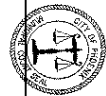


CIVIL DIVISION
SUPPORT SERVICES

2009 APR -1 PM 3:56

1 MARGARET A LOPEZ, 020441
Assistant City Prosecutor
2 P.O. Box 4500
Phoenix, Arizona 85030-4500
3 (602) 262-6461/FAX (602) 534-9806
Attorney for State



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4
5 IN THE MUNICIPAL COURT OF THE CITY OF PHOENIX
6 COUNTY OF MARICOPA, STATE OF ARIZONA

7 STATE OF ARIZONA,)
8)
9 Plaintiff,) MISDEMEANOR COMPLAINT
10 vs.)
11) No: 20099004905
12 RAYMOND SAMUEL MCLEOD,)
13 10/03/1983,)
14 Defendant.)

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PHOENIX CITY PROSECUTOR
P.O. Box 4500
Phoenix, Arizona 85030-4500
(602) 262-6461

15 The undersigned being first duly sworn, complains on information and belief that
16 defendant committed a misdemeanor in Phoenix, Maricopa County, Arizona, as follows:

17 COUNT 1

JUN 15 2009

18 On or about February 10, 2009, the defendant assaulted another person, to wit: KRISTIN
19 MARIE MCLEOD, in violation of an order of protection issued against the defendant pursuant to
20 Sections 13-3602 or 13-3624, a Class 1 misdemeanor, in violation of Arizona Revised Statutes,
21 Sections 13-1204A7, 13-1203 13-604, 13-3601A (DV) and 13-3981B.

22 COUNT 2

23 On or about February 10, 2009, the defendant assaulted another person, to wit: RAYMOND
24 SAMUEL MCLEOD, III, when the defendant was eighteen years of age or older and the assault was
on a child who is fifteen years of age or under, a Class 1 misdemeanor, in violation of Arizona
Revised Statutes, Sections 13-1203, 13-1204A6, 13-604, 13-3601A (DV) and 13-3981B.

COUNT 3

COMPLAINT
20099004905



RAYMOND SAMUEL MCLEOD

Page: 2 of 2

1 On or about February 10, 2009, the defendant recklessly endangered another person, to wit:
 2 RAYMOND SAMUEL MCLEOD, III, with a substantial risk of physical injury, a Class 1
 3 misdemeanor, in violation of Arizona Revised Statutes, Sections 13-1201A, 13-3601A (DV) and 13-
 4 3981B.

5 Subscribed and sworn to before me
 6 this 27 day of MARCH, 2009
 7 James G. Carter
 8 Judge of the Municipal Court

PHOENIX CITY PROSECUTOR

By: MARGARET A LOPEZ, 020441
 Assistant City Prosecutor

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PHOENIX CITY PROSECUTOR
 P.O. Box 4500
 Phoenix, Arizona 85030-4500
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IN THE MUNICIPAL COURT OF THE CITY OF PHOENIX
COUNTY OF MARICOPA, STATE OF ARIZONA

STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 RAYMOND MCLEOD,)
)
 Defendant.)

**DOMESTIC VIOLENCE DIVERSION
PROGRAM PLEA AGREEMENT**

No(s): 20099004905-01, 02, 03



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The State of Arizona and the defendant agree, by the terms and conditions of this document, to the following disposition of this case:

- I That the defendant pleads **Guilty** to:
20099004905-01, A.R.S. § 13-1204(A)(7), Aggravated Assault, Class 1 Misdemeanor.
- II That the defendant will receive the following sentence:
20099004905-01, A.R.S. § 13-1204(A)(7):
 - **36 months probation;**
 - **10 days in jail;**
 - **5 days in jail suspended upon successful completion of the Domestic Violence Counseling program;**
 - **Pay jail costs as imposed by the Court, pursuant to A.R.S. § 13-804.01(B);**
 - **Complete the assigned Domestic Violence Counseling Program;**
 - **Contact the Program and schedule an intake within 5 days and make arrangements to enroll in the Program, attend all mandatory counseling sessions and complete any additional treatment required by the Program;**
 - **Do not threaten, harm, or harass the victim(s); *Kristen McCleod***
 - **Defendant admits the relationship with the victim falls within the required relationships as defined by A.R.S. § 13-3601(A) and the offense(s) pled to constitute(s) domestic violence.**
- III. That the following charges are dismissed or, if not yet filed, shall not be brought against the defendant:
20099004905-02, A.R.S. § 13-1204(A)(6), Aggravated Assault, Class 1 Misdemeanor;
20099004905-03, A.R.S. § 1201(A), Endangerment, Class 1 Misdemeanor.
- IV That departmental report #2009 90232047 is incorporated by reference in the Court's record for determining a factual basis
- V. That this agreement serves to amend the complaint(s) to charge the offense(s) to which the defendant pleads
- VI That this Plea Agreement does not preclude any other remedies authorized by law including forfeiture and civil racketeering remedies and recovery costs of emergency response. The defendant understands that, pursuant to A.R.S §§ 13-807, 13-2314(H) and 13-4310(C), he/she is precluded from denying in any civil proceeding the essential allegations for the criminal offense of which the defendant is convicted. The defendant further understands that a guilty plea, no contest plea, or a plea pursuant to *North Carolina v Alford*, 400 U.S. 25, 91 S.Ct 160, 27 L.Ed.2d 162 (1970), all result in a conviction.
- VII The Court shall suspend the entry of judgment and imposition of sentence for a maximum of 365 days on the following conditions:
 - The defendant is assigned to the Domestic Violence Diversion Program (hereinafter "Program") and will contact the Program within 5 business days at 480-649-3352 or 4620 N. 16th Street Suite A-104 to schedule an intake. The intake must be completed within 30 days of signing this Plea Agreement followed by the defendant actively attending counseling sessions. The defendant understands that if, while enrolled in the program, he/she is arrested for any criminal offense, he/she may be terminated from the Program and the State will move the Court to enter a judgment and impose sentence.
 - The defendant agrees to pay all intake and Program fees before completing the Program. A payment plan may be arranged during the intake session. Weekly payments may be accepted.
 - The defendant shall attend and participate in all of the Program's mandatory counseling sessions and complete any additional treatment required by the Program. The length of the program will be determined at the time of

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RAYMOND MCLEOD

intake. The defendant shall fully cooperate with SAGE Counseling, Inc. staff (hereinafter "Provider") and attend all scheduled services as directed by the Provider. Services will include group sessions and may include individual counseling, substance abuse services, other behavioral health services, and support groups. If unable to attend a scheduled session, the defendant must call the Provider staff prior to the class. The Program must be completed by the target date set at the intake session.

- The defendant shall immediately provide, in writing, to the Provider staff all changes of address and telephone numbers. The defendant agrees to immediately inform the Provider staff, in writing, if he/she is charged with any offense, excluding civil traffic violations, while enrolled in the Program.
- The defendant agrees to appear at any Court setting scheduled during completion of the Program, and that if he/she fails to successfully complete the Program, he/she will appear at all future court settings.
- The defendant is required to pay restitution, pursuant to A.R.S. § 13-603, to persons who have suffered economic loss as a result of the criminal conduct to which the defendant is pleading guilty. If there is restitution to be paid, the defendant will make full restitution to the victim in an amount not to exceed \$100,000.00. The Provider staff will explain how arrangements will be made to pay restitution. Restitution must be paid in full before the Program is completed and the case dismissed. If the Court does not order the defendant to pay restitution at this time, the Court may at a later time order restitution as required by law, in addition to the sentence imposed by this plea agreement, subject to the right to a hearing to determine the proper amount of restitution, in an amount not to exceed \$100,000.00. The victim may request restitution until the time the case is dismissed. The victim has the right to refuse any restitution arrangements or findings. The victim may appear before the Court and oppose the dismissal of the charge(s).
- The defendant shall not threaten, harm, or harass the victim. Defendant agrees to comply with any terms of release that have been imposed by the Court.
- Providing false information or failing to comply with any condition will result in judgment being entered and the sentence imposed.

- VIII. The defendant understands that to be eligible for the Domestic Violence Diversion Program, the victim cannot be fifteen (15) years of age or younger; no injury, other than very minor injury, were a result of the current charge(s), and that discovery of an additional, more severe, injury at a later date will result in the defendant being ineligible for a dismissal of the charge(s), the current charge(s) cannot involve more than two charges or more than one victim, except multiple victims of A.R.S. § 13-2904(A)(1) and (A)(3); the current offense cannot involve: Indecent Exposure, Public Sexual Indecency, Contributing to the Delinquency/Dependency of a Minor, Child Neglect, Child Abuse, Driving Under the Influence of Liquor, Minor Driving with Alcohol in the Body, Prostitution, or Providing False Information to a Police Officer.
- IX. The defendant avows he/she has never been convicted, has a pending, or subsequent charge for any of the following: any Domestic Violence related offense, assault, endangerment, sexually related offense, crime against a child or vulnerable adult, or violent felony. The defendant further avows that no weapon or dangerous instrument was involved in the current charge(s).
- X. The defendant avows he/she is not currently enrolled and has neither previously enrolled in nor completed the City of Phoenix Domestic Violence Diversion (DVD) Program, the Positive Alternatives Diversion Program (PAP), or a domestic violence diversion program in any other jurisdiction. The defendant understands that if, while enrolled in the Program, he/she is arrested for any criminal offense, he/she may be terminated from the Program and the State will move the Court to enter judgment and impose sentence.
- XI. That if, as a part of this Plea Agreement, the defendant is placed on probation by the Court, the terms and conditions of probation are subject to being modified at any time during the period of probation, and if the defendant violates any of the written terms and conditions, probation may be revoked.
- XII. The defendant agrees that the Prosecutor's Office may release any information in its file to the Provider. The defendant further authorizes the Provider, Phoenix Municipal Court, Phoenix Prosecutor's Office, and the identified victim to exchange all information about his/her legal status, case information, demographics, Program assignment and status, attendance, treatment progress, and discharge status for 10 years from today's date.
- XIII. The defendant understands that by entering into this Agreement the defendant is pleading guilty to the charge(s) and if the Program is not successfully completed, a judgment of guilt will be entered and the sentence will be imposed without any further opportunity to plead not guilty or otherwise defend against the charge(s). The defendant waives his/her right to receive a copy of any Motion to Set Aside the Plea Agreement and Dismiss the Charge(s). The defendant waives his/her constitutional right to a speedy trial for delays which occur while he/she is either enrolled in the Program or until judgment is entered and sentence imposed.



RAYMOND MCLEOD

- XIV. If the defendant successfully completes the Domestic Violence Diversion Program, the Court shall not enter judgment nor execute sentence, but shall set aside this Plea Agreement and dismiss the charge(s) without prejudice.
- XV. If this Plea Agreement is rejected, withdrawn or reversed on appeal, the original charge(s) will be automatically reinstated and set for trial.
- XVI. The City Prosecutor's Office reserves the right to terminate the defendant's eligibility at any time and move the Court to enter judgment and impose sentence.

DEFENDANT: I have read or have had read to me the provisions of this agreement and I understand them. I have discussed the case and my constitutional rights with my attorney, if I have one representing me. I understand that by pleading guilty/no contest, I will be giving up the following constitutional rights: to plead not guilty; to have a trial; to confront, cross-examine, and compel the attendance of witnesses; to remain silent which is my right against self incrimination, to direct appeal of my conviction or sentence - review may be accomplished only by filing a petition for post-conviction relief pursuant to 17 A.R.S. *Rules of Crim Proc.*, Rule 32, and, if denied, a petition for review. I further understand that I have a right to be represented by an attorney prior to and during this proceeding, and that if I cannot afford to hire an attorney, I can ask the judge to determine if I am entitled to one free of charge

I agree to enter my plea as indicated above on the terms and conditions set forth in this document.

Date 7/31/09 Defendant Raymond S. McLeod Jr.

Address: (PLEASE PRINT) 2240 E Kess Avenue

City: Phoenix Zip: 85024 Phone No(s): 602-315-6429

DEFENSE ATTORNEY. I have discussed this case and the terms and conditions set forth in this document with the defendant in detail and explained his/her constitutional rights and all possible defenses. I believe that the defendant is entering into the agreement voluntarily, knowingly and intelligently.

Date 7/31/09 Defense Counsel [Signature]

PROSECUTOR: I agree and concur with the plea and disposition set forth in this agreement.

Date 7-31-09 Prosecutor [Signature]

INTERPRETER: I have accurately interpreted the terms of this Plea Agreement for the defendant and ascertained that the defendant understands the language of interpretation.

Date _____ Interpreter _____



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PHOENIX MUNICIPAL COURT 300 W. Washington St. Phoenix, AZ 85003-2103 602-262-6421 TTY/602-495-0733

STATE OF ARIZONA
-vs-
10-3-83
Raymond S McLeod
Defendant (FIRST, MI, LAST) DOB

COMPLAINT NO
20099004905

DOMESTIC VIOLENCE
GUILTY/NO CONTEST
PLEA PROCEEDING



Defendant appears personally and expresses a desire to plead guilty or no contest to the charges indicated and I find the following facts

- 1 Defendant understands the nature of the charges, as indicated
 - Assault
 - Telephone to Harass
 - Criminal Damage
 - Threatening and Intimidating
 - Disorderly Conduct
 - Trespassing
 - Harassment
 - Interference with Judicial Proceedings
 - Other 13-120(A)
- 2 Defendant appears with counsel without counsel (waiver of counsel with file) and understands the following
- 3 Defendant has entered into a plea agreement, and consents to its terms plea to the court
- 4 Defendant desires to change the plea in this case from not guilty to guilty no contest
- 5 Defendant understands the range of penalty is
 - a counseling program, up to \$2,500 fine plus surcharges, 6 months jail, and/or 3 years probation
 - a counseling program, up to \$750 fine plus surcharges, 4 months jail, and/or 2 years probation
 - a counseling program, up to \$500 fine plus surcharges, 30 days in jail and/or 1 year probation
- 6 The Court has inquired as to the defendant's probation or parole status
- 7 The defendant was advised of the following If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status Admitting guilt may result in deportation even if the charge is later dismissed Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen
- 8 Defendant understands that the following constitutional rights are given up by pleading guilty or no contest
 - a Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt,
 - b Right to a trial by a judge,
 - c Right to assistance of an attorney at all stages of the proceeding, including appeal In some cases, the defendant may be eligible for a court-appointed attorney at a reduced cost or at no cost, if the defendant cannot afford one,
 - d Right to confront the witnesses against the defendant and to cross-examine them as to the truthfulness of their testimony,
 - e Right to present evidence in the defendant's own behalf and to have the court compel the defendant's witnesses to appear and testify without cost to the defendant;
 - f Right to remain silent, not to incriminate oneself, and to be presumed innocent unless / or until proven guilty beyond a reasonable doubt,
 - g Right to a direct appeal
- 9 Defendant wishes to give up these constitutional rights after having been advised of them
- 10 There exists a basis in fact for believing the defendant guilty of the offenses charged
- 11 Defendant and victim have a relationship as defined by A R S 13-3601A
- 12 The plea is voluntary and not the result of force or threat, or promises other than those contained in the plea agreement
- 13 Defendant may file a Rule 32 Petition for post-conviction relief and if denied may file a petition for review

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads guilty no contest to the above charges, and I accept this plea

Date: 7-31-09 Judge Carl Scott Berry

I certify that the judge personally advised me of the nature of the charges, range of penalties, and my constitutional rights as indicated above I understand the constitutional rights which I give up by entering this plea, and I desire to plead guilty or no contest as indicated above I desire to proceed without an attorney or if represented, my attorney's signature appears below

Defendant [Signature] Def Counsel/Bar No. [Signature] 013975 Interpreter _____

NOTICE TO THE DEFENDANT

If you are convicted of a charge that involves the use or attempted use of physical force or the threatened use of a deadly weapon, you are prohibited by federal law from possessing a firearm or ammunition If you are convicted of a second domestic violence offense, you may be placed on supervised probation with a term of jail as a condition of that probation A third or subsequent charge may be filed as a felony and a conviction for that offense will result in a term of incarceration

To request this document in an alternative format, please call 602-262-1625 or 602-495-0733 TTY

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