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WILLIAM G. MONTGOMERY
MARICOPA COUNTY ATTORNEY

Jeanine M. Sorrentino
Deputy County Attorney
Bar ID#: 016033
301 West Jefferson, 5th Floor
Phoenix, AZ 85003
Telephone: (602)506-8556
mcaomjc2@mcao.maricopa.gov
MCAO Firm # 000320000
Attorney for Plaintiff

DR 201101166203-Phoenix Police Department
CA2013039369

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RAMON CASIMIRO PERAZA VIERA	)	CR 2013-447910-001
	)	
Defendant.	)	596 GJ 272
	)	
	)	INDICTMENT
	)	
	)	COUNT 1: SEXUAL CONDUCT WITH A MINOR,
	)	A CLASS 2 FELONY AND A DANGEROUS CRIME
	)	AGAINST CHILDREN

The Grand Jurors of Maricopa County, Arizona, accuse RAMON CASIMIRO PERAZA VIERA, on
this 10th day of October, 2013, charging that in Maricopa County, Arizona:

COUNT 1:

RAMON CASIMIRO PERAZA VIERA, on or between the 1st day of May, 2003 and the 1st day of
May, 2005, intentionally or knowingly engaged in sexual intercourse or oral sexual contact with
VICTIM A, who was a minor under the age of fifteen years, in violation of A.R.S. §§ 13-1401, 13-1405,
13-3821, 13-610, 13-604.01, 13-701, 13-702, 13-702.01, and 13-801.

APPENDIX A

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

RAMON CASHIRO PERAZA VIERA,
DOB: 9/10/1979 Booking #: T016537

Defendant.

CR2013-447910-001

PLEA AGREEMENT

The State of Arizona and the Defendant hereby agree to the following disposition of this case:

Plea: The Defendant agrees to plead **GUILTY** to:

Count 1 (As Amended): ATTEMPTED MOLESTATION OF A CHILD, A CLASS 3 FELONY AND DANGEROUS CRIME AGAINST CHILDREN* in violation of A.R.S. §§ 13-1401, 13-1410, 13-1001, 13-3821, 13-902, 13-604.01, 13-610, 13-705, 13-701, 13-702, 13-702.01, and 13-801 committed on or between May 1 2003, and May 5, 2005.

Count 2 (As Amended) INDECENT EXPOSURE TO A MINOR, A CLASS 6 DESIGNATED FELONY in violation of A.R.S. §§ 13-1402, 13-902, 13-601, 13-701, 13-702, and 13-801 committed on or between May 1 2003, and May 5, 2005.

*Victim A DOB 5/1/1999

This is a **non-dangerous, non-repetitive** offense under the criminal code.

Terms: On the following understandings, terms and conditions:

RPI 1 **Count 1:** The crime carries a presumptive sentence of **10** years; a minimum sentence of **5** years; and a maximum sentence of **15** years. Probation is available.

HC **Count 2:** ~~Count 2:~~ The crime carries a presumptive sentence of **1** years; a minimum sentence of **.5** years; a mitigated sentence of **.33** years; a maximum sentence of **1.5** years; and an aggravated sentence of **2** years. Probation is available.

All Counts: Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is **\$150,000.00** plus an **84% surcharge**. If the Defendant is sentenced to prison, the Defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the Defendant fails to abide by the conditions of community supervision, the Defendant can be required to serve the remaining term of community supervision in prison. Within 30 days of being sentenced, pursuant to A.R.S. §13-610, the defendant shall provide a sufficient sample of blood or other bodily substance for deoxyribonucleic acid (DNA) testing and extraction to be used for law enforcement identification purposes and/or for use in a criminal prosecution and/or for use in a proceeding under title 36, chapter 37. Special conditions regarding the sentence imposed by statute (if any) are Pursuant to A.R.S. §13-902, the Defendant may be placed on probation for a lifetime term. The defendant shall pay a \$500 assessment to the court, to be transmitted pursuant to A.R.S. § 13-824 to the county treasurer, to defray the cost of medical or forensic interview expenses under A.R.S. 13-1414. The defendant shall pay a \$50 assessment, within the Court's discretion, to be transmitted pursuant to ARS 12-116.05 to the Address Confidentiality Program. Count 1: Pursuant to A.R.S. §13-3821, the defendant must register as a sex offender.

APPENDIX B

RPV 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7: **Count 1: Defendant shall be sentenced to a term of no less than TEN (10) and no greater than FIFTEEN (15) years in the Arizona Department of Corrections. Count 2: Defendant shall be placed on lifetime supervised probation upon his release from the Department of Corrections for Count 1. All Sex Offender and Computer Usage terms shall apply. All Counts: Defendant shall have no contact whatsoever with the victims. Defendant shall pay restitution for all economic loss to all victims, for all counts and/or events, including dismissed counts, amended counts, and counts not filed pursuant to agreement, and/or their insurance companies, and/or MCAO Victims Compensation Bureau, resulting from Phoenix Police Department DR 201101166203 and any supplements, in an amount not to exceed \$150,000.00 regardless of who caused the loss.**

RPV 3. The following charges are dismissed, or if not yet filed, shall not be brought against the Defendant by the Maricopa County Attorney's Office: **None.**

RPV 4. This agreement serves to amend the complaint, indictment, or information, to charge the offense to which the Defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

RPV 5. If the Defendant is charged with a felony, he hereby waives and gives up his rights to a preliminary hearing or other probable cause determination on the charges to which he pleads. The Defendant agrees that this agreement shall not be binding on the State should the Defendant be charged with or commit a crime between the time of this agreement and the time for sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by the Defendant and his attorney, to-wit: **Defendant avows NO prior adult felony convictions in any jurisdiction under any names. Defendant avows he WAS NOT on adult felony probation, community supervision, or release on any basis, at the time of the offense. Defendant avows he has no pending felony matters in any jurisdiction under any names.** If the Defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement. In the event the court rejects the plea, or either the State or the Defendant withdraws the plea, the Defendant hereby waives and gives up his right to a preliminary hearing or other probable cause determination on the original charges.

RPV 6. Unless this plea is rejected by the court or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he has made or raised, or could assert hereafter, to the court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement. By entering this agreement, the Defendant further waives and gives up the right to appeal.

RPV 7. The parties hereto fully and completely understand and agree that by entering into a plea agreement, the defendant consents to judicial fact finding by preponderance of the evidence as to any aspect or enhancement of sentence and that any sentence either stipulated to or recommended herein in paragraph two is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. The State's participation in this plea agreement is conditional upon the Court's acceptance its terms conditions or provisions. If after accepting this plea the court concludes that any of the plea agreement's terms conditions or provisions regarding the sentence or any other aspect of this plea agreement are inappropriate, it can reject the plea. If the court decides to reject any of the plea agreement's terms conditions or provisions, it must give both the state and the Defendant an opportunity to withdraw from the plea agreement. Should the Court reject this plea agreement, or the State withdraws from the agreement, the Defendant hereby waives all claims of double jeopardy and all original charges will automatically be reinstated. The Defendant in such case waives and gives up his right to a probable cause determination on the original charges.

RPV 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the Defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

RPV 9. This plea agreement in no way affects any forfeiture proceedings pursuant to A.R.S. §13-4301 et seq., §13-2314, or §32-1993, if applicable, nor does the plea agreement in any way compromise or abrogate any civil actions,

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PLEA AGREEMENT

including actions pursuant to A.R.S. §13-2301 et seq. or §13-4301 et seq., or the provisions of A.R.S. §13-2314 or A.R.S. §13-4310.

10. I understand that if I am not a citizen or if I am a naturalized citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

11. I have read and understand the provisions of pages one, two, and three of this agreement. I have discussed the case and my constitutional rights with my lawyer. My lawyer has explained the nature of the charge(s) and the elements of the crime(s) to which I am pleading. I understand that by pleading **GUILTY** I will be waiving and giving up my right to a determination of probable cause, to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated above in paragraph one, to confront, cross-examine, compel the attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence and right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph one, without limitation.

I have personally and voluntarily placed my initials beside each of the above paragraphs and signed the signature line below to indicate that I read, or had read to me, understood and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and not the result of force, or threat, or promises other than those contained in the plea agreement.

DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.

Date:

12/2/14

Defendant

Ramon Peraza Viera
RAMON CASIMIRO PERAZA VIERA

I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.

Date:

12/2/14

Defense Counsel

Herman Alcantar
Herman Alcantar

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date:

12/2/14

Prosecutor /s/

Kathleen Campbell
Kathleen Campbell

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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02/18/2015

HON. PAMELA GATES

CLERK OF THE COURT
J. Young/E. Rosel
Deputy

STATE OF ARIZONA

KATHLEEN CAMPBELL

v.

RAMON CASIMIRO PERAZA VIERA (001)
DOB: 9/10/1979

DAVID PAUL LISH

APO-SENTENCINGS-CCC
APPEALS-CCC
AZ DOC
CITS - CCC SPANISH
DISPOSITION CLERK-CSC
MCSO-ATTN RECORDS MANAGER
RFR
US IMMIGRATION AND CUSTOMS
ENFORCEMENT

SENTENCE - IMPRISONMENT AND PROBATION

9:39 a.m. This is the time set for Sentencing.

Courtroom SCT 8C

State's Attorney:	Kathleen Campbell
Defendant's Attorney:	David Lish
Defendant:	Present
Interpreter:	Fabiola Cerezo
Court Reporter:	Trevi Colwell

The plea is accepted.

Count(s) 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (as amended) Attempted Molestation of a Child
Class 3 Felony and DCAC
A.R.S. § 13-1401, -1410, -1001, -3821, -902, -604.01, -610, -705, -701, -702, -702.01
and -801

Date of Offense: on or between May 1, 2003 and May 5, 2005
Non Dangerous - Non Repetitive

OFFENSE: Count 2 (as amended) Indecent Exposure to a Minor
Class 6 Felony
A.R.S. § 13-1402, -902, -601, -701, -702 and -801
Date of Offense: on or between May 1, 2003 and May 5, 2005
Non Dangerous - Non Repetitive

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

Count 1: 10 year(s) from 2/18/2015
Presentence Incarceration Credit: 506 day(s)
Presumptive

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the
term of probation in Count 2.

In the event the Defendant is released by the Department of Corrections on a temporary
release basis, and a term of Community Supervision has been waived, the length of probation
shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-
901(B).

The Court is suspending imposition or execution of sentence and, under the supervision
of the Adult Probation Department (APD), placing the Defendant on probation for:

Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 2: For a period
of LIFETIME.

Conditions of probation include the following:

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Condition 5 - If deported or processed through voluntary departure, will not return to the United States without legal authorization during the term of probation, and all conditions remain in effect except for

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month.

SEX OFFENDER REGISTRATION FEE: Count 2 - \$250.00.

PROBATION ASSESSMENT: Count 2 - \$5.00.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 2: \$50.00 to the Address Confidentiality Program, payable \$50.00 per month, beginning (tbd).

Count 2: \$500.00 for Dangerous Crimes Against Children or Sexual Assault.

Payment to commence on a date to be determined and is due on the same day of each month thereafter until paid in full.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Sex Offender
Computer Usage: Ownership and Monitoring

Pursuant to A.R.S. § 13-3821(K), notification is made to the Sheriff of Maricopa County, Arizona.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 2: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

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The Court has been informed that Defendant was born in Mexico. In addition, the Court has been presented with sufficient evidence that Defendant has been identified by federal authorities or a 287(g) officer as a person who is unlawfully present in the United States. Pursuant to A.R.S. § 11-1051(C) and Supreme Court Administrative Order 2010-91, the clerk shall send a copy of this order to the United States Immigration and Customs Enforcement Agency.

9:49 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. PAMELA GATES
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)