

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-176158-002 SE

02/04/2011

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT  
C. Soto  
Deputy

STATE OF ARIZONA

KEVIN POLLAK

v.

KYE JAMES HENRY HARDING (002)  
DOB: 04/09/1984

HUMBERTO B ROSALES

APO-SENTENCE IMPRISON-SE  
APPEALS-CCC  
AZ DOC  
AZ DOC - INMATE TRUST ACCOUNTS  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-SE

SENTENCE OF IMPRISONMENT

9:16 a.m.

State's Attorney: Kevin Pollak  
Defendant's Attorney: Humberto Rosales  
Defendant: Present  
Court Reporter: Jodie Guhr

Kina Harding addresses the Court.

Count(s) 1 and 32: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-176158-002 SE

02/04/2011

OFFENSE: Count 1 Armed Robbery  
Class 2 Dangerous Felony  
A.R.S. § 13-1904, 1901, 1902, 701, 702, 704, 801  
Date of Offense: 11/07/2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 32 Armed Robbery  
Class 2 Dangerous Felony  
A.R.S. § 13-1904, 1901, 1902, 701, 702, 704, 801  
Date of Offense: 12/04/2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

The Court finds the following aggravating factors:

- Prior felony conviction
- Multiple Victims
- Accomplice

The Court finds the following mitigating factors:

- Family Support
- Mental Health Issues
- Remorse (including taking responsibility)

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 10.5 year(s) from 02/04/2011  
Presentence Incarceration Credit: 426 day(s)  
Presumptive

Count 32: 10.5 year(s) from: Upon completion of time served in Count 1.  
Presentence Incarceration Credit: 0 day(s)  
Presumptive  
This sentence is to be consecutive to Count 1.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$5426.02 to the following victim(s) in the following amounts:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-176158-002 SE

02/04/2011

Little Caesar's Pizza #28 - Attn: Lynn Nazari	(Business)	\$175.31
Chevron Speed Mart	(Business)	\$814.41
Hobby Loby #393	(Business)	\$452.70
Brian D. Law	(Individual)	\$820.00
Jack in the Box	(Business)	
Desert Fuels - Attn: Jim Idsardi	(Business)	\$357.00
Jack in the Box #1179	(Business)	\$879.80
Wendy's #2087	(Business)	\$596.45
Walgreens #11182	(Business)	\$342.00
Walgreens # 5215	(Business)	\$629.35
CNA Centralized Recovery - Attn: Claims	(Business)	\$359.00

IT IS ORDERED that restitution be paid jointly and severally with Patrick Mendoza in case number(s) CR2009-176158-001.

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

ASSESSMENTS:

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 1: PROBATION SURCHARGE: \$20.00.

The Court retains jurisdiction for any future restitution hearings.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-176158-002 SE

02/04/2011

LET THE RECORD REFLECT that the Defendant does not waive his presence for any future restitution hearings.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforesponse@mail.maricopa.gov](mailto:cforesponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 and 32 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 4 - 16, 18 - 21, 23 - 30, and 33 - 38.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2009-176158-002.

9:54 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-176158-002 SE

02/04/2011

Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE SUSAN M. BRNOVICH  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)