



IN THE JUSTICE COURT

D.R. #79-657830 PPD

NORTHWEST PHOENIX

PRECINCT, MARICOPA COUNTY, STATE OF ARIZONA

107506
79-2397

STATE OF ARIZONA,

Plaintiff

v.

No. 79-2397

CR107506

COMPLAINT

DANIEL AARON LOVE

~~MISDEMEANOR~~ (FELONY)

Defendant(s).

AGGRAVATED ASSAULT, A CLASS 3 FELONY
and dangerous

FILED
1979 JUN 27 PM 8:20
BY
WILSON G. PALMER, CLERK
DEP.

The complainant herein personally appears and, being duly sworn, complains (of his own knowledge) (on information and belief) against

DANIEL AARON LOVE

charging that in NORTHWEST PHX Precinct, Maricopa County, Arizona: on or about the 2nd day of June, 1979, DANIEL AARON LOVE using a deadly weapon or dangerous instrument, to-wit: a .357 Magnum, Smith & Wesson revolver, knowingly touched HAGAN WILLIAM FOX with the intent to injure, insult or provoke him, in violation of A.R.S. Sec. 13-1204(A)(2) and (B), 13-1203(A)(3), 13-701, 13-702 and 13-1801, while using or exhibiting a deadly weapon or instrument, to-wit: a .357 Magnum, Smith & Wesson revolver, in violation of A.R.S. Sec. 13-604.

Stan Watkins

PPD

Complainant

Agency or Title

ACTING Subscribed and sworn to before me on JUNE 4, 1979

(Date)

Patricia A. Larsen

[Signature]

Magistrate

Title

It is requested that a warrant, summons be issued.

It is, is not requested that Defendant appear for fingerprints and photograph.

SHERRY LANCY

Deputy County Attorney

19 003020

| | | | | | | | | | |
|--|----------|--------------------------------------|---------------------------------|--|----------------------------------|--------------------------------------|-----------------------------------|--------|---------------|
| DEFENDANT LOVE, DANIEL AARON | | CHARGES AGGRAVATED ASSAULT | | | | C.A. FILE NO. | | | |
| CO-DEFENDANT | | 138603 & D.F. | | | | DATE OF CRIME 6/2/79 | | | |
| FBI NO. | | BOOK NO. | SUBMITTED DATE 5/3/79 | FILED IN J.P. | PRELIM HEARING | J.P. | | | |
| STATE ID NO. | | RELEASE DATE | B/O R. HELD TO ANS. DATE | FILED IN SUP. CT. | INFO. INDICT. DATE | NORTHWEST | | | |
| COUNTY ATTORNEY SHERRY LANCY | | APPOINTMENT DATE | | DR. NO. / AGENCY PPD 79-057830 | JUDGE | | | | |
| DEFENSE ATTORNEY | | TRIAL DATE | | SENTENCE DATE CR167506 | | BY WILSON G. PALMER, CLERK | | | |
| INITIAL APPEAR | LAST DAY | SIGNATURE OF SUPERVISOR | | | SIGNATURE OF APPROVING AUTHORITY | | | | |
| VICTIMS / WITNESSES - DISPOSITIONS - SENTENCES - COMMENTS | | | | | | | | | |
| B. J. Magle 43271 | | PPD | | | | | | | |
| Hagan William Fox | | 266-7852 | | 6030 N. 2nd St. | | (Res.) | | | |
| Lynne Martha Butterwick | | 997-8827 | | 7301 N. 6th Pl. | | (Res.) | | | |
| | | | | Winchell's Depts., 7th St. & Thomas | | | | | |
| DEFENDANT LOVE, DANIEL AARON 325 East Flower | | RACE M | SEX M | HGT. 5/3 | WGT. 118 | DATE OF BIRTH 6/2/58 | SOCIAL SECURITY NO. - - | PRIORS | C.A. FILE NO. |

FILED
 JUN 27 1979
 P.M. 3:00
 BY WILSON G. PALMER, CLERK
 DEPT.

IN THE JUSTICE COURT 23

Northwest Ave J.P. PRECINCT, MARICOPA COUNTY, STATE OF ARIZONA

STATE OF ARIZONA

vs.

Daniel Aaron Love

Defendant

Arrangement date July 5, 1979 @ 8:30 AM Rm 505 Townes

WAIVER OF PRELIMINARY HEARING

79-2597 CR 207506

FILED BY WILSON J. PALMER, CLERK JUN 27 1979 PM 2:20

Instructions: You are entitled to a preliminary hearing on the charges against you. The purpose of this form is to notify you of your rights and of the ways in which the hearing could benefit you, and to allow you to give up your rights if you so choose. Read the entire form carefully before signing it.

RIGHT TO PRELIMINARY HEARING

I understand that I am charged with the crime of Aggravated Assault, a class 3 Felony and a dangerous felony in violation of ARS 13-1204, 13-1203 and 13-604 which is a (misdemeanor) (felony) under the law of Arizona and that if I am found guilty I can be given a severe punishment, including (imprisonment), (in the Arizona State Prison), (in the Maricopa County Jail), (by a fine), or other penalty.

I understand that under the Arizona Constitution I have a right to a preliminary hearing at which a magistrate, without making any determination of my guilt or innocence, will decide whether there is sufficient evidence against me to establish probable cause to try me on these charges. I understand that I have a right to a lawyer at the preliminary hearing, and that if I am unable to obtain the services of a lawyer without incurring substantial hardship to myself or to my family, one will be furnished for me free of charge.

I understand that the prosecutor would be required to present witnesses and evidence against me at such a hearing to demonstrate that there is probable cause to try me on the charges and that I would have the right to cross-examine such witnesses and to present evidence of my own innocence. I understand that if the prosecutor failed to show probable cause to try me, the charges against me would be dismissed.

I understand that giving up my right to a preliminary hearing gives the state the right to try me for the offenses charged without any determination of probable cause by a magistrate.

CERTIFICATION AND WAIVER

After reading and understanding all of the above, I hereby give up my right to a preliminary hearing in this case.

DO NOT SIGN THIS FORM IF YOU WANT A PRELIMINARY HEARING.

6-21-79 Date

Daniel A. Love Defendant

I have explained the significance of the preliminary hearing to the defendant, and consent to waiver of a preliminary hearing in this case.

June 21, 1979 Date

Christ W. [Signature] Defense Counsel

I consent to waiver of a preliminary hearing in this case.

June 21, 1979 Date

William A. Moore Prosecutor

White: Case File Pink: County Attorney Canary: Defense Counsel Green: Defendant

IN THE Northwest Justice COURT
STATE OF ARIZONA - COUNTY OF MARICOPA

STATE OF ARIZONA

vs.

Daniel Love

Defendant

Aggressor

No. CR79-2397
RELEASE ORDER:

IT IS HEREBY ORDERED that the defendant be released, provided that he comply with the standard conditions and all other conditions checked below.

STANDARD CONDITIONS OF RELEASE

CR107506

If released, the defendant shall appear for

EC #2
6-21-79

125 W. Washington

at 9:00 a.m. on

and during the pendency of this case:

- (1) Appear to answer and submit himself to all further orders and processes of the court having jurisdiction of the case;
- (2) Refrain from committing any criminal offense;
- (3) Not depart the state without leave of court; and
- (4) If released during an appeal, prosecute his appeal with due diligence.

OTHER CONDITIONS OF RELEASE

Own Recognizance

The court does not find that imposition of other conditions is reasonably necessary to assure the defendant's appearance as required.

Appearance Bond

The defendant will execute an appearance bond approved by the court and binding himself to pay the State of Arizona the total sum of _____ dollars (\$ _____) in the event that he fails to comply with these conditions. (base bond \$ _____; surcharges pursuant to ARS 41-1826 \$ _____; and 41-1830.04 \$ _____ and ARS 36-142 \$ _____).

Secured Appearance Bond

The defendant will deposit with the Clerk of the Court security in the full amount of the appearance bond required above

No Bond

The defendant is held without bond pursuant to Ariz. Const. art. 2 § 22 and ARS § 13-1571 (1956).

Restrictions on Travel, Association or Place of Abode and Other Conditions

The defendant will comply with each of the following conditions of release:

No weapons possession
Avoid contact with alleged victim

Part Time Release

The defendant will be released from _____ a.m. to _____ a.m. on the following days of the week _____ on condition that he return to custody during all other times at such place of confinement as the Sheriff shall designate.

Third Party Custody

The defendant will be placed in the custody of:

name: _____ telephone: _____
address: _____
who agrees (a) to supervise the defendant in accordance with the conditions of this order, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the court having jurisdiction of the case, and (c) to notify the court immediately in the event the defendant violates any condition of his release or disappears.

Signed: _____ Custodian or Proxy

WARNING TO THE DEFENDANT:

You have a right to be present at your trial and a number of other proceedings of which you will be notified. If you do not appear at the time set by the court, a warrant will be issued for your arrest and the proceeding will begin without you.

CONSEQUENCES OF VIOLATING THIS ORDER

If the defendant violates any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona.

In addition, the court may issue a warrant for the defendant's arrest upon learning of his violation of any conditions of his release. After a hearing, if the court finds that the defendant has not complied with the conditions of release, it may modify the conditions or revoke his release altogether.

If he was released on a felony charge, and the court finds the proof evident or the presumption great that he committed a felony during the period of release, it SHALL revoke his release. Such defendant would also be subject to an additional criminal charge, and upon conviction could be punished by imprisonment for not more than five years in the state prison, in addition to the punishment which would otherwise be imposed for the crime committed during the period of release.

Upon finding that the defendant or any other person named in this order has willfully violated its terms, the court may also find him in contempt of court and sentence him to a term of imprisonment, a fine or both.

ACKNOWLEDGEMENT BY DEFENDANT

I understand the standard conditions and all other conditions of my release checked above, and the forfeitures and penalties applicable in the event I violate them.

I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change the address indicated below.

Dated: 6-23-79
[Signature]
Judge

Defendant: Daniela Love
Address: _____
City & State: _____ Telephone: _____

FILE COPY

IN THE Northwest Justice COURT
STATE OF ARIZONA — COUNTY OF MARICOPA

STATE OF ARIZONA

vs.

Ramuel Love

Defendant

BOOKING # 435856
CASE # _____
SOCIAL SECURITY # _____

ORDER REGARDING COUNSEL
AND REIMBURSEMENT

CR107506

FILED
BY HILSON J. PALMER, CLERK
DEPT. OF CORRECTIONS
1975 JUN 27 PM 3:2

The Court makes the findings and orders as marked below:

- 1. Defendant has retained a lawyer.
- 2. Defendant is not indigent and is financially able to pay for the services of a lawyer. (WARNING: If you appear at the next hearing without a lawyer, the hearing may still proceed as scheduled.)
- 3. Defendant has advised the Court that Defendant can and will hire a lawyer. If Defendant is not able to hire a lawyer, IT IS ORDERED DEFENDANT MUST APPEAR IN PERSON BEFORE THE ABOVE COURT BY 4:00 P.M., on _____, at _____, and advise the Court of that fact. (WARNING: If you appear at the next hearing without a lawyer, the hearing may still proceed as scheduled.)

4. The Court finds that Defendant is indigent and IT IS ORDERED that the Maricopa County Public Defender is appointed as lawyer for Defendant. IT IS FURTHER ORDERED that YOU, the DEFENDANT, go to the Office of the Maricopa County Public Defender, 114 West Adams, Phoenix, Arizona, Tenth Floor, Monday through Friday, from 8 A.M. to 4:30 P.M., except holidays, to discuss your case. DO THIS AS SOON AS POSSIBLE AFTER YOUR RELEASE FROM JAIL. (If you are not released before your next hearing, a Public Defender will contact you.)

5. IT IS FURTHER ORDERED that YOU, the DEFENDANT, shall pay toward the cost of your lawyer the sum of \$ 15.00 every week starting next week until further order of the Court.

Make all payments in cash, money order or certified check payable to the Clerk of the Superior Court. Take or mail the payment to the Clerk of the Superior Court, 101 West Jefferson, Phoenix, Arizona 85003. DO NOT MAIL CASH! If you pay with cash, do so only in person on a Tuesday, Wednesday, or Thursday. Money orders and checks may be mailed any day of the week. When paying by mail, be sure that your name and CASE NUMBER are shown on the money order and check. (WARNING: Your failure to pay as ordered may result in your being charged with contempt of court.)

- 6. At this time Defendant is not required to pay toward the cost of the Public Defender or Court appointed attorney.
- 7. The Defendant is eligible for a MIDAS lawyer and is referred to the lawyer named below.
- 8. Defendant is indigent and the lawyer named below is appointed for Defendant.
- 9. IT IS FURTHER ORDERED that YOU, the DEFENDANT, shall contact the following lawyer to discuss your case. Do this as soon as possible after your release from jail. (If you are not released before your next hearing, the lawyer will contact you.)

Attorney's Name _____

Address _____

City _____, Arizona

Phone _____

Date 6-3 1979

Henry J. Sell

Judge, Magistrate, Commissioner

AID RECOMMENDATION

State of Arizona vs. Lidia Spencer Defendant **COR**
 Court: Superior
 Date: 6-5-79

RELEASE:

- Own Recognizance
- Unsecured Bond
- Secured Bond
- Potentially Non-Bondable

CONDITIONS:

1. No Contact with alleged Victim
 2. CR107506
 3. Not possess weapons
 4.

INDIGENCY STATUS:

- Public Defender or Court Appointed
- Public Defender or Court Appointed with weekly contribution
- MIDAS
- Private

1979 JUN 20 3:22
 WILSON D. PASTER, CLERK
 BY [Signature]
 DEPT. OF CORRECTIONS

Summary:

1 yr in Arizona
4 Mos Present address / Mother
3 Mos Employed
No Prior

Summary:

Income 500
Expense 120.00
Asset Limited

Defendants should be advised that:

1. The answers given will be used in the determination of the conditions of release and whether or not the defendant is indigent.
2. He is not required to answer any questions if he feels the answer might be harmful to himself in this or future proceedings.
3. That the answers given will be verified.

Charge(s): _____

Book. No.: 435852

Verification IDENTIFICATION & RESIDENCE **NICK "DAN"** sex M nat. race W

Name: Love, Daniel Aaron age 20 dob 8/2/58

Present Address: 325 East Flower City Phoenix Duration 4 months

Phone: 277-4965 With Whom (relation) Mr. Charles Howard, his mother

Alternate Address: _____ City _____ Duration _____

Phone: _____ With Whom (relation): _____ CR107506 PH

Previous Address: 2225 East Flower City Phoenix Duration: 3 months

Cont. Time in Ariz. 1 year Total time in Ariz. 1 year Last time you left Arizona 1979

Where Did You Go California How Long _____ Birthplace Phoenix Citizenry USA

MARITAL STATUS: S M SEP. DIV. COM-LAW WID How long 1 year Child. Support 0

Ages: _____ Others (living with you) you are supporting None

Immediate Family in Phx. Area you have contact with: Arthur

EMPLOYMENT: Employed Unemployed Disabled How long at present status 2 months

Present employer Conitas Cardiac Sup. Dan Brown Phone: 264-1188

Address: 127th Street Type of work: Tire Service

Prior employer: Brooks Cardiac Date of employ. 1 month Sup. Rob Lacey

Military status: US Army Duration: 2 months Date/Type of disc. 1979 - Medical

Prest. Student status: n/a Grade comp. 10TH

CRIMINAL RECORD: Convictions in another state: _____

From adult convictions: _____

Charge: 710 Date: _____ Sentence: _____

Charge: _____ Date: _____ Sentence: _____

Charge: _____ Date: _____ Sentence: _____

Presently on Probation NO Parole Officer: _____ Exp. _____

Past Juv. Probation NO Parole Officer: _____ Exp. _____

TASC: Eligible yes no

Criminal Justice Supervision - Program: _____ Date entered _____

RECORD OF APPEARANCE: Prior FTA: Date NO Charge: _____ Court: _____

Date: _____ Charge: _____ Court: _____

Prior release on Own Recognizance or Bail:

Date: NO Charge: _____ Amount: _____ Sentence: _____

Date: _____ Charge: _____ Amount: _____ Sentence: _____

PRESENTLY OUT ON BOND FOR: Charge NO Court: _____

Bond _____ Release date: _____ Pending date: _____

Drug, Alcoholic, Medication, physical or mental treatment last 6 months: NO

Residence upon release: 325 East Flower / Phx. Phone 277-4965

With whom Arthur, Charles Howard, his mother

REFERENCES: (name, address, phone, city, relationship)

1. Charles Howard (Arthur) 325 E. Flower / Phx. (277-4965)
2. Stanford Love (Arthur) 6142 N. 25th St / Phx. (264-...)

Defendant Spouse (Employer: _____)

Pay Schedule (per month)

Net: Pay: (Amount taken home) 500.00

payroll deductions for savings, stocks, etc. —

Other forms of Income: —

unemployment comp., welfare, disability, veterans, soc. sec., workmens' comp., retirement, accident bene., interest, dividends, child support, allotment checks, alimony, other, —

Total Income Per Month 500.00

Total Combined Available Assets:

Cash: You or spouse at home: 322.00
jail property —

Savings Account or with a Credit Unions: —

Checking account: —

Stocks or Bonds: —

Money owed to you or your spouse: —

Other —

Total 322.00

Additional Assets: (car, trailer, motorcycle, boat, truck, other)

| description | value | amount owed |
|-------------|-------|-------------|
| <u>none</u> | | |

Property: (Your home, land, buildings, other)

| location | value | amount owed |
|-------------|-------|-------------|
| <u>none</u> | | |

Name of property owner: n/a

Estimated value of furniture, t.v., stereo, tools, appliances, jewelry, and other possessions: none

Amount still owed on possessions: —

REMARKS:

DL
TASC explained

Expenses (per month)

Rent or House Payments: 20.00

Utilities: (gas, elect., phone, water, garbage,) included

Food: 100.00

Credit Card and Charge Account Payments: —

Loans: —

Car Payments: —

Union Dues: —

Medical Care: —

Child Support: —

Car Insurance, gas, maintenance: —

Baby-sitter: —

Other: —

Total Monthly Expenses: 120.00

Lw/fed

Other debts that you pay monthly or otherwise: total owed how often

debt: none

debt: —

debt: —

Total debts owed: —

Can you afford to pay for a lawyer to help you with this case? Yes No

Do you have a lawyer to help you with this case? Yes No Who: —

Have you in the past had a lawyer that you had to pay to represent you? Yes No Who: —

Do you want the Court to appoint a Lawyer (Public Defender) to help you? Yes No

How much cash could you pay as a down payment on a lawyer's fee? \$ N/A

How much cash could you pay each week, starting next week, for your lawyer's fee? \$ N/A per week

ALL CASH FINANCIAL INVOLVED
"FRD" (LAW 282.5 + Bethany and)
DL

Oath under penalty of perjury:
Whether or not I am applying herein for services of the public defender, or other court appointed attorney, I have truthfully given the information which appears in this statement. I have not knowingly concealed, or in any way misrepresented my financial resources. I am aware that I can be held in contempt of court, or prosecuted for perjury if I have made any false statements or misrepresentation or concealment, and can be prosecuted for theft if I obtain the services of the public defender or a court appointed attorney by means of false statement, misrepresentation, or concealment, or if I continue to accept such services after my financial condition has changed without notifying the public defender or my court appointed attorney and that in any such case this application may be used against me. If the public defender or a court appointed attorney accepts my case, I will notify him of any change in my financial resources, including release on bail or on my own recognizance, employment, cash income, or any other items listed above.

I also give my permission to the court to contact anyone named above or any agency or corporation with regard to their investigation of the statements I made.

I hereby make these representations under Penalty of Perjury.
Date: 6/3/79
Defendant's signature: Daniel A. Love

Witnessed by: [Signature]
Social Security number: 289-46-5171

435856

STATE OF ARIZONA - COUNTY OF MARICOPA

STATE OF ARIZONA

No. _____

vs.

RELEASE QUESTIONNAIRE

Love, Daniel Aaron
Defendant

CR107506

PART I. INFORMATION TO BE SUPPLIED BY THE PROSECUTOR OR LAW ENFORCEMENT OFFICER.

Instructions to Magistrate: Under Ariz. Rev. Stat. Ann. § 13-1577 (c) (Cum. Supp. 1971) the magistrate is to consider the following factors in determining the appropriate conditions for release of persons accused of crime: the nature and circumstances of the offense charged, the weight of evidence against the accused, his family ties, employment, financial resources, character and mental condition, and length of residence in the community, his record of arrest and convictions, and his record of appearance at court proceedings to avoid prosecution or failure to appear at court proceedings.

You are to obtain as much as possible of the information called for in this form for purposes of making your release decision. The prosecutor or law enforcement officer is required to complete Part I of this form prior to the accused's initial appearance in court. The accused may complete his portion beforehand, or you may record the responses he gives orally during the initial appearance.

Instructions to Law Enforcement Agency: The County Attorney Office will fill in the answers to questions 1, 2, 4, and 17.

A. General Information.

- 1. With what is the defendant charged? 13-1204 A.Z Aggr. Assault - 2 Fel.
- 2. The maximum penalty for these charges is 5 yrs
- 3. When and where did the offense take place? 6-2-79 2350 hrs. 6030 n. 2nd St.
- 4. Is the defendant here pursuant to an arrest or summons? Yes
- 5. If the defendant was arrested, when and where was he taken into custody? See #3 Above
- 6. Are there any other charges outstanding against the defendant? No

B. Circumstances of the Offense.

- 7. Was the defendant armed at the time of the offense? Yes If so, with what kind of weapon? Smith & Wesson .387 magnum revolver
- 8. Was any property taken or destroyed? No Of what value? _____ Has it been recovered? _____
- 9. Was anyone injured or threatened with personal injury by defendant during the course of the offense or subsequent thereto? Yes
If so, what were the extent and nature of the injuries? Sun shot wound to upper left arm

C. Circumstances of the Arrest.

- 10. Did the defendant attempt to avoid or resist arrest? No If so, how? _____
- 11. Was he armed at the time of the offense or arrest? Yes
- 12. Was evidence of the offense found in the defendant's possession? Yes
- 13. Has defendant admitted involvement in the offense? Yes

D. Other Information.

- 14. Has the defendant made any threats against potential witnesses or other parties? No
If so, explain. _____
- 15. Is there any indication that the defendant is:
an alcoholic? No an addict? No mentally disturbed? No physically ill? No
Explain any affirmative answer. _____
- 16. Is there any other information which indicates the defendant may flee if released? Explain in detail.
No

17. Based on the information available, does the state oppose an unsecured release at this time? No
Name, address and signature of the representative of the state and any other person supplying any of the above information.

B. J. Maglich 3271
Signature: Law Enforcement Officer
Phx. P.D.
Agency
6-2-79
Date

Signature: Prosecutor

Agency

Date

WILSON D. PALMER, CLERK
DEP.

Leave Blank

FINAL DISPOSITION REPORT

(See Instructions on Reverse Side)

FILED

1980 AUG 15 AM 10:44

Case Number

Lower Court

Superior Court
CR107506

Appeals

Supreme Court

NOTE: This vital report must be prepared pursuant to A.R.S. 41-1751 on each individual whose arrest fingerprints have been forwarded to the Department of Public Safety Criminal Identification Section (CIS) without the final disposition noted thereon. If no final disposition is available to the arresting agency obtain the subject's right four finger impressions on this form, complete the left side, and forward this form when the case is referred to the prosecutor and/or courts.

FBI No.

Name on Fingerprint Card Submitted to CIS:

Love Daniel Aaron
Last First Middle

If FBI No. Unknown, Furnish:

Date of Birth 8-2-58 Sex Male

Fingerprint Classification _____

CIS No.

Contributor of Fingerprints

PHOENIX POLICE DEPARTMENT
AZ 0072800
620 WEST WASHINGTON
PHOENIX, ARIZONA 85003

Arrest No.

917064

Date Arrested or Received

6-2-79

Offenses Charged at Arrest

13-1204 A-2 Agg. Assault with a weapon.

Final Disposition & Date

(If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)

Def. guilty of Aggravated Assault a class 3 felony, committed on 6-2-79 sent on Jan 4, 1980 to 3 yrs prob commencing this date, and one year in jail beginning Jan. 4, 1980 and pay restitution to victim \$100.00 order dismissing allegation of the dangerous nature of the of the offense

ORDERED BY JUDGE : MYER

This Form Submitted By:

(Name, Title, Agency, City or Town)

WILSON D. PALMER, CLERK

Delores Stacey
Signature

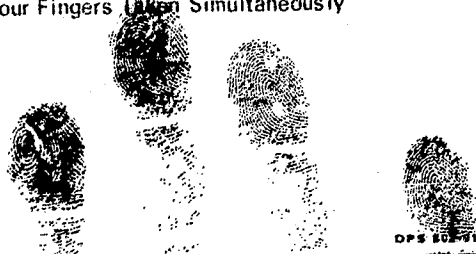
JUL 1980
Date

DEPUTY CLERK
Title

COURT ORDERED EXPUNGEMENT

Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.

Right Four Fingers Taken Simultaneously



IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

BCJ 7

| OFFICE DISTRIBUTION | |
|---------------------|-------------------------------------|
| APPEALS | |
| BONDS REFUND | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMANDS | |
| SENTENCES | <input checked="" type="checkbox"/> |

2-F 1-4-80 HON. ROBERT L. MYERS WILSON D. PALMER, Clerk
DIV DATE JUDGE OR COMMISSIONER Deputy
 C. Sue Fremouw

CR 107506
 Related Cases:

State of Arizona
 vs.

DANIEL AARON LOVE,

County Attorney
 By: Mark Deutsch
 Adult Probation Office
 Maricopa County Sheriff's Office
Clark Derrick
 Defense Counsel

SENTENCE - PROBATION - WITH JAIL

The State is represented by the above-named deputy; defendant is present with above-named counsel. Court Reporter: Bridget Brittan

The defendant is advised of the charge, the determination of guilt, and is given an opportunity to speak.

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

IT IS THE JUDGMENT of the Court that the defendant is guilty of the crime of Aggravated Assault

a nondangerous and nonrepetitive class 3 felony/~~misdemeanor~~/
~~open end~~ offense; committed on: 6-2-79 in violation of A.R.S.
13-1203 (A) (1), 13-1204 (A) (2) & (B)

Upon consideration of the offense, and the facts, law, and circumstances involved in this case, the Court finds that the defendant is eligible for probation, but should include a term in the County Jail as a term/condition of probation. The Court's specific reasons for granting probation are as stated on the record.

As punishment for said crime,

443-CR-116 a
 3/79

CLERK OF THE COURT
 MAIL DISTRIBUTION CENTER
 (Continued Next Page) Page 3
 Received: JAN 8 1980
 Processed: JAN 9 1980 1 of 3

IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

OFFICE DISTRIBUTION

| | |
|-----------------|--|
| APPEALS | |
| BONDS REFUND | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMANDS | |
| SENTENCING | |

2--F
BY

1-4-80
DATE

HON. ROBERT L. MYERS
JUDGE OR COMMISSIONER

WILSON D. PALMER, Clerk
C. Sue Fremouw Deputy

CR 107506!

Related
Cases:

STATE OF ARIZONA vs. LOVE, (continued)

ORDERED suspending imposition of sentence and placing defendant on probation for a period of three years commencing this date under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and imposing terms of probation signed by the Court with a condition of probation being incarceration in the Maricopa County Jail for a period of one year beginning 1-4-80.

ORDERED defendant shall make and pay Restitution to the victim of this crime, for the victim's economic loss, through the Clerk of the Superior Court of Maricopa County in the total amount of \$40.00 on or before 2-1-80

or in regular monthly payments of \$ each month beginning on and on the day of each month thereafter until paid in full.

ORDERED defendant shall make and pay Reimbursement to Maricopa County through the Clerk of the Superior Court of Maricopa County for the reasons stated on the record and in the terms and conditions of probation, in the total amount of \$ on or before , or in regular monthly payments of \$ each month beginning on and on the day of each month thereafter until paid in full.

ORDERED defendant shall pay a Fine to the Clerk of the Superior Court of Maricopa County in the amount of \$ which equals \$ plus a surcharge of , on or before or in regular monthly payments of \$ each month beginning on and on the day of each month thereafter until paid in full.

The written terms and conditions of probation are handed to the defendant for explanation, acceptance, and signature. Defendant agrees to the stated waiver of right of extradition. The defendant is advised concerning the consequences of failure to abide the

443-CR -116 b
3/79

CLERK OF THE COURT
MAIL DISTRIBUTION CENTER
(Continued Next Page)
Received: JAN 8 1980 Page 4
Processed: JAN 9 1980 2 of 3

IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

OFFICE DISTRIBUTION

| | |
|-----------------|--|
| APPEALS | |
| BONDS REFUND | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMANDS | |
| SENTENCING | |

2-F 1-4-80 HON. ROBERT L. MYERS WILSON D. PALMER, Clerk
DIV DATE JUDGE OR COMMISSIONER Deputy
 C. Sue Freire

CR 107506

STATE OF ARIZONA vs. LOVE, (continued)

Related Cases:

conditions of probation.

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

ORDERED granting the motion to dismiss allegation of the dangerous nature of the offense.

ORDERED authorizing the Sheriff of Maricopa County to carry out the condition of incarceration on probation.

ORDERED exonerating any bond.

IT IS ORDERED that defendant's right thumbprint be attached to the Judgment and Terms of Conditions of Probation.

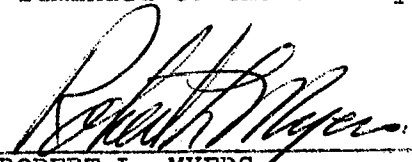
FILED: Conditions of Probation and Notice of Appeal Rights, both signed by the defendant and copies provided to the defendant.

As special condition of probation, the Defendant is ORDERED to participate in the work furlough program.

Counsel for State moves to forfeit the weapons used in this offense to the State.

IT IS ORDERED that the Motion of the State to forfeit the weapons used in connection with the offense is granted and that the weapons are forfeited to the State of Arizona.

ORDERED that the Defendant is remanded to the custody of the Sheriff of Maricopa County.


 JUDGE ROBERT L. MYERS

443-CR -116 c
3/79

CLERK OF THE COURT
MAIL DISTRIBUTION CENTER

Received: JAN 8 1980 5

Processed: JAN 9 1980 3 of 3

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JAN 08 1980

RECEIVED & SECURED

No. CR 107506

THE STATE OF ARIZONA

vs.

Daniel Aaron Love
Defendant(s)

NOTICE OF RIGHT TO APPEAL
AND APPEAL PROCEDURE

FILED 1:00 p.m.
1-4-80
WILSON D. PALMER, Clerk
Deputy
By: [Signature]

You have a right to appeal from a final judgment of conviction, from an order denying a post-trial motion, or from a sentence which is illegal or excessive. Arizona Constitution art. 2, §24; Arizona Revised Statutes Annotated §13-1711 (1956).

In order to exercise this right:

1. You **must** file a NOTICE OF APPEAL (Form XXIV (a)) within 20 DAYS of the entry of judgment and sentence. **If you do not file a notice of appeal within 20 days you will lose your right to appeal.** The entry of judgment and sentence occurs at the time of sentencing. If you do not appeal you may not ever have another opportunity to have any errors made in this case corrected by another court.
2. To file a notice of appeal you should contact your lawyer, by letter, telephone or in person, telling him that you want to appeal. You can file the notice of appeal before you leave the courtroom on the day you are sentenced if you wish.
3. If you do not have a lawyer, get copies of Form V, Defendant's Financial Statement and Request for Appointment of Counsel and Form XXIV (a), Notice of Appeal, either from the clerk of the court, the jail, or the prison, fill them **both** out and send them to the clerk of the superior court in the county where you were tried and sentenced. They **must arrive** at the clerk's office within 20 days after you were sentenced.
4. You should have a lawyer to handle your appeal.
5. If you want a full copy of the rules governing appeals, the clerk of the court in the county where you were convicted will send you one upon request.

RECEIPT BY DEFENDANT

I have received a copy of this notice of my right to appeal and appeal procedure.

1/4/80
Date

Daniel Aaron Love
Defendant

STATE OF ARIZONA
COUNTY OF MARICOPA
ADULT PROBATION DEPARTMENT

107506

| | | | | | | |
|---|--------------------------|---|---|--|--|--|
| LAST NAME: LOVE | | FIRST: DANIEL | MIDDLE: AARON | AKA: None | | |
| RESIDENCE: 325 E. Flower St., Phoenix, AZ 85012 | | | SEX: male <input checked="" type="checkbox"/> female <input type="checkbox"/> | DATE OF BIRTH: 8-2-58 | AGE: 21 | |
| MAILING ADDRESS: | | | HOME PHONE: 277-4965 | MESSAGE PHONE: 264-1188 | CITIZENSHIP: USA | |
| RACE: White <input checked="" type="checkbox"/> Am. Indian <input type="checkbox"/> Black <input type="checkbox"/> Mexican <input type="checkbox"/> Oriental <input type="checkbox"/> | | MARITAL STATUS: Single | | BIRTHPLACE: OH Cincinnati, | EYES: Bro | |
| | | RELIGIOUS AFFILIATION: Jewish | | EDUCATION: 10 | HEIGHT: 5'3" | |
| | | DRIVER'S LICENSE: B38896 | | I.D. MARKS (scars, tattoos): Scar on cheek/ hernia scar | | |
| (Place U for use and A for abuse) marijuana <input type="checkbox"/> U heroin <input type="checkbox"/> alcohol <input type="checkbox"/> U cocaine <input type="checkbox"/> other <input type="checkbox"/> | | | TREATMENT PROGRAM NAME: None | | | |
| SOCIAL SECURITY NO: 284-46-5171 | | UNION: None | | MILITARY: army <input checked="" type="checkbox"/> navy <input type="checkbox"/> marines <input type="checkbox"/> air force <input type="checkbox"/> coast guard <input type="checkbox"/> nat'l guard <input type="checkbox"/> other <input type="checkbox"/> | DISCHARGE: honorable <input checked="" type="checkbox"/> general <input type="checkbox"/> undesirable <input type="checkbox"/> dishonorable <input type="checkbox"/> current <input type="checkbox"/> unknown <input type="checkbox"/> | |
| EMPLOYMENT: employed <input checked="" type="checkbox"/> unemployed <input type="checkbox"/> retired <input type="checkbox"/> military <input type="checkbox"/> student <input type="checkbox"/> | | CLASSIFICATION: unskilled <input type="checkbox"/> semiskilled <input type="checkbox"/> skilled <input checked="" type="checkbox"/> white collar -- <input type="checkbox"/> professional <input type="checkbox"/> | | ENTRY DATE: Nov. 1975 | | |
| RELATIVES NAME: Sanford Loue ✓ Linda Loue ✓ | | RELATIONSHIP: Father Mother | AGE: | ADDRESS: 6142 N. 20 St., Phoenix, AZ Deceased | | |
| DEFENSE COUNSEL name: Clark Derrick | | PROSECUTOR: Mark Deutsch | | ARRESTING AGENCY: Phoenix Police Department | | |
| PRIOR OFFENSES: FIRST FEL. OFFENDER <input checked="" type="checkbox"/> none <input type="checkbox"/> juvenile <input type="checkbox"/> misdemeanor <input type="checkbox"/> felony <input type="checkbox"/> other <input type="checkbox"/> | | NO. PRIOR INCARCERATION: prison <input type="checkbox"/> jail <input type="checkbox"/> other <input type="checkbox"/> | | DATE OF ARREST: 6-2-79 | | |
| | | | | AGE WHEN FIRST ARRESTED: 20 | | |
| | | | | DATE INFO FILED: 7-2-79 | | |
| | | | | STATUS: OR <input checked="" type="checkbox"/> JAIL <input type="checkbox"/> | | |
| | | | | DATE INCARCERATED: 6-3-79 | | |
| | | | | DAYS IN JAIL THIS ARREST: (released 1 6-3-79) | | |
| | | | | BOND \$ <input type="checkbox"/> | | |
| CODEPENDENTS: None | | DISPOSITION: | | | | |
| DATE: 6-2-79 | CAUSE NO.: 107506 | OFFENSE: AGGRAVATED ASSAULT, CLASS 3 | TYPE OFFENSE: FEL | NCIC CODE: 1386 N | ARS CODE SECTION: 13-1203(A), 1204(A) (2)(B) | |
| MONIES LEVIED: fine \$ <input type="checkbox"/> restitution \$ <input type="checkbox"/> reimbursement \$ <input type="checkbox"/> other \$ <input type="checkbox"/> | | DIVISION: F | SENTENCING JUDGE: ROBERT L. MYERS | | SENTENCING DATE: 12-14-79 | |
| | | C.A. FILE NO.: F-3653-79 | FBI NO.: None | | BOOKING NO.: 435856 | |
| CONDITIONS OF PROBATION: (list by number) | | TYPE CASELOAD: in county <input type="checkbox"/> out of county <input type="checkbox"/> report only <input type="checkbox"/> out of state <input type="checkbox"/> courtesy <input type="checkbox"/> | | GUILT DETERMINED BY: plea <input checked="" type="checkbox"/> court verdict <input type="checkbox"/> jury <input type="checkbox"/> no contest <input type="checkbox"/> | | |
| | | | | PROBATION OFFICER: SHARON K. FOLBRECHT | | |
| | | | | DATE: 11-15-79 | | |

FILED BY: **BTk**
 9:30 AM '79
 DEPT. 10
 11-15-79
 DEPT. 10

REMARKS: **Coulter Cadillac**
1188 E. Camelback, Phoenix, AZ
Foreman, Tire Department

TYPED BY: **Zana A.**

THE STATE OF ARIZONA
Plaintiff

vs.

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

HONORABLE ROBERT L. MYERS

CRIMINAL DIVISION F

SUPERIOR COURT

PRESENTENCE INVESTIGATION

PRESENT CHARGE: Aggravated Assault, a Class 3 Felony.

PLEA: November 15, 1979.

DEFENSE COUNSEL: Clarke Derrick, privately retained.

PRESENT OFFENSE:

The following information is taken from Phoenix Police Departmental Report #79-057830:

On June 2, 1979, at approximately 11:15 p.m., Phoenix Police Officer Barbara Maglich and Officer Weiland responded to emergency traffic of a shooting at 6030 North Second Street, Phoenix. Upon their arrival, they observed Reserve Officer Ferguson holding a suspect in custody. Sergeant O'Neal was talking to a group of people and requested that Officer Maglich check the welfare of the victim of the shooting. Officer Maglich went to 6030 North Second Street, where she observed victim Hagan Fox holding a wad of paper towels against his left upper arm. The towels were bloody. She checked the wound and noted an entry wound in front, with a large exit wound in back of the upper arm. The victim had no other wounds. The wound appeared to be a gunshot wound made by a large caliber weapon. The victim was transported by ambulance to Phoenix Baptist Hospital where he was treated by Dr. Harris.

Subsequent investigation by the Phoenix Police Department revealed that the defendant, along with Rory Menard, victim Hagan Fox, and numerous other people had driven up to Firebird Lake during the day on January 2, 1979. Mr. Fox had driven the group to the lake and it was arranged that the group would remeet in Mr. Fox's parked auto. Unbeknownst to the defendant and Mr. Menard, the victim moved the car to a better parking place. The defendant and Mr. Menard apparently believed that the victim had gone off and left them at the lake. The defendant's wallet and \$327.24 in cash were in the victim's car. Mr. Menard's wallet was also in the victim's car. Investigation further revealed that the defendant and Mr. Menard and numerous other people waited a prolonged period of time for the victim to return and give them a ride home. When this did not happen, they hitchhiked to the

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

victim's home at 6030 North Second Street. Upon arriving there, they had criminally damaged a wooden fence at the victim's home because he was not there. The defendant and Mr. Menard then went home and later called the victim and exchanged heated words over the phone. The defendant and Mr. Menard returned to 6030 North Second Street and both were wearing holsters with weapons in the holsters. All of the subjects involved were standing in the street by 6042 North Second Street. After words were again exchanged between the defendant and Mr. Fox, the victim walked to a 1976 Cadillac where the defendant and Mr. Menard's wallet and personal clothing were. The defendant followed the victim to the Cadillac. Mr. Menard then started over to where the victim was going when a shot was heard. The group of other people that were standing some distance away then walked over and aided the victim and held the defendant until police arrived. The defendant had shot the victim, Hagan Fox, with a .357 magnum Smith and Wesson revolver.

The defendant was subsequently charged with aggravated assault, a class 3 felony.

RELATED OFFENSES:

There are no related offenses in this cause.

DEFENDANT'S STATEMENT:

The defendant admitted his guilt of this offense and indicated that the circumstances of the offense are accurately reflected in the police report. In his written statement, the defendant advised that on June 2, 1979, he and Rory Menard went to Firebird Lake with Hagan Fox and Lynn Butterwick in Mr. Fox's car. He related that they had all left their wallets and keys in Mr. Fox's car and went into the entrance of Firebird Lake. The defendant related that when he and Rory Menard came out to meet Hagan Fox he was not there. They stated that they waited until the last car had left and they hitchhiked to Forty-fourth Street and Baseline Road where they called a taxi cab and went back to Hagan Fox's home and no one was there. He related that they then tore down a split rail fence out of frustration. He related that they waited around for a while and some of Hagan's friends pulled up and verbally threatened them saying that they were in big trouble. He related that they then went back to Rory Menard's home and tried to call Hagan Fox's home. He related that Mr. Fox answered the phone saying that they were in for it and hung up. The defendant related that they called four more times and got the same answer. The defendant related that he and Rory were in Rory's room and that Rory handed him a .357 magnum Smith and Wesson handgun. He related that they then went back to Hagan Fox's home where they were met by six or seven of Hagan Fox's friends. He stated that they were lined up across Mr. Fox's front yard walking towards them. He stated that he then took the gun out of the holster and had the gun pointing at the ground and walked past

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

Mr. Fox's friends and went to Rory's parents' car. The defendant related that Hagan Fox met him there and that they were arguing and one of his friends hit him on the side of the head. The defendant related the gun went off and happened to hit Hagan Fox in the arm. He related that he was subsequently arrested for aggravated assault, a class 3 felony. The defendant advised that he was very sorry he shot the defendant and that he had not intended to do that when he went over there with the gun.

STATEMENT OF VICTIMS:

The victim in this offense is Hagan Fox, age nineteen, Phoenix. This writer was unable to speak with Mr. Fox personally, however, this writer did speak with Mr. William Fox, the defendant's father. Mr. Fox advised that if a plea agreement was appropriate he certainly had no objection to that. He stated that he felt the defendant needed to be taught a very severe lesson. He further related to this writer that he fully plans on filing a civil suit against the defendant as well as his companion, Rory Menard. Mr. Fox related that the damage to the fence was \$40.00. He related that he incurred the following medical bills: A hospital bill of \$101.85, an ambulance bill of \$56.75, a radiologist bill of \$10.00, and a medical doctor bill of \$335.00. This writer asked Mr. Fox what percentage of the medical bills had been covered by insurance and Mr. Fox advised this writer that despite what had been covered by insurance that all restitution should be sent directly to him.

STATEMENT OF REFERENCES AND INTERESTED PARTIES:

This writer spoke with Phoenix Police Officer Weiland, who advised that the defendant had done a very dangerous act and could have killed a person. His recommendation was that the defendant receive probation with no less than one year incarceration in the Maricopa County Jail.

This writer spoke to Phoenix Police Officer Barbara Maglich who recommended probation for the defendant. She stated that she felt the defendant realized the seriousness of the offense. She related that the defendant was very cooperative at the time of arrest and was not intoxicated. She related that the defendant should receive no more than one year in the Maricopa County Jail as a condition of probation.

Deputy County Attorney Mark Deutsch advised that he felt the court should follow the stipulated plea agreement and the defendant should be placed on probation with one year in the Maricopa County Jail. Mr. Deutsch stated he would make no recommendation whether or not the defendant should be considered for the Work Furlough Program.

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

Defense Attorney Clarke Derrick stated that he felt the court should follow the stipulated plea agreement and that the defendant should be permitted to participate in the Work Furlough Program.

PRIOR RECORD:

JUVENILE:

A check with the Maricopa County Juvenile Court Center indicates no known referrals for the defendant as a juvenile.

ADULT:

A check with the F.B.I., the Maricopa County Sheriff's Department, and the Phoenix Police Department indicates no known prior arrests for the defendant as an adult.

SOCIAL HISTORY:

The defendant was the only child born to Sanford Love and Linda nee Shusterman Love. The defendant relates that his father is a college graduate and currently is self-employed owning his own business called Design and Production Business in Phoenix. The defendant relates that his father was born on September 17, 1932, in Kentucky. The defendant's mother became ill when he was a teenager with Raynaud's Disease and had a leg amputated and eventually died of malignancy in July of 1978. The defendant relates that his parents were married on January 1, 1955, in New Jersey. The defendant's parents were divorced when he was approximately three years of age and for the most part the defendant was raised by his maternal grandparents.

The defendant relates that he attended the Hawthorne Elementary grade school in Atlanta, Georgia, for grades one through eight. He then attended the Lakeside High School in Atlanta, Georgia and eventually dropped out in the tenth grade. Daniel was given the Weschler adult intelligence scale in August of 1979, and received a full scale I.Q. of 102. The defendant does not currently have his high school diploma or his G.E.D. equivalency.

The defendant has never been married and has no children.

The defendant entered the United States Army in November of 1975, and was discharged in December of 1975. The defendant received a general discharge under honorable conditions and relates that he was discharged due to flat feet and unsuitability to military life.

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

The defendant has had numerous short term employment positions in Atlanta, Georgia as a serviceman in various gas stations. The defendant's most significant employment position is his current one at Coulter Cadillac in Phoenix where he is a foreman in the tire department. A letter has been received from the defendant's employer which is attached to the presentence investigation for the court's perusal.

The defendant relates that his gross monthly income at Coulter Cadillac is approximately \$900.00. In addition, the defendant relates that he earns approximately \$50.00 per month in assisting his father in his business. The defendant states that his monthly expenses are approximately \$415.00 per month. The defendant relates he has no outstanding debts.

The defendant experienced all the normal childhood diseases without complications. He is currently in good physical condition. There is no indication of mental illness. The defendant did have two hernia operations when he was an infant. There have been no repercussions from those surgeries.

The defendant states he has experimented with marijuana and does drink alcoholic beverages on a social basis. He denies any illicit drug usage. The defendant has been seeing Dr. Meier Tuchler since the occurrence of the present offense. The defendant related to this writer that the reason he went to Dr. Tuchler was that he felt if he had to use sufficient force and could not control his temper that ended in the result of someone being shot, he felt he needed psychiatric help. Since the court has already been furnished copies of Dr. Tuchler's report, a copy will not be attached to the presentence investigation. The defendant continues to see Dr. Tuchler on a weekly basis.

DISCUSSION AND EVALUATION:

Although Daniel Love does not have a history of violent behavior or a pattern of antisocial behavior, it is this writer's opinion that the present offense was very serious and dangerous in nature. It is apparent that the present offense was not planned with any degree of forethought or intention but rather was the result of too much alcoholic consumption coupled with the defendant's immaturity and inability to control his temper. The defendant did take a .357 magnum revolver and shot the victim in the arm--an offense which could have resulted in the victim being seriously injured or killed. Even though the defendant has no known prior arrests as either a juvenile or as an adult, it is this writer's opinion that he is a threat to the community if he does not receive psychiatric care.

The defendant has expressed a great deal of remorse over his participation in the present offense and is attempting to make amends.

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

The defendant openly admits to shooting the victim and to the circumstances that led up to the present offense. In view of the fact that the defendant has no known prior arrests, and his open expression of remorse for the injury sustained to the victim, it is this writer's opinion that he is an appropriate candidate for probation supervision.

One alternative considered as a disposition for this offense was incarceration at the Arizona State Prison, as the possible consequences of this assault could have been devastating. This alternative was rejected because in this writer's opinion the defendant is more in need of treatment than incarceration. Additionally, neither the victim nor the arresting officers have recommended incarceration at the Arizona State Prison. Another alternative considered as a disposition for this offense was placement in a residential treatment center. This alternative was also rejected because in this writer's opinion the defendant is not sufficiently motivated to participate in residential treatment. Additionally, this writer is unsure as to whether or not the defendant is in need of residential treatment.

In making the recommendation below, the following factors were considered:

1. The defendant has no known prior arrests as either a juvenile or as an adult.
2. The defendant has no history of probation or parole supervision.
3. Statements of the victim and other interested parties.
4. The defendant is gainfully employed.
5. The defendant is currently involved in an outpatient psychiatric treatment program with Dr. Meier Tuchler.
6. The defendant has been cooperative throughout the presentence investigation.
7. It is this writer's opinion that treatment can best be provided within the community.

Based on all information received during this investigation, this writer recommends that the defendant be granted probation with the condition of probation that he serve some time in the Maricopa County Jail and continue his psychological counseling sessions with Dr. Tuchler.

RECOMMENDATION:

It is respectfully recommended that the defendant be granted probation for a period of five years under the standard terms and that the defendant be considered for the Work Furlough Program.

If the court desires a determination of the defendant's eligibility for the Work Furlough Program, it is respectfully recommended that

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

sentencing be reset for two weeks from December 14, 1979 to allow final processing by the Work Furlough Screening Team.

It is further respectfully recommended that at the time of sentencing, the defendant be placed on probation for a period of five years under the standard terms of probation.

It is further recommended that the Court impose special term #17, be confined in the Maricopa County Jail, and term #20, "If acceptable, the defendant is ordered to participate in the Work Furlough Program and abide by all rules, regulations, and procedures set forth by the Work Furlough Administrator." Failure to comply with the policies and rules set forth may result in his summary removal from the program.

In the alternative, if the Court is not inclined to order participation in the Work Furlough Program, the following is recommended: It is respectfully recommended that the defendant be granted probation for a period of five years under the standard terms; also, special term #17 that the defendant be confined in the Maricopa County Jail in accordance with A.R.S. section 13-901 for a period of one year beginning on the date of sentence.

Should the court decide to place this individual on probation, the following additional specific terms are recommended as to both the Work Furlough Program and the alternative recommendation: Term #11, #12, #14, make and pay restitution through the Clerk of the Superior Court of Maricopa County in the total amount of \$40.00 to be paid in one lump sum on February 1, 1980; #17 be confined in the Maricopa County Jail in accordance with A.R.S. section 13-901 for a period of one year beginning on the date of sentence. Additionally, it is recommended that special term #21, the defendant continue to see Dr. Meier Tuchler on a regular basis.

RESTITUTION/REIMBURSEMENT:

Restitution is recommended in the amount of \$40.00 to be paid to Hagan Fox in one lump sum of \$40.00 on February 1, 1980. It is this writer's opinion that in view of the fact that the victim's father is unwilling to indicate to this writer what medical bills were covered by insurance, the medical bills should be taken up under a civil matter or determined by the court at a later date.

DANIEL AARON LOVE
Defendant

CAUSE NO. 107506

Reimbursement is not deemed appropriate in this cause in view of the fact that the defendant has retained private counsel.

Respectfully submitted,

H. C. Duffie
Chief Probation Officer

By: Sharon K. Folbrecht
Sharon K. Folbrecht
Deputy Adult Probation Officer

Approved:

Edna M. Alfred
Edna M. Alfred, Supervisor

I have reviewed and considered the probation officer's report.

Judge: [Signature]

Date: 1-4-1980

SKF:si:9330A
December 10, 1979