

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-137585-001 SE

04/27/2011

HONORABLE ROBERT L. GOTTSFIELD

CLERK OF THE COURT
K. Schermerhorn
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT

v.

CODY RYAN DAVIS (001)
DOB: 7/8/1988

NATHAN FOUNDAS

APO-SENTENCINGS-SE
APPEALS-CCC
DISPOSITION CLERK-CSC
EDM-QC-CCC
PRETRIAL SERVICES AGENCY-CCC
RFR
VICTIM SERVICES DIV-CA-SE

SUSPENSION OF SENTENCE - PROBATION GRANTED

8:54 a.m.

State's Attorney: Thomas McDermott
Defendant's Attorney: Nathan Foundas
Defendant: Present
Court Reporter: Wanda Bauer

On stipulation of counsel,

IT IS ORDERED amending the plea agreement dated 3/25/11 and docketed on 4/5/11 to remove 13-702.01 from the statute string cite.

IT IS FURTHER ORDERED directing EDM-QC to make the above noted correction to the plea agreement in the Clerk's Office Docket and OnBase System.

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IT IS FURTHER ORDERED amending the plea agreement minute entry dated 3/25/11 and docketed on 3/29/11 to remove 13-702.01 from the statute string cite.

Dective Holver makes a statement to the Court.

Gregory Scott makes a statement to the Court.

Wayne Moss makes a statement to the Court.

Valerie Sartor makes a statement to the Court.

Roxanne Marshall makes a statement to the Court.

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) Leaving the Scene of a Fatal Collision
Class 3 Felony

A.R.S. § 28-661, 3001, 3304, 3305, 3315, 13-701, 702 and 801

Date of Offense: 7/10/10

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: 3 years

To begin 4/27/11.

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.

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Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning on a date to be determined by the Adult Probation Department.

PROBATION SURCHARGE: Count 1 - \$20.00 payable on on a date to be determined by the Adult Probation Department.

All amounts payable through the Clerk of the Superior Court.

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

Condition 18 - Count 1: Be incarcerated in the county jail for 12 month(s), beginning 4/27/11 with credit for 7 day(s) served.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Defendant shall participate in Work Furlough.

Count(s) 1: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

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.

9:54 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 Orders 2010-117 and 2011-10 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/ HONORABLE ROBERT L. GOTTSFIELD
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)