

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. BRENDEN J GRIFFIN

CASE NO. CR20132547-001

COURT REPORTER: Cheryl Cummings
Courtroom - 680

DATE: October 24, 2013

STATE OF ARIZONA

Ryan C. Schmidt, Esq. counsel for State

VS.

ENRIQUE F HERNANDEZ (-001)
Defendant

Walter I Goncalves Jr, Esq. counsel for Defendant

MINUTE ENTRY

CHANGE OF PLEA

Defendant present, in custody. Victim representatives present.

Mr. Schmidt informs the Court a victim representative opposes the proposed plea agreement and provides the background of same.

The victim's son argues to the Court in opposition of the plea.

The Court and Mr. Schmidt confer regarding the proposed plea and potential ways to proceed.

Mr. Goncalves advises the Court a Mitigation Report will be prepared in this matter.

The Court notes it will proceed with the plea at this time

The Court questions the defendant regarding his understanding of the terms and conditions of the plea agreement, the possible consequences thereof, and the constitutional rights he waives by entering the plea.

The defendant enters a plea of guilty to the crime of AMENDED COUNT ONE: MANSLAUGHTER, a Class Two Non-Dangerous Felony, committed on or about Thursday, May 23, 2013.

The defendant enters a plea of guilty to the crime of COUNT TWO: LEAVING THE SCENE AFTER CAUSING AN ACCIDENT RESULTING IN DEATH OR SERIOUS PHYSICAL INJURY, a Class Two Felony, committed on or about Thursday, May 23, 2013.

The defendant enters a plea of guilty to the crime of COUNT THREE: DRIVING WHILE UNDER THE INFLUENCE OF LIQUOR, DRUGS, VAPOR RELEASING SUBSTANCES OR ANY COMBINATION, a Class One Misdemeanor, committed on or about Thursday, May 23, 2013.

Mr. Goncalves provides the Court with the factual basis for the plea, to which the defendant concurs.

The Court incorporates the Grand Jury transcript as further factual basis.

Ryan Lewis
Deputy Clerk

MINUTE ENTRY

THE COURT FINDS that the defendant knowingly, voluntarily, and intelligently enters a plea to the charges set forth in the plea agreement, and that there is a factual basis for the plea.

Acceptance of the plea is deferred to the date of entry of judgment of guilt.

The defendant waives time for sentencing.

IT IS ORDERED setting the matter for Mitigation Hearing/Entry of Judgment of Guilt and Sentencing on Friday, January 03, 2014, at 10:30 AM, in Division 01.

IT IS ORDERED that a presentence report be prepared by the Adult Probation Department.

IT IS ORDERED the defendant's conditions of release are hereby revoked, and the defendant shall be held in custody without bond pending Sentencing.

Defendant is directed to cooperate with the probation department in the preparation of the presentence report.

CONDITIONS OF RELEASE AND ORDER SIGNED

FILED IN COURT: Plea Agreement; Sentence Notification Form; Conditions of Release and Order

cc: Hon. Brenden J Griffin
Laura L Roubicek, Esq.
Ryan C. Schmidt, Esq.
Walter I Goncalves Jr, Esq.
Adult Probation
Pretrial Services

Ryan Lewis
Deputy Clerk