq. counsel for State

VS.

DN (-001)
Defendant

Jacob M Amaru, Esq. counsel for Defendant

DATE OF BIRTH: __/__/1948

MINUTE ENTRY

SENTENCE OF PROBATION

Defendant present, out of custody.

The defendant is advised of the charges and the determination of guilt, and all parties are given the opportunity to make recommendations/statements to the Court.

Victim, Marcia H., is present and addresses the Court.

The Court notes that the defendant filed a Motion for Determination of Restitution; counsel argue to the Court.

THE COURT FINDS that, pursuant to the Plea Agreement, the defendant waived any right to a Restitution Hearing.

Pursuant to A.R.S. § 13-607, the Court finds as follows:

WAIYER OF TRIAL--The defendant knowingly, intelligently, and voluntarily waived his right to a trial with or without a jury, his right to confront and cross-examine witnesses, his right to testify or remain silent, his right to present evidence and call his own witnesses, and his right to review after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

Upon due consideration of the offenses, and the facts, law and circumstances involved in this case, and having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

Collin Webster
Deputy Clerk

MINUTE ENTRY

IT IS THE JUDGMENT OF THE COURT that the defendant is guilty of AMENDED COUNT ONE: AGGRAVATED ASSAULT, FOR PURPOSES OF SEXUAL GRATIFICATION, a Class Six Felony, nondangerous, nonrepetitive offense, in violation of A.R.S. §§ 13-1204.A4, 13-118, 13-3821 committed on December 18, 2015.

THE COURT FINDS that the defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

IT IS ORDERED suspending imposition of sentence and placing the defendant on probation for a period of THREE (3) YEARS, commencing on August 02, 2016, under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order signed by the Court suspending sentence and imposing terms of probation.

IT IS THE JUDGMENT OF THE COURT that the defendant is guilty of AMENDED COUNT TWO: AGGRAVATED ASSAULT, FOR PURPOSES OF SEXUAL GRATIFICATION, a Class Six Felony, nondangerous, nonrepetitive offense, in violation of A.R.S. §§ 13-1204.A4, 13-118, 13-3821 committed on December 18, 2015.

THE COURT FINDS that the defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

IT IS ORDERED suspending imposition of sentence and placing the defendant on probation for a period of THREE (3) YEARS, commencing on August 02, 2016, under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order signed by the Court suspending sentence and imposing terms of probation.

IT IS ORDERED that this sentence shall be concurrent with the sentence imposed in Amended Count One.

IT IS ORDERED that the defendant be placed on the Sex Offender Caseload.

IT IS ORDERED that the defendant abide by all conditions of probation as set forth in the Uniform Conditions of Supervised Probation.

IT IS FURTHER ORDERED that the defendant shall pay the following:

1. Time Payment Fee in the amount of \$20.00.
2. Monthly probation services fee at the rate of \$65.00.
3. Probation assessment in the amount of \$20.00.
4. Surcharge Assessment in the amount of \$13.00.

Collin Webster
Deputy Clerk

MINUTE ENTRY

5. Restitution to Marcia H. in the amount of \$14,359.46, and Pima County Crime Victim Compensation Program in the amount of \$382.83.
6. Victim Rights Enforcement Fund Fee in the amount of \$2.00.

The written terms and conditions of probation are handed to the defendant for explanation, acceptance, and signature. The defendant is advised concerning the consequences of failure to abide by the conditions of probation.

IT IS ORDERED that any outstanding bond that has not been previously referred for a bond forfeiture proceeding is hereby exonerated.

IT IS ORDERED, pursuant to the plea, that all remaining counts and allegations shall be dismissed as to this cause number only.

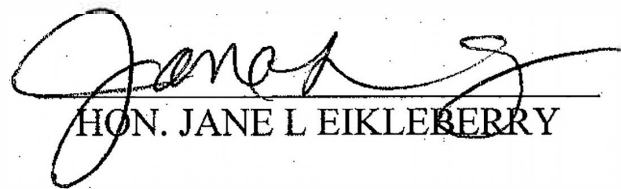
Upon request of Mr. Amaru and there being no objection,

IT IS ORDERED that the defendant's Forensic Psychosexual Evaluation shall be filed under SEAL to be maintained in the legal file and shall be opened upon order of a Superior Court judge only.

The defendant is advised of his rights of Review, signs and receives a copy of same.

Let the record reflect that the defendant's fingerprint is permanently affixed to the signature page of this sentencing order in open court.

FILED IN COURT: Uniform Conditions of Supervised Probation; Sex Offender Special Conditions of Probation; Financial Judgment and Order; Notice of Rights of Review; Presentence Report-Part One



HON. JANE L EIKLEBERRY



cc: Hon. Jane L Eikleberry
Daniel B South, Esq.
Jacob M Amaru, Esq.
Adult Probation
Clerk of Court - Accounting Unit
Clerk of Court - Appeals Unit
Clerk of Court - Criminal Unit
County Attorney - Victim Notification
Office of Court-Appointed Counsel
Pretrial Services

Collin Webster
Deputy Clerk