

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-149297-001 DT

05/21/2013

COMMISSIONER STEVEN P. LYNCH

CLERK OF THE COURT  
J. Porter  
Deputy

STATE OF ARIZONA

NEHA BHATIA

v.

MONIQUE VALENTINA MONTANEZ (001)  
DOB: 08/19/1972

MARK A NERMYR

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

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:35 a.m.

Courtroom CCB 1001

State's Attorney: Jeffrey Kerr on behalf of Neha Bhatia  
Defendant's Attorney: Mark Nermyr  
Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1 and 2: 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 Child Abuse  
Class 5 felony and a Domestic Violence Offense

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A.R.S. § 13-3623 (F)(B)(C), 701, 702 and 801

Date of Offense: 09/16/2012

Non Dangerous - Non Repetitive

OFFENSE: Count 2 Possession of Dangerous Drugs

Class 4 felony

A.R.S. § 13-3401, 3407, 3415, 3418, 901.01 (H)(4), 701, 702 and 801

Date of Offense: 09/16/2012

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 05/21/2013.

Count 2 Probation Term: 3 years

To begin 05/21/2013.

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:

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

FINE: Count 2 - Total amount of \$1,000.00, payable \$20.00 per month beginning to be determined by the Adult Probation Department. Surcharges are waived.

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

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Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on to be determined by the Adult Probation Department.

Count 1: \$50.00 to the Family Offense Assessment, payable \$50.00 per month, beginning to be determined by the Adult Probation Department.

Count 1: \$50.00 to the Address Confidentiality Program, payable \$50.00 per month, beginning to be determined by the Adult Probation Department.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 2 - \$13.00 payable on to be determined by the Adult Probation Department.

Investigative Agency:

Phoenix Police Department

Count 2: \$15.00 to the Drug Lab Remediation payable on 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 6 month(s), beginning 10/01/2013 by 4:00 p.m. with credit for zero day(s) served.

LET THE RECORD REFLECT that the Defendant has 3 days of pre-incarceration credit.

LET THE RECORD FURTHER REFLECT that the Defendant was provided a Self-Surrender packet in open Court this date.

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

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

Domestic Violence

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

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Mental Health

Condition 22: Other - Contact with the victim is to be decided by the Superior Court in the ongoing Dependency case and adhered to by the defendant b) Participate in and attend parenting courses as directed by CPS and the Adult Probation Department

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.

IT IS ORDERED granting the Motion to Dismiss the following: Count 3 and allegation of prior felony convictions.

Count(s) 2: IT IS ORDERED Defendant self-surrender to the custody of the Maricopa County Sheriff and authorizing the Sheriff to carry out the term of incarceration.

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.

The presentence investigation report is filed under this cause number.

9:43 a.m. Matter concludes.

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

/s/ COMMISSIONER STEVEN P. LYNCH  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)