

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-022034-001 DT

08/08/2005

HONORABLE GREGORY H. MARTIN

CLERK OF THE COURT  
Y. Allen/A. Treacy  
Deputy

FILED: 08/11/2005

STATE OF ARIZONA

HEATHER LEE KIRKA

v.

KEVIN JAMES WALSH (001)  
DOB: 01/11/1967

JENNIFER C STEWART

APO-SENTENCINGS-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

10:20 a.m.

State's Attorney:	Belle Whitney on behalf of Heather Kirka
Defendant's Attorney:	Jennifer Stewart
Defendant:	Present
Court Reporter:	Melinda Setterman

Rose Walsh makes a statement to the Court.

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 (Amended) Aggravated Assault  
Class 3 Felony  
A.R.S. § 13-1203(A)(1), 1204(A)(11),(C), 610, 701, 702, 702.01, 801  
Date of Offense: 06/21/2004  
Non Dangerous - Non Repetitive

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OFFENSE: Count 2 (Amended) Disorderly Conduct  
Class 6 Felony  
A.R.S. § 13-2904(A)(6), 2901, 3105, 604.04, 610, 701, 702, 702.01, 801  
Date of Offense: 06/21/2004  
Dangerous pursuant to A.R.S. § 13-604 - 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 2: 1.5 year(s) from 08/08/2005  
Presentence Incarceration Credit: 304 day(s)  
Mitigated

Community Supervision: Count 2 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 1.

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

Count 1 Probation Term: 5 years

Upon absolute discharge from prison for a separate offense in Count 2.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: Count 1 - \$50.00 per month.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$5.00

Payment to commence on a date to be determined by the APO and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

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

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

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Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Count 3 and the Allegation of Dangerousness as to Counts 1 and 3.

Count(s) 1: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

Count(s) 2: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

10:34 a.m. Matter concludes.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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

/s/ HONORABLE GREGORY H. MARTIN  
JUDGE OF THE SUPERIOR COURT

(thumbprint)