

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 1996-011984

02/23/2009

JUDGE PRO TEM VIRGINIA L. RICHTER

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

CHRISTINA FITZPATRICK

v.

ALLEN STEIN (A)
DOB: 08/01/1958

RAQUEL CENTENO-FEQUIERE

APO-CCC
APPEALS-CCC
AZ DOC
COURT ADMIN-CRIMINAL-PCR
DISPOSITION CLERK-CSC
RFR

RE-SENTENCING
DISCHARGE FROM PROBATION

9:16 a.m. This is the time set for Re-Sentencing.

State's Attorney:	Patrick Zinicola
Defendant's Attorney:	Raquel Centeno-Fequiere
Defendant:	Present
Court Reporter:	Marge Harcarik

The Court has reviewed the Petition for Post-Conviction Relief, the State's Response and Mr. Stein's Reply. Defendant was placed on lifetime probation on August 1, 1997 for the offense of Count 4 Attempted Sexual Conduct with a Minor, a class 3 felony committed between October 15, 1995 and October 26, 1996.

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Based on the matters presented to the Court and the ruling of the Arizona Supreme Court in *State v. Peek*, 219 Ariz. 182, 195 P.3d 641 (2008), and *Jackson v. Schneider ex rel. County of Maricopa*, 207 Ariz. 325, 86 P.3d 381 (App. 2004), the Court finds that the original sentence imposed by the Court on August 1, 1997 improperly included a term of lifetime probation.

IT IS THEREFORE ORDERED modifying the sentence imposed on August 1, 1997 to reflect that the Defendant was eligible for a term of probation of only five years.

IT IS FURTHER ORDERED vacating the sentence of imprisonment imposed on February 9, 2006 as at that time Mr. Stein had served the maximum amount of probation time available for the offense of which he was found guilty.

Based upon that lapse of time,

IT IS ORDERED terminating defendant's probation as of February 23, 2009.

ISSUED: Order of Release.

9:19 a.m. Matter concludes.

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER VIRGINIA L. RICHTER
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)