

IN THE SUPERIOR COURT

PINAL COUNTY, STATE OF ARIZONA

Date: 02/28/2012

FILED

**CHAD A. ROCHE
CLERK - SUPERIOR COURT**

DATE: 3-1-12
TIME: 8:30 am
BY: lyn

Judge: HON JOSEPH R GEORGINI

CHAD A ROCHE, CLERK

Courtroom: 3A

Court Reporter: Sandalee Moring

By Deputy Clerk: Erica Digiambattista

THE STATE OF ARIZONA,

Plaintiff,

vs.

ANGEL HERNANDEZ-DIAZ

Defendant

) S1100CR201000608

) MINUTE ENTRY ACTION:

) SENTENCE OF IMPRISONMENT

Date of birth: December 31, 1962

11:16 a.m. Hearing convenes.

Plaintiff appearing by counsel, Gregory Hazard, Deputy County Attorney.

**Defendant appearing in person in the custody of Pinal County Sheriff and
with counsel, Kent Volkmer.**

Danira Martinez, Court Interpreter.

**The Defendant is advised of the charge, the determination of guilt and is given the
opportunity to speak.**

Pursuant to A.R.S. §13-607, the Court finds as follows:

**JURY VERDICT The determination of guilt was based upon a verdict of guilty after a
jury trial.**

MMa ✓ **1707**

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT OF THE COURT that the Defendant is guilty of the following crime(s), that upon due consideration of all the facts, law and circumstances relevant here, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for a Mitigated, Exceptionally Mitigated, Presumptive or Aggravated or Exceptionally Aggravated term as indicated below or on the following page. These circumstances are stated by the Court on the record.

AS PUNISHMENT, IT IS HEREBY ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

As to Count 1:

OFFENSE: Unlawful Flight

FELONY CLASS: 5

IN VIOLATION OF A.R.S. §: 28-622.01, 28-624(C), 13-610, 13-701, 13-702, 13-712 and 13-801

DATE OF OFFENSE: On or about March 4, 2010

SENTENCE: 1.5 years

This sentence is to date from this date. The Defendant is to be given credit for 725 days served prior to sentencing.

ORDERED defendant must serve at least 85% of sentence imposed.

This sentence is to be served concurrent with Count 3, and the reasons therefore are stated by the Court on the record.

The Court notes that upon release from the Department of Corrections the Defendant will be deported; therefore,

FURTHER ORDERED community supervision is waived.

PRESUMPTIVE

NONDANGEROUS

NONREPETITIVE

As to Count 3:

OFFENSE: Theft of a Means of Transportation

FELONY CLASS: 3

IN VIOLATION OF A.R.S. §: 13-1814(A)(1), 28-3304(A)(3), 13-1801, 13-610, 13-701, 13-702, 13-712 and 13-801

DATE OF OFFENSE: On or about March 4, 2010

SENTENCE: 3.5 years

This sentence is to date from this date. The Defendant is to be given credit for 725 days served prior to sentencing.

ORDERED defendant must serve at least 85% of sentence imposed.

The Court notes that upon release from the Department of Corrections the Defendant will be deported; therefore,

FURTHER ORDERED community supervision is waived.

PRESUMPTIVE

NONDANGEROUS

NONREPETITIVE

This sentence is to be served concurrent with Count 1, and the reasons therefore are stated by the Court on the record.

As to Count 5:

OFFENSE: Misconduct Involving a Weapon

FELONY CLASS: 4

IN VIOLATION OF A.R.S. §: 13-3102(A)(4), 13-3102, 13-3101(A)(7)(E), 13-3101, 13-3105, 13-610, 13-701, 13-702, 13-712 and 13-801

DATE OF OFFENSE: On or about March 4, 2010

SENTENCE: 2.5 years

This sentence is to date from this date. The Defendant is to be given credit for 0 days served prior to sentencing.

ORDERED defendant must serve at least 85% of sentence imposed.

The Court notes that upon release from the Department of Corrections the Defendant will be deported; therefore,

FURTHER ORDERED community supervision is waived.

PRESUMPTIVE

NONDANGEROUS

NONREPETITIVE

This sentence is to be served consecutive with Count 1 and Count 3 and concurrent to Count 6, and the reasons therefore are stated by the Court on the record.

As to Count 6:

OFFENSE: Misconduct Involving a Weapon

FELONY CLASS: 4

IN VIOLATION OF A.R.S. §: 13-3102(A)(4), 13-3102, 13-3101(A)(7)(E), 13-3101, 13-3105, 13-610, 13-701, 13-702, 13-712 and 13-801

DATE OF OFFENSE: On or about March 4, 2010

SENTENCE: 2.5 years

This sentence is to date from this date. The Defendant is to be given credit for 0 days served prior to sentencing.

ORDERED defendant must serve at least 85% of sentence imposed.

The Court notes that upon release from the Department of Corrections the Defendant will be deported; therefore,

FURTHER ORDERED community supervision is waived.

PRESUMPTIVE

NONDANGEROUS

NONREPETITIVE

This sentence is to be served consecutive to Count 1 and Count 3 and concurrent to Count 5, and the reasons therefore are stated by the Court on the record.

FINANCIAL OBLIGATION ASSESSMENTS

THE RECORD MAY SHOW no court-ordered financial obligations were ordered as to this defendant in the above entitled cause.

FURTHER ORDERED the Court shall retain jurisdiction as to the issue of restitution.

FURTHER ORDERED the Pinal County Sheriff and/or the Arizona Department of Corrections is directed to notify the Clerk of the Superior Court of Pinal County of the

Defendant's release date from secured custody; and of the defendant's mailing address at time of release from secured custody; and further, should the defendant move, he is directed to notify the Clerk of the Court, P.O. Box 2730, Florence, AZ 85232, within ten (10) days of the defendant's change of address.

FURTHER ORDERED directing the Clerk of the Superior Court to transmit a certified copy of this judgment of conviction and sentencing, including the entry of judgment of guilt, as to all charge(s) and sentence(s) involved, together with a copy of the original charging documents, to wit: the Complaint, Information and/or Indictment relating to the offense(s) of conviction, to the regional office of the Immigration Customs Enforcement, Department of Homeland Security.

FURTHER ORDERED that the Clerk of the Superior Court shall transmit said documents to the Immigration Customs Enforcement, Department of Homeland Security within thirty (30) days of sentencing. The cost of transmittal shall be borne by Pinal County.

The Defendant is advised concerning rights of appeal and written notice of those rights is provided.

FURTHER ORDERED exonerating any bond.

FURTHER ORDERED granting the State's Motion to Dismiss any remaining charges in the Indictment.

FURTHER ORDERED authorizing the Sheriff of Pinal County to transport the Defendant to the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the condition of imprisonment.

FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this Order, plus all pre-sentence reports, probation violation reports, medical and psychological reports, IF ANY HAVE BEEN PREPARED AND FILED IN THIS CASE; relating to the Defendant and involving this case.

Let the record reflect that the Defendant's fingerprint is permanently affixed to this sentencing order in open Court.

FILED: Notice of Rights of Review After Conviction, signed by the Defendant.

ISSUED: Order of Confinement

11:34 a.m. Hearing Concludes.



JUDGE OF THE SUPERIOR COURT

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Defendant's Address: 44497 BURKETT AVE; MARICOPA, A Z 85138

DR No.: 2010 011246

Mailed/distributed copy: 3-1-12

KENT VOLKMER

ICE
2035 N CENTRAL AVE
PHOENIX, AZ 85004

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396 N CAMINO MERCADA
CASA GRANDE, AZ 85222

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JUDGE/GEORGINI

I, CHAD A ROCHE, Clerk of the Superior Court, State of Arizona, in and for the County of Pinal, do hereby certify that I have compared the foregoing copy of a SENTENCE OF IMPRISONMENT and of the endorsement thereupon, with the original records of the same remaining in this office, and that the same are correct transcripts therefrom, and the whole of said original records.

Witness my hand and seal of said Court affirmed

This _____ day of _____, 2012

CHAD A ROCHE, Clerk

By _____, Deputy Clerk