

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-021204-002 DT

12/03/2010

HONORABLE WARREN J. GRANVILLE

CLERK OF THE COURT
B. McDonald
Deputy

STATE OF ARIZONA

SUSIE CHARBEL

v.

SEAN ANTHONY GAINES (002)

MICHAEL S REEVES
TREASURE L VANDREUMEL

DOB: 08/12/1981

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

SENTENCE OF IMPRISONMENT

11:11 a.m.

State's Attorney: Susie Charbel
Defendant's Attorney: Michael Reeves
Defendant: Present
Court Reporter: Monica Hill-Morrisette

Matthew Spalding, Antonio Tencia, and Clint Davis make statements to the Court.

Defendant's family member and friend make statements to the Court on behalf of the Defendant.

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The Court finds the following aggravating factors: Prior serious felony admitted by the Defendant, felony record admitted by the Defendant and the presence of an accomplice.

Count(s) 1: 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: Second Degree Murder with a prior felony conviction
Class 1 Felony
A.R.S. § 13-1104, 1104, 604, 610, 710, 702, 801
Date of Offense: On or between February 25, 2002 and February 26, 2002
Dangerous pursuant to A.R.S. § 13-604 - 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: 25 year(s) from December 3, 2010
Presentence Incarceration Credit: 2641 day(s)
Aggravated
Sentence is concurrent with CR2003-013434-001.

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Aggravated Assault, a class 3 Dangerous felony committed on May 5, 1998 and convicted on March 3, 1999 in CR1998-008746 in the Maricopa County Superior Court.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

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.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 2 and 3.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to

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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.

11:40 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

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 WARREN J. GRANVILLE
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)