

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2007-006287-001 DT

06/13/2008

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
A. Moore
Deputy

STATE OF ARIZONA

RENE MCGREGOR

v.

VICTOR MANUEL MEJIA (001)
DOB: 5/9/1990

WILLIAM D HOWELL II

APO-SENTENCINGS-CCC
APPEALS-CCC
AZ DEPT OF CORRECTIONS-PHOENIX
CITS - CCC SPANISH
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:15 a.m.

State's Attorney:	Rene McGregor
Defendant's Attorney:	William Howell
Defendant:	Present
Court Reporter:	Amy Fuller

The State has five individuals who will address the Court. The defense has 6 individuals who will address the Court.

Defense counsel received the presentence report yesterday and wishes to present expert accident reconstruction testimony. The State objects to Defendant's expert.

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A discussion is held regarding signs being displayed by the Defendant's family and what the State has characterized as "taunting" of the victim's family. The Court will address any disruptive behavior.

IT IS ORDERED denying Defendant's request to present expert testimony.

9:39 a.m. Court stands at recess.

10:24 a.m. Court reconvenes with Defendant and respective counsel present.

Court Reporter: Amy Fuller

Defense counsel withdraws the Motion to Continue Sentencing.

Olga Rios, Celia Delgado, Ruben Nava, Filemon Mejia, Cecelia Mejia, Luz Mejia and Berta Nava address the Court, each assisted by Court Interpreter Gabriella Lindsey-Hall.

Gene Holmerud, Joy Clasen, Peggy Walmsley, Curtis Crook and Scott Walmsley address the Court.

Counts I and II: 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 I (Amended): Negligent Homicide

Class 4 Felony

A.R.S. § 13-1101, 13-1102, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-702.01, 13-801

Date of Offense: 4/7/2007

Non Dangerous - Non Repetitive

OFFENSE: Count II: Leaving the Scene of a Serious Injury Accident

Class 3 Felony

A.R.S. § 28-661, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-702.01, 13-801

Date of Offense: 4/7/2007

Non Dangerous - Non Repetitive

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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 I: 3 years from 6/13/2008
Presentence Incarceration Credit: 408 days
Aggravated

Community Supervision: Count I - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count II.

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count II Probation Term: 5 years

Upon absolute discharge from prison for a separate offense in Count I.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count II - \$50.00 per month beginning on a date to be determined.

ASSESSMENTS:

Count II: PROBATION SURCHARGE: \$10.00

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 18 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 26 - Other: Participate in the Victim Impact Panel

IT IS ORDERED granting the Motion to Dismiss the allegation of dangerousness for sentence enhancement purposes.

Count I: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

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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.

11:40 a.m. Matter concludes.

LATER:

For purposes of imposing the monthly probation service fee, the Court notes that Defendant was not indigent; he retained private counsel in this matter. Therefore, the Court determined that Defendant is able to pay the fee without incurring substantial hardship to him or his family. He is able-bodied and presented no reason why he would be unable to continue to work for his father, who operates a contracting business (as noted in Defendant's Mitigation Report, page 2), upon his release from prison.

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

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JEANNE GARCIA
JUDGE OF THE SUPERIOR COURT

(thumbprint)