

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-123572-001 DT

07/05/2011

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT
K. Johnson
Deputy

STATE OF ARIZONA

HEATHER L WICHT

v.

GARY THOMAS KELLEY (001)

ROBERT SHAWN DITSWORTH
WILLIAM A PETERSON

DOB: August 16, 1959

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

10:02 a.m. This is the time set for Sentencing.

State's Attorney: Heather Wicht
Defendant's Attorney: Robert Ditsworth and Will Peterson
Defendant: Present
Court Reporter: Jovanna Roman

Juan Talavera, Paulita Varela, Jesusista Mendoza, Emilio Varela, Paula Varela, Antonio Varela, Steven Kelley, Kenneth Kelley and Michael Kelley addresses the Court.

Count(s) 1 and 2: The Defendant was found guilty after a trial by jury.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Second Degree Murder
Class 1 Dangerous Felony

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A.R.S. § 13-1101, 13-1104, 13-710, 13-702, 13-702.01, 13-801 and 13-704.

Date of Offense: On or about May 6, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2 Aggravated Assault

Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 13-701, 13-702, 13-801 and 13-704

Date of Offense: On or about May 6, 2010

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

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 1: 20 flat year(s) from July 5, 2011

Presentence Incarceration Credit: 425 day(s)

Aggravated

Count 2: 7.5 year(s) from completion of sentence in Count 1

Presentence Incarceration Credit: 0 day(s)

Presumptive

This sentence is to be consecutive to Count 1.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

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.

RESTITUTION: The Court shall retain jurisdiction over the issue of restitution The Defendant waives his/her presence for any future restitution hearings that may be held.

11:38 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.

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

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

/s/ HONORABLE SUSAN M. BRNOVICH
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)