

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-133386-001 DT

04/13/2015

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT

B. Navarro

Deputy

STATE OF ARIZONA

MITCHELL S EISENBERG

v.

DEREK ANTHONY TINSLEY (001)

DOB: September 3, 1986

REBECCA S POTTER

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

EDM-QC-CCC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:53 a.m.

Courtroom 6A SCT

State's Attorney: Mitchell S. Eisenberg

Defendant's Attorney: Rebecca S. Potter

Defendant: Present

Court Reporter, Jovanna Roman, is present.

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

The Defendant stipulates to restitution in the amount of \$424.00.

Pursuant to the State's request and there being no objection by the Defense,

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IT IS ORDERED amending the Plea Agreement filed March 10, 2015, Page 1, Paragraph 1, to add 28-661(G) to the string cite.

The original Plea Agreement not being in the Court's possession,

IT IS ORDERED directing the Clerk's Office, EDM-QC personnel, to amend the Plea Agreement as indicated above.

Count(s) 1 (as amended): 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 AN INJURY
ACCIDENT

Class 5 Felony

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

Date of Offense: July 11, 2014

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 (as amended) Probation Term: 3 years

To begin April 13, 2015.

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 15: Restitution, Fines and Fees:

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PROBATION SERVICE FEE: Count 1 (as amended) - \$65.00 per month, beginning July 1, 2015.

RESTITUTION: Count 1 (as amended) - \$424.00 payable \$50.00 per month, beginning July 1, 2015, to the following persons:

Maricopa County Public Fiduciary (Business) \$424.00

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

PROBATION ASSESSMENT: Count 1 (as amended) - \$20.00 payable on July 1, 2015.

Count 1 (as amended): Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on July 1, 2015.

All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

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 22: Other - The Defendant shall not drive without a valid driver's license. No contact with Mr. Pendel's family without approval.

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 exonerating any bond previously posted in this matter to the party posting same.

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

The presentence investigation report is filed under this cause number.

9:59 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/ HONORABLE WARREN J. GRANVILLE
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)