

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-438321-001 SE

03/18/2014

JUDGE PAMELA D. SVOBODA

CLERK OF THE COURT
D. Courtemanche
Deputy

STATE OF ARIZONA

STEPHEN UMPLEBY

v.

JOHN RAYME KAHLER (001)
DOB: 11/30/1962

ADAM D COLE

APO-SENTENCINGS-SE
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:12 a.m.

Courtroom SCT-7B

State's Attorney: Jared Johnson
Defendant's Attorney: Adam Cole
Defendant: Present

Court Reporter, Marylynn LeMoine, is present.

A record of the proceeding is also made by audio and/or videotape.

Mitigation Specialist, Linda Shaw, is present.

The plea is accepted.

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Count(s) 1: 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:

OFFENSE: Count 1, as amended: Arson of an Occupied Structure
Class 2 Felony
A.R.S. § 13-1704, 1701, 701, 702, 801
Date of Offense: 08/12/2013
Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 4 years

To begin 03/18/2014.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 9 - May apply for Interstate Compact supervision in the state of Montana and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$35.00 per month, beginning date to be determined by the APD.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on date to be determined by the APD.

INTERSTATE COMPACT APPLICATION FEE: Count 1 - \$300.00, payable in full at the time of submission of the application.

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PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00 payable on date to be determined by the APD.

Investigative Agency:

Mesa Police Department

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

Additional Monetary Information: The Court retains jurisdiction over restitution for a period of one year ending 03/18/2015.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Mental Health

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

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IT IS ORDERED granting the Motion to Dismiss the following: Allegation of dangerousness.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

9:21 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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

/ s / JUDGE PAMELA D. SVOBODA

JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)