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Attorney for Defendant

**SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MARICOPA**

THE STATE OF ARIZONA

Plaintiff,

vs.

JODI ANN ARIAS,

Defendant.

No. CR 2008-031021-001DT

**SENTENCING MEMORANDUM**

(Hon. Sherry Stephens)

Defendant, Ms. Jodi Ann Arias, by and through undersigned counsel, respectfully requests this Court to sentence her to life in prison with the possibility of parole after serving 25 years. This motion is made pursuant to the 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution and Article 2 §§ 4, 11, 13, and 15 of the Arizona State Constitution. The following Memorandum provides the reasoning and support for a life sentence rather than a natural life sentence.

## MEMORANDUM

### **I. EQUITY IN SENTENCING**

Attached to this Memorandum is a list containing 60 cases involving defendants who were convicted of 1<sup>st</sup> Degree Murder and were sentenced to life in prison with the possibility of parole. *See Attachment A*. An analysis of these cases demonstrate that Ms. Arias' conviction is similar to a number of other cases involving defendants who were similarly situated and received a sentence of life with the possibility of parole after 25 years.

Examples of cases where defendant's received a life sentence with the possibility of parole keep occurring. As of the filing of this Memorandum, there is another example in CR2011-151833. Here, the defendant was convicted of killing his 2 year old child. The defendant "squeezed [the child] until he stopped breathing." "The baby struggled five or six times to get free but [the defendant] continued squeezing harder until he stopped breathing." *See The Arizona Republic, "Gilbert Dad Sentenced to Life for Killing Son, 2"* dated April 9, 2015. Despite the young age of the victim, the amount of time of suffering by the victim, and the trusted relationship between defendant and victim, this defendant was sentenced to life in prison with the possibility of parole.

While other cases in Maricopa County continue to demonstrate the potential inequity in sentencing for Ms. Arias, it is extremely important to note that this study did not include defendants who were initially charged with 1<sup>st</sup> Degree Murder but were convicted by plea or trial of a lesser charge. Yet, there are scores of cases of defendants that were initially charged with 1<sup>st</sup> Degree Murder and plead to something less than 1st Degree Murder. In fact, according to further studies conducted by R3 Investigations, a substantial majority of defendants charged with 1st Degree Murder are convicted of something less.

1 As for Ms. Arias' case, the state refused to make any offer to settle from the  
2 inception. Therefore, Ms. Arias' case was treated differently than most other  
3 cases in Maricopa County where attempts by the state at resolving the case are  
4 made.

## 5 **II. MITIGATING FACTORS**

6  
7 The defense filed its list of mitigating factors prior to trial. This Court is  
8 well aware of the testimony that supported the mitigation. However, there are  
9 several factors that must be emphasized especially when considering equity in  
10 sentencing.

### 11 **A. No Previous Criminal History**

12  
13 Ms. Arias has absolutely no criminal history. She has no arrests and no  
14 previous criminal contacts with law enforcement. When reviewing defendants  
15 who were similarly situated, a large number of them who received the possibility  
16 of parole had prior felony convictions. Ms. Arias has none.

### 17 **B. No Propensity for Violence that Necessitates a Natural Life** 18 **Sentence**

19  
20 Ms. Arias' background was hotly contested during trial. This Court heard  
21 testimony and reviewed the exhibits of Ms. Arias' psychological testing. The  
22 state's expert conducted the MMPI II. The results were considered valid. All of  
23 the results demonstrated the opposite of aggressive and violent behavior. Ms.  
24 Arias tested low in categories of Ego Strength, Aggression, Anger, Self-Esteem,  
25 Hostility, and Dominance. These results support a life sentence with the  
26 possibility of parole because the community is not likely to be put in harm's way  
27 if Ms. Arias were to ever be released. Moreover, if that release ever occurred, Ms.  
28 Arias would likely be in her 60's. Recidivism rates are sharply reduced with age.

1 The violence involved in this crime is an aberrant and atypical two minutes  
2 in Ms. Arias' life that sadly resulted in the end of Mr. Alexander's life. However  
3 these two minutes are wholly uncharacteristic of her otherwise peaceful, passive,  
4 and non-aggressive nature.

5 Furthermore, Ms. Arias' background and psychological testing are greatly  
6 contrasted with defendants who were similarly charged but additionally had gang  
7 backgrounds, drug abuse history, or previous felony convictions. Ms. Arias has  
8 none of these and yet defendants with gang backgrounds, drug abuse histories or  
9 previous felony convictions have been given the ability to earn parole after 25  
10 years. *See Attachment A.*

### 11 **C. Mental Illness**

12 Both the defense and the state agree that Ms. Arias has a diagnosable  
13 mental illness. A state's witness diagnosed Ms. Arias with Borderline Personality  
14 Disorder. As the Court is aware, this mental illness is something with which a  
15 person is born and caused by circumstances beyond the person's control. People  
16 with Borderline Personality Disorder often lacked an emotionally supportive  
17 background as a child. This Court heard evidence that Ms. Arias was physically  
18 and emotionally abused as a child.  
19  
20

21 In further explanation, the state's expert opined that having Borderline  
22 Personality Disorder is not a choice but occurs because the person has "a  
23 sensitivity" that is similar to a light switch. That light switch can be flipped on  
24 due to environmental causes such as an abusive childhood which is beyond the  
25 afflicted person's control.

26 Ms. Arias was also diagnosed with Post Traumatic Stress Disorder. Dr.  
27 Geffner testified in the Penalty Phase retrial that Ms. Arias suffered from a number  
28 of different traumas that she was exposed to throughout her life. These traumas

1 included being physically and emotionally abused as a child, being held at knife  
2 point when she was 12 years old, being involved in a physically abusive  
3 relationship when she was 17 years old, and being involved in a  
4 physically/emotionally abusive relationship just prior to being arrested.

5  
6 Furthermore, Ms. Arias was diagnosed with Severe Depression. During the  
7 retrial, this Court heard numerous journal entries that Ms. Arias authored from  
8 June 2007 to June of 2008. It was clear from these journal entries that Ms. Arias  
9 was suffering from severe depression and suicidal thoughts. Further evidence of  
10 depression was demonstrated with the testimony of witnesses' affidavits who  
11 noticed differences in Ms. Arias' personality and behavior in the summer of 2007.  
12 Finally, Dr. Geffner presented psychological testing that supported the diagnosis  
13 of Severe Depression.

14 Ms. Arias made statements in her journal regarding her depression. In  
15 August 2007, she wrote, "sometimes I feel so broken that I can't even cry. Other  
16 times I feel so broken that all I can do is cry" and "I just wish I could die. I wish  
17 that suicide was a way out." By September 2007, Ms. Arias was writing things  
18 like, "Today is one of those days when you wake up wishing it were as simple as  
19 just killing yourself." By October 2007, Ms. Arias felt "utterly depressed out of  
20 my mind..." She further described that "I am a waste of life, I wonder if I can end  
21 it all." By December 2007, Ms. Arias described her day as "lonely and dark." She  
22 wrote that "everything was painfully bleak. I really, really want to end my life..."

23  
24 Diagnoses of Severe Depression, PTSD, and Borderline Personality  
25 Disorder in no way excuse Ms. Arias' conviction. However, they do help to  
26 explain the situation she was in at the time the crime was committed. These  
27 diagnoses also lend support for Ms. Arias to receive life with the possibility of  
28 parole because these were beyond her control.

1 This Court has presided over numerous settlement conferences where a  
2 defendant's mental illness was a mitigating factor that garnered a lesser sentence  
3 or a more beneficial plea. Defense counsel attempted to settle this matter prior to  
4 the first trial. Counsel and Ms. Arias attempted again to settle this matter prior to  
5 the sentencing phase retrial; however the state was unwilling to make an offer for  
6 life. Therefore, Ms. Arias was not given consideration by the state for suffering  
7 from a mental illness unlike other defendants. However, this Court has the ability  
8 to take her mental illness into consideration and provide equity in sentencing by  
9 sentencing Ms. Arias to life with a possibility of parole.

#### 10 **D. Mitigation presented in trial**

11  
12 Because this Court presided over both trials for Ms. Arias, this Court is  
13 well aware of the other mitigating factors and the defense does not need to restate  
14 all the testimony.

### 15 **III. CONCLUSION**

16  
17 While Ms. Arias received a life verdict at trial, for the above reasons and  
18 equity in sentencing defense counsel respectfully request a sentence to life with  
19 the possibility of parole after 25 years.  
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## ATTACHMENT A

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**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2013-000305	Black, Keldrick	1 <sup>st</sup> degree murder, with armed robbery, kidnapping, agg assault and weapons.	Pled to 1 <sup>st</sup>	25/Life			yes	Defendant and co-defendant involved in altercation at Pantera Show Club. Fight spilled into parking lot where defendant retrieved a gun and shot the victim. Defendants forced two women to drive them away from the scene. The defendants fled into a neighborhood a few miles away.
2013-002558	Leon, Ishmael	1 <sup>st</sup> degree murder; drive-by shooting	Jury verdict	35/Life			yes	Defendant and co-defendant involved in a physical fight in an apartment that escalated into gunfire. Victim found dead in parking lot. Defendants fled.
2012-006707	Hummelhans Steven	1 <sup>st</sup> degree murder	Jury verdict	25/Life		yes	yes	<b>This murder was committed in 1988. Defendant kidnapped victim as he was locking up Dominos Pizza with the day's cash. Defendant placed bag over victims head, took him to the desert and fatally shot him.</b>
2012-006709	Roberts, Brandon (minor by one month)	1 <sup>st</sup> degree murder; attempted armed robbery; Minor with a firearm;	Jury verdict	25/Life				Defendant and co-defendant robbed 78 year old victim at gunpoint in the park and then fatally shot him in the head.



**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2012-006890	Robinson, Allen	1 <sup>st</sup> degree murder; Drive by shooting; Agg. Assault; Tampering with physical evidence	Jury verdict	25/Life, plus term(s) of years			yes	Defendant and co-defendant went to a Circle K and talked to the victims. When the victims drove away, the defendants followed them, defendant Brown driving. Defendant Brown pulled up to the driver and defendant Robinson fired multiple times into the car, killing one victim and injuring the other.
2012-006890	Brown, Robert	1 <sup>st</sup> degree murder; Drive by shooting; Agg. Assault;	Jury verdict	25/Life, plus term(s) of years			yes	Defendant and co-defendant went to a Circle K and talked to the victims. When the victims drove away, the defendants followed them, Defendant Brown driving. Defendant Brown pulled up to the driver and Defendant Robinson fired multiple times into the car, killing one victim and injuring the other.
2012-010207	Cortez, Ronald	1 <sup>st</sup> degree murder	Pled	25/Life		yes	yes	A 1996 cold case murder of a woman found along a desert road, shot execution style. DNA analysis in 2009 ID'd the Defendant.
2012-125141	Lopez, Brandon	1 <sup>st</sup> degree murder; 1 <sup>st</sup> degree burglary- x's 2; Armed robbery	trial	25/Life			yes	Defendant and co-Defendant attempted to rob a drug dealer at his home. He fought with a knife, stabbing Defendant, but was shot and killed. The defendants invaded a nearby home to steal their car at gunpoint so they could flee. During police pursuit, co-Defendant invaded two more homes before being captured. Defendant arrested at hospital with knife wounds.
2012-135551	Decker, Curtis	1 <sup>st</sup> degree murder; 1 <sup>st</sup> degree burglary	Jury verdict Guilty, M+	25/Life, plus term(s) of years			yes	Defendant cut on face during fight with Victim. Returned with a gun and shot Victim multiple times.

Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2012-134496	Jones, Leshon	1 <sup>st</sup> degree murder; Armed robbery; Possession of marijuana	COP, M1	25/Life				Gang-related drug deal gone bad. Defendant and co-Defendant arranged for marijuana purchase from Victim, but shot him instead and stole the drugs.
2011-005191	Apodaca, Jose	1st degree murder Robbery trafficking	trial	25/Life				Victim working on her laptop in front of her office. Defendant stole laptop, victim gave chase, grabbed Defendant's car and was dragged down the street. She hit her head and died.
2011-006379	Pruitt, Roy	Murder 1st deg-during crime; Sale/transp ortionation of dangerous drugs;	trial	25/life			yes	Defendant was trading drugs for electronics. Co-defendant holding the drugs while Defendant shot the victim.
2011-006385	Delgado-Paredes, Jorge	Murder 1st degree Conspiracy to commit illegal control of enterprise Illegal control of enterprise Assisting criminal syndicate	trial	25/life	yes	yes		Defendant and co-defendants kidnapped several victims. Victims were abused during captivity. Defendant's demanded ransom for their release. The defendants killed one victim, shooting him in the head and then burned the body in a dumpster. (Death and F6 withdrawn before trial)

Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
		Kidnap x 2 Armed robbery Aggravated assault Theft of means Misconduct involving weapons						
2011-006385	Palacios-Hernandez, Rogelio	1st degree murder Conspiracy to commit illegal control of enterprise Illegal control of enterprise Assisting criminal syndicate Kidnap x 2 Armed robbery Aggravated assault Theft of means	COP to 1st degree murder, stip life/25; Kidnaping stip 21 years concurrent	25/Life	yes	yes		Co-defendant to above

Maricopa County cases that included ARS 13-1105 (F1) convictions  
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Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2011-103286	Tye, Bennie	Murder 1st degree Armed robbery	Trial	life/25 Armed robbery: 10.5 years concurrent			yes	Victim was with a prostitute; Defendant and her boyfriend robbed victim and shot him to death.
2011-111299	Rayos, Gabriel	Murder 1st degree in the alternative, 2nd degree murder aggravated assault misconduct involving weapons	Defendant found guilty of 1st degree murder and agg assault after a trial  Plead guilty on misconduct	25/Life on murder  15 years on agg assault Consecutive to murder			yes	Victim and his ex wife were speaking outside a club. Defendant walked by and asked if everything was OK. Woman said everything was fine. Unaccountably, Defendant returned and started shooting at the victim.

**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2011-123571	Villareal, Jose	Murder 1st degree Burglary Kidnapping x 3 Misconduct w/ weapons	trial	25/Life		yes		Home invasion, woman gained the trust of one of the victims and led co-defendants to his home/business. One victim hit in the face with a machete. Defendants demanded wallets and were armed with a machete and a shotgun. Another victim struck over the head w/ the shotgun there was a struggle and one victim shot with the shotgun. Defendants were arguing about killing all the victims.
2011-123571	Hernandez, Michael	Murder 1st degree Burglary Kidnapping x 3	trial	25/life		yes		Co-Defendant to above
2011-123571	Villareal, Santos	Murder 1st degree Burglary Kidnapping x 3	trial	25/Life		yes	yes	Co-Defendant to above
2011-007684	Jones, George	1st degree murder	trial	25/Life		yes	yes	Defendant and his co-defendant entered the Westward Tavern armed with a gun. They ordered the patrons to lie down on the floor and give their wallets and purses. The victim had a bad back and could not get on the ground. He tried to explain but the defendants threw a beer bottle at him and then shot him twice.

**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/ Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2011-007901	Lee, Termaine	1st degree murder Assisting criminal street gang	Trial	25/Life				Defendant and co-defendant fatally stabbed Victim in 2005 because they didn't like how Victim was treating family members and others in the neighborhood. Victim's body was dumped elsewhere. DNA hit in 2012 linked murder to defendants.
2011-06332	Carimbocass, Crystal	First degree murder Child abuse x 2	trial	35/Life 28 years 13 years All consecutive	yes			Victim, a 4 year old child, died of blunt force trauma to head and body and 14 broken healing ribs and a broken healing pelvis
2011-142440	Ross, Christopher	Murder 1st deg-during crime Burglary Armed Robbery Kidnapping	Trial	25/Life	yes	yes		<b>Victim had checked into a hotel. Manager heard a scuffle in room above the manager's office. Victim was stabbed approx. 25 times and his wallet and other property stolen.</b>
2011-149656	Mitchell, Jamal	1st degree murder Attempted armed robbery Misconduct w/ weapons	trial	1st degree murder 25/life			yes	It appears that the Defendant and the Victim were going to do a drug deal involving three pounds of marijuana. The Defendant didn't have any marijuana but pretended that he had some in a back pack. The Defendant shot the victim killing him. Defendant is a sex offender w/ young and handicapped victims
2011-153124	Amador-Creane, Greg	1st degree murer Child abuse x 2	trial	35/Life 15 years on child abuse				Victim is 2 years old. Defendant is boyfriend of child's mom. Defendant dropped the child on the ground b/c he wasn't doing what he told him to do



Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2011-154102	Wiggins, David	1st degree murder (felony murder unlawful flight) or in the alternative 2nd degree murder Aggravated assault Unlawful flight Endangerment	trial	35/Life		yes	yes	Police believed Defendant was driving impaired. When the police tried to stop him, Defendant fled from them and ran a red light. Defendant struck a car containing and 11 year old and a 7 year old child. The 11 year old died. Defendant ran from the accident and tried to hide from the police. Upon discovery he was combative
2010-005932	Ojeda, Saul	1st degree murder x 2 [different victims] Kidnapping x 2	trial	25/Life		yes		Two victims were kidnapped and held for ransom. After the ransom was paid by their families, the victims were killed. This Defendant killed one of the victims.
2010-013094	Vega, Cecilia	Conspiracy to commit aggravated robbery Armed robbery Kidnap Theft of	Pled to M1, and other charges	25/Life		yes	?	Co-defendant's Celia Vega's mom lured victim out for date with Cecilia, beat him up; tied him up; taped his mouth and eyes shut and put him in the trunk of the car. The co-defendants showed him to several people who laughed at him; drank alcohol in front of him and refused to give him water. They left him in the trunk in the summer heat for 12 hours. His body was discovered days later when his car was towed.

Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
		means 1st degree murder Trafficking						
2010-048707	Harper, Louis	1st degree murder Armed robbery	Plea to 1st degree murder and armed robbery	25/Life And 15 years Count 1 consecutive to count 2	YES		yes	Victim, an ASU student, had his Laptop and cell phone stolen during a robbery; victim was shot and killed during robbery. This Defendant was the shooter.
2010-106738	Williams, Berry	1st degree murder 2nd degree murder [same v] Unlawful flight Endangerment Unlawful imprisonment shoplifting	trial	1st deg: 25/Life 2nd degree murder: 22 years Unlawful flight: 2 years Endangerment: 2.25 years concurrent				Defendant stole beer from a Circle K, fled from the police, ran red light and hit a car, killing the driver. Defendant had BAC of .121 and cocaine metabolite in system.

Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2010-110496	Cowan, Reuben	1st degree murder Burglary Attempted armed robbery x 2	Defendant took plea to 2nd and then w/drew and went to trial 1st deg conviction	1st degree murder: 25/Life Burglary: 10.5 years Attempted armed robbery: 7.5 years Attempted armed robbery: 7.5 years Murder case consecutive to lesser offenses			yes	Two men broke into Victim's house demanded money and then shot and killed him
2010-123998	Gonzalez, Adan	1st degree murder Burglary Kidnap Arson Aggravated assault	Pled to 1st degree murder	25/Life	yes	yes		Defendant Gonzalez asked the two Morenos gang members to beat up Victim for \$200. They agreed. Went to Victim's house, hit him, beat him brutally with pipe and bat; kicked/hit him in the face; Victim prone on floor said "that's enough guys;" so Morenos said they were done. As they turned to leave, they heard defendant beating Victim in head with pipe; Defendant left; returned to get a knife from Victim and found him dead; stole property from the house. Defendant slit Victim's throat, left, went back again, poured gasoline in the house and set it on fire

Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2010-123998	Moreno, Booz	1st degree murder Burglary Kidnap Arson Aggravated assault Misconduct w/ weapons x 2	Pled to 1st deg murder and agg assault.	25/Life 7.5 years on aggravate d assault		yes	yes	Co-defendant to above
2010-151248	Gonzales, Carlos	1st degree murder Armed robbery Kidnap Burglary	trial	Guilty of 1st degree murder Sentence d 25/life Theft: 3 years Kidnapping 10.5 years Burglary 10.5 years			yes	Drug deal gone bad. Defendant arranged a drug deal between the Victim and Co-defendants; went to the Victim's apartment, Defendant pulled out a handgun and forced second Victim to the floor; Defendant and Co-Defendant fatally shot Victim; Defendant and Co-d took Victim's marijuana and fled robbery.
2010-152235	Esquer, Eligio	1st degree murder burglary	Pled to 1st deg	25/life		yes		Defendant followed his ex-wife to work and chased down her and her boyfriend and shot him multiple times
2010-158472	Pack, Darius	First degree murder	Pled to 1st deg	25/Life				Another robbery in drug deal. Victim's girlfriend and 2 yr old son present; co-defendant pointed gun at girlfriend and 2 year old and ordered them to the ground. After a struggle over the gun, v shot in the chest.

**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
		Attempted armed robbery Kidnap Aggravated assault Burglary						
2010-158472	Ewing, Dominique	First degree murder Attempted armed robbery Kidnap Aggravated assault burglary	Pled to 1st deg	25/Life				Co-defendant to above
2010-165621	McCleary, Corey	1st degree murder Burglary Disorderly conduct	Plea to 1st degree murder, burglary and disorderly conduct	25/Life			yes	Defendant got into an argument with his dad; his dad was paralyzed drunk; defendant shot his dad.
2010-106775	Dominguez, Eric	1st degree murder Armed robbery Burglary Kidnapping x 3	1st degree plea	25/Life	yes	yes	yes	<b>Victim was found beaten and bound. He had been stabbed and cut. Defendant admitted to arguing w/ the Victim and beating him. The floor-safe in the house was open and empty.</b>



## Maricopa County cases that included ARS 13-1105 (F1) convictions where the sentence was less than natural life 2008-2013

Case Num	Defendant Name	Charge(s)	Plea/Trial	Sentence	DP	F6	Priors	Description
2009-005708	Haider, Abdulla	1st degree murder x 2 (different victims)	Trial	25/Life x2, consecutive				Defendant is from Iraq. He was living with his sister. His sister was told by one of the victims that the defendant was behaving inappropriately at a club. Defendant was enraged that his sister was told this and said he would kill the victims. The first victim was shot behind Safeway. T defendant is alleged to have then phoned his sister telling her of the murder and promising to kill her husband. And then he did.
2009-007906	Sanchez, Sergio	Conspiracy to commit armed robbery Armed robbery 1st degree murder	Plea to 1st degree murder	25/Life			yes	Defendant and his pals conspired to rob the victim, a drug dealer. When victim arrived to deal the drugs, defendant put him in a headlock put a gun to his head and shot him. Defendant went through his pants pockets as he was dying.
2009-048714	Struebmg, Charles	1st degree murder Misconduct w/ weapons Kidnapping X2 Aggravated assault Armed robbery	Plea to 1st degree murder	25/Life	yes		yes	Victim's companion arranged for victim to buy marijuana from the defendant. Instead the defendant and his pals threatened the victim with weapons robbed him and then shot him.



**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/ Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2009-115945	Thorton, Craig	1st degree murder Attempted armed robbery Burglary 1st	trial	25/Life				Home invasion. Defendant and co-defendants kicked in the door to the house and started shooting. Defendants were under the misimpression they would find a large amount of cash and drugs inside. The victim inside had recently returned from college and was living in his brother's home. When the shooting started the victim jumped out the window. Police found him with numerous gunshot wounds.
2009-138226	Coker, Jack	1st degree murder Burglary 1st Kidnap x 3 Armed robbery x 2 Unlawful flight	Plea to 1st degree murder and armed robbery	25/Life	Yes	yes	yes	<b>Defendant killed a 74 year old man with a hatchet, striking him in the head. The victim was also shot by a shotgun in the torso. Defendant took the man's truck and then robbed at gunpoint two Subway restaurants.</b>
2009-157077	Madden, Kathleen	Burglary 2nd x 2 Aggravated robbery Kidnapping 1st degree murder Theft Promoting prison contraband	plea	25/Life	yes	yes	yes	Defendants planned to rob the victim and went to his house and hog tied him with electrical cord. Victim died of a heart attack caused by the stress of the position in which he was placed.

**Maricopa County cases that included ARS 13-1105 (F1) convictions  
where the sentence was less than natural life 2008-2013**

<b>Case Num</b>	<b>Defendant Name</b>	<b>Charge(s)</b>	<b>Plea/Trial</b>	<b>Sentence</b>	<b>DP</b>	<b>F6</b>	<b>Priors</b>	<b>Description</b>
2008-005715	Moore, Jeff Lee	1st Degree Murder; Kidnapping Burglary; TOMOT; Agg Robbery	COP, Murder 1	Life w/ poss of parole in 25 years	Yes		yes	Codefendants forcibly gained entry into victim's home. They tortured (sodomized) victim to reveal financial information and bound him to an office chair. They bound his eyes, ankles and mouth with various types of tape, skate laces, and climbing rope. They also bound his legs and neck to the chair. A racquet ball was placed in his mouth and a gag tied over it. They placed him a closet where he died of asphyxiation and blunt force trauma. The defendants stole the victim's car, cash from an ATM and used it to gamble at a casino. They returned to the victim's home to steal his belongings and left when they heard the victim's employer in the house. Taken from State's motion to continue notice of death.
2008-006051	Nunez, Joshua	1st Degree Murder; Conspiracy to commit 1st degree; Assisting Crim Street Gang; MIW.	COP, 1st degree Murder	25/Life	yes		yes	Two victims, Zamarron and Romero, were shot numerous times when leaving a bar. Zamarron was a member of the Mexican Mafia and Harvill, another codefendant in a rival faction of the Mexican Mafia, issued orders to have Zamarron killed for selling drugs from a bar. Harvill passed a phone number to Mendoza, who then gave it to Nunez. Nunez shot the victim dead, and female victim survived, unwilling to aid in prosecution.
2008-006370	Hutchinson Otto, a minor	1st Degree Murder; MIW	COP, First Degree murder	25/Life				Police found 16 year old victim dead in the street with multiple gunshot wounds: one in the back, two in the chest, and one in the face. Witnesses said that defendant walked victim down the street with an unknown subject. Victim appeared frightened. The victim and defendant knew each other and had an ongoing dispute.
2008-006436	Alvidez, David	Conspiracy to commit burg; burg; 1st degree	Jury verdict, 1st degree murder x3	25/Life x 3				Defendant, with two other unidentified suspects, went to victims' home to rob them of meth and money. Two of the victims were known to defendant to allegedly trafficking drugs. Defendant dropped the two suspects off and left the area. The two suspects then lay in wait for

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		murder x3						victims to return to house. Four people returned to the home: the two alleged drug traffickers, a trafficker's brother, and a female friend. All four victims were bound and shot, despite pleading for their lives. Three died: the traffickers and brother died, the female friend survived with serious injuries. Alvaridez was indicted under Felony Murder.
2008-007887	Canada, Jermain	1st degree murder; burg; MIW	COP 1st Degree	25/Life, plus term of years			yes	While on release and with historical F2 priors, Defendant was seen on surveillance walking into a 7-11 with his 2 year old son in one arm, and 6 year old child. Defendant spoke with the clerk for about four minutes, shifted the 2 year old to his other arm, pulled a revolver and shot the clerk dead. Victim was 62. Then told the 6 year old they had to run. Defendant high on meth.
2008-030208	Lee, Todd a minor	1st degree murder; assisting cr street gang; miw x2; discharge of firearm at structure; agg assault x2	Jury verdict 1st degree	25/Life, plus term of years			yes	Murder while on release with serious other offenses. Defendant a member of the Lindo Park Crips. Victim a member of Vista Bloods. Gang-related shooting. No other information available.
2008-030235	McDaniel, Tyrell, a minor	1st Degree Murder (DCAC); Child abuse x3 (DCAC)	COP, 1st degree	35/Life		yes		17 year old defendant was infant victim's biological father. Victim was born to Denisha Brewster, who was 10 years older than defendant. Denisha agreed to let defendant have an overnight visit. He called 911 and claimed that the baby ran into a planter and fell. He iced the baby's head and put him down for a nap. He went outside to get cigarettes and returned to find baby not breathing. Forensic

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								pediatrician ruled the injuries were from shaking and impact. A bone survey showed widened sutures, indicative of increased intracranial pressure. A CT scan showed left subdural hematoma, diffuse cerebral edema. The baby had bruises on his right forehead, over the nose, above the left nostril, on the left forehead, on the left scalp, on the left cheek, near the left ear, and on the right cheek. There were also bruises on his torso, mid-chest, right lower chests, left lower chest, stomach, pubic area and penis. He was bruised everywhere.
2008-031252	Vasquez, Felix, a minor	1st degree murder; armed robbery; TOMOT; arson of structure /property	Jury Verdict, M1 +	25/Life, plus term of years				Defendant killed Victim in robbery and then set fire to Victim's car. Benjamin Cannon and coddefendant Felix Vasquez were almost 16 years old at the time of the offense. Benjamin and Felix snuck out of their homes at about 11:30 pm and decided to carjack someone in order to attend a party in Goodyear. Felix lay in the road while Benjamin hid behind a pillar. The victim pulled his car over to check on Felix. Benjamin ran out from behind the pillar and shot the victim in the chest. They tried to get into the vehicle but it was locked. Benjamin reached into the victim's pockets and took out the keys. They drove away, leaving the victim to die on the median of the roadway. They took his car and dumped the victim's baby seat and stroller in the desert. They burned the vehicle. Benjamin told police that Felix was shooter and he was the bait. Felix says Benjamin was shooter and he was the bait.
2008-031252	Cannon, Benjamin, a minor	1st degree murder; armed robbery; TOMOT; arson of structure /property	Jury Verdict, 1st degree murder	25/Life, plus term of years				Co-Defendant to above

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2008-031287	Quintero, Jose, a minor	1st degree murder; Kidnapping sex assault	Jury Verdict,	25/Life plus term of years		Yes		Defendant killed Victim in kidnapping/sexual assault. Defendant Quintero was upset because his girlfriend broke up with him. He saw the victim walking down the street and she allegedly called him a racial slur which set him off. The victim had a history of medical and substance abuse issues, recently had a stroke and sometimes walked with a cane. Defendant grabbed her by the hair and pulled her into an empty field and kicked and stomped on her for about 30 minutes. He sexually assaulted her with a stick. Her death was not immediate and was painful. She had numerous broken bones, injuries to internal organs and her face was not recognizable when the police found her.
2008-162645	Wegele, Paul	1st degree; burg	Jury verdict	25/Life, plus term of years		Yes		Victim, a teacher, had allowed Defendant to live in his home. Defendant, claimed God told him to kill Victim, who was Satan, and aliens and the CIA were watching. Victim found, stabbed repeatedly, kneeling in pool of blood next to phone after calling 911; Defendant found hiding in closet.
2008-167084	Fredericks, Alexander	1st degree; Armed robbery burglary	COP, M1 +	25/Life, plus term of years				Defendant fatally shot a convenience store clerk during theft of two 30-packs of beer.
2008-171510	Holguin-Duarte, Alvaro	Child abuse F2; 1st degree; Child abuse F4; All DCAC	COP, M1	35/Life	yes			Defendant killed girlfriend's 3 year old daughter. Defendant was baby-sitting six children. Paramedics found 3 year old covered in bruises and not breathing. Other children said Defendant struck Victim for soiling her pants, then he stomped on Victim's chest.
2008-175759	McDaniel, Tyrell	1st Degree x2; armed	COP, M1	25/Life	yes			Gang-related robbery leads to shooting death of 66 year old man.



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2008-176637	Escalante, Gregorio	robbery 1st degree; armed robbery x2; agg assault; MIW	COP, M1	25/Life	yes		yes	Armed Robbery x 2, aggravated Assault, and Murder 1, per State. Additional description not immediately available.



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2 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of April, 2015.

3 WILLMOTT & ASSOCIATES

4  
5 By: /s/ Jennifer L. Willmott  
6 JENNIFER L. WILLMOTT  
7 Attorney for Ms. Arias  
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9  
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11 Copy of the foregoing mailed/  
12 delivered this 10<sup>th</sup> day of  
13 April 2015, to:

14 Clerk of the Court  
15 175 W. Madison  
16 Phoenix, AZ 85003

17 Hon. Sherry Stephens  
18 Judge of the Superior Court  
19 175 W. Madison  
20 Phoenix, Arizona 85003-2243

21 Juan Martinez  
22 Deputy County Attorney  
23 301 W. Jefferson  
24 Phoenix, Arizona 85003

25  
26  
27  
28 JLW/aj