

FILED

8/31/22

GARY L. HARRISON, Clerk

um WRO

Deputy

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. JAVIER CHON-LOPEZ

CASE NO. CR20212921-001

COURT REPORTER: Debora Moore
Courtroom - 478

DATE: August 29, 2022

STATE OF ARIZONA

Todd C. Lawson, Esq. counsel for State

VS.

VICTOR MANUEL AGUIRRE (-001)
Defendant

Anne Elsberry, Esq. counsel for Defendant

DATE OF BIRTH: 1/5/1975

MINUTE ENTRY

SENTENCE OF IMPRISONMENT

Defendant present, in custody.

The Defendant is advised of the charge and the determination of guilt, and all parties are given the opportunity to make recommendations/statements to the Court.

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

WAIVER OF TRIAL--The Defendant knowingly, intelligently, and voluntarily waived his right to a trial with or without a jury, his right to confront and cross-examine witnesses, his right to testify or remain silent, his right to present evidence and call his own witnesses, and his right to review after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

Upon due consideration of the offense, and the facts, law and circumstances involved in this case, and having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT OF THE COURT that the Defendant is guilty of AMENDED COUNT TWO: ATTEMPTED ILLEGAL VOTING, a Class Six Felony, nondangerous, nonrepetitive offense, in violation of A.R.S. §§ 13-1001, 16-1016.1 committed on October 22, 2020 through November 3, 2020.

THE COURT FINDS that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

AS PUNISHMENT, IT IS ORDERED that the Defendant be incarcerated in the Arizona Department of Corrections for a minimum term of ZERO POINT FIVE (0.5) YEARS, commencing on August 29, 2022. The

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MINUTE ENTRY

Defendant shall be given credit for THIRTY-SIX (36) DAYS time served.

IT IS FURTHER ORDERED that the Defendant shall serve a term of community supervision in accordance with A.R.S. § 13-603(I).

THE COURT FINDS the following mitigating circumstances: acceptance of responsibility, family and community support, genuine belief that if he were not qualified the voter registration would be cancelled.

IT IS ORDERED remanding the Defendant to the custody of the Sheriff of Pima County, authorizing the Sheriff of Pima County to deliver the Defendant to the custody of the Arizona Department of Corrections, and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED that the Clerk of the Court shall remit to the Department of Corrections a copy of this order, plus all presentence reports, probation violation reports, medical and psychological reports relating to the Defendant and involving this cause.

IT IS ORDERED that the Defendant shall pay the following:

1. Attorney's fees in the amount of \$400.00.
2. Indigent Administrative Assessment Fee in the amount of \$25.00.
3. Probation Assessment in the amount of \$20.00.
4. Surcharge Assessment in the amount of \$13.00.
5. Victim Rights Enforcement Fund Fee in the amount of \$2.00.
6. Victim Rights Assessment in the amount of \$9.00.

The Court retains jurisdiction of the case for purposes of ordering, modifying and enforcing the manner in which court-ordered payments are made until paid in full or until the Defendant's sentence expires, such payment to include but not limited to:

A restitution order in favor of any person entitled to such; along with fines, costs, incarceration costs, fees, surcharges or assessments imposed.

IT IS ORDERED that any outstanding bond that has not been previously referred for a bond forfeiture proceeding is hereby exonerated.

IT IS ORDERED, pursuant to the plea, that all remaining counts and allegations shall be dismissed as to this cause number only.

The Defendant is advised of his Notice of Rights of Review and Notice of Right to Apply to Have Conviction Set Aside, signs, and receives a copy of same.

Let the record reflect that the Defendant's fingerprint is permanently affixed to the signature page of this

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MINUTE ENTRY

sentencing order in open court.

Order Directing the Pima County Recorder to Revoke the Registration of Victor Manuel Aguirre signed.

FILED IN COURT: Commitment Order; Presentence Report; Notice of Rights of Review; Notice of Right to Apply to Have Conviction Set Aside; Order Directing the Pima County Recorder to Revoke the Registration of Victor Manuel Aguirre

Javier Chon - Lopez
HON. JAVIER CHON-LÓPEZ

(ID: c59b28a3-b401-4ea4-998e-9ca2c3b120c9)



- cc: Hon. Javier Chon-Lopez
- Anne Elsberry, Esq.
- Todd C. Lawson, Esq.
- Adult Probation
- Clerk of Court - Accounting Unit
- Clerk of Court - Appeals Unit
- Clerk of Court - Criminal Unit
- County Attorney - Victim Notification
- DOC (1 certified) w/ PSR 9/10/22
- Pretrial Services
- AA Sheriff of Pima County (3 certified) w/ PSR 9/10/22

M. Whitehead
Deputy Clerk