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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
APR 12 2011

IN AND FOR THE COUNTY OF MOHAVE

BY: VIRLYNN TINNELL
CLERK SUPERIOR COURT
DEPUTY

STATE OF ARIZONA,

Plaintiff,

vs.

CASSLYN MAE WELCH,
AKA: Cassie Choat
Casslyn Mae Choate

Defendant.

Nos. CR-2010-0821
CR-2010-0836

STIPULATED GUILTY PLEA

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

1. The defendant will plead guilty to:

IN CR-2010-0821:

ARMED ROBBERY, CLASS 2 FELONY, AS CHARGED IN COUNT 4 OF THE FELONY INDICTMENT, IN VIOLATION OF A.R.S. §§ 13-1904, 13-1902, 13-1901, 13-701, 13-702, 13-704 AND 13-801.

ARMED ROBBERY, CLASS 2 FELONY, AS CHARGED IN COUNT 5 OF THE FELONY INDICTMENT, IN VIOLATION OF A.R.S. §§ 13-1904, 13-1902, 13-1901, 13-701, 13-702, 13-704 AND 13-801.

ESCAPE, CLASS 5 FELONY, AS CHARGED IN COUNT 1 OF THE FELONY INDICTMENT, IN VIOLATION OF A.R.S. §§ 13-2503, 13-2501, 13-701, 13-702, AND 13-801.

DEFENDANT ADMITS TO: AGGRAVATING FACTORS PURSUANT TO 13-701(D)(1) & 13-701(D)(4).

A CLASS 2 FELONY, AND A DANGEROUS OFFENSE, IS PUNISHABLE BY A PRESUMPTIVE TERM OF IMPRISONMENT OF 10.5 YEARS, WHICH THE COURT MAY INCREASE TO 21 YEARS OR DECREASE TO 7 YEARS, AND A FINE NOT TO EXCEED \$150,000.00 PLUS SURCHARGES AND ASSESSMENTS.

A CLASS 5 FELONY, AND A NON-DANGEROUS OFFENSE, IS PUNISHABLE BY A PRESUMPTIVE TERM OF IMPRISONMENT OF 1.5 YEARS, WHICH THE COURT MAY INCREASE TO 2.5 YEARS OR DECREASE TO .5 YEARS, AND



A FINE NOT TO EXCEED \$150,000.00 PLUS SURCHARGES AND ASSESSMENTS.

If the Defendant is sentenced to prison, either initially at the time of Judgment and Sentencing or later at any Disposition following any probation violation, the Defendant understands that:

- * The Defendant shall serve at least 85% of any prison term imposed.
- * The Defendant shall also be sentenced to community supervision upon his release from prison for a period of time equal to 15% of his prison sentence.
- * The Defendant may be returned to prison if he violates the terms and conditions of community supervision for the remainder of his community supervision sentence.

2. The defendant will receive a sentence of: **PRISON**
 - a. **COUNT 4 - 20 YEARS IN PRISON**
 - b. **COUNT 5 - 20 YEARS IN PRISON**
 - c. **COUNT 1 - 2.5 YEARS IN PRISON**

consistent with the following additional terms: **SENTENCES FOR EACH COUNT SHALL RUN CONCURRENT; SENTENCE IN CR-2010-0821 SHALL RUN CONCURRENT TO UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO CASE # 2010-2734JH, AS CONTEMPLATED BY 18 U.S.C.A . §3584, AS STIPULATED BY THE PARTIES AND ORDERED BY THE COURT. DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED IN THIS CASE IF DEFENDANT IS IN FEDERAL CUSTODY. ALL OTHER TERMS AT THE JUDGE'S DISCRETION.**

3. The following charges will be dismissed, or if not yet filed, will not be brought against the defendant: **IN CR - 2010 - 0836: ALL COUNTS. IN CR-2010-0821: COUNTS 2, 3, 6, & 7.**
4. The elements of the offense to which the defendant is pleading guilty are as follows:
ARMED ROBBERY: THE DEFENDANT OR AN ACCOMPLICE MUST: TAKE PROPERTY FROM ANOTHER PERSON OR HIS IMMEDIATE PRESENCE AGAINST HIS WILL; BY FORCE OR THREAT OF FORCE WHILE HE OR AN ACCOMPLICE IS ARMED WITH A DEADLY WEAPON OR DANGEROUS WEAPON.

ESCAPE: THE DEFENDANT OR AN ACCOMPLICE MUST: ESCAPE OR ATTEMPT TO ESCAPE FROM CUSTODY IMPOSED AS A RESULT OF HAVING BEEN ARRESTED FOR, CHARGED WITH OR FOUND GUILTY OF A FELONY.
5. This plea and disposition, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. If the plea is rejected or withdrawn, the original charges are automatically reinstated.

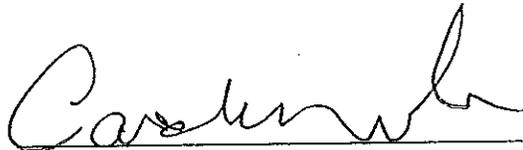


6. If the defendant is charged with a felony, he gives up his right to a preliminary hearing or other probable cause determination on the charges to which he pleads. In the event the court rejects the plea or the defendant withdraws the plea, the defendant gives up his right to a preliminary hearing or other probable cause determination on the original charges. The defendant also agrees that entering this plea agreement is not a material change of circumstances or facts which would allow a re-examination of the conditions of release pursuant to Rule 7.4(a) of the Arizona Rules of Criminal Procedure.
7. The defendant shall not have any right to appeal from the judgment or sentence imposed as a result of this stipulated guilty plea.
8. Unless the plea is rejected or withdrawn, the defendant gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, and agrees to the court's entry of judgment against him and imposition of a sentence upon him consistent with the stipulation.
9. If after accepting this plea the court concludes that any of its provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea, giving the defendant and state an opportunity to withdraw the plea.
10. When the court accepts this plea agreement, either at the time of entering this plea agreement or later, then the Defendant cannot withdraw from this plea agreement unless the Defendant can show a manifest injustice.
11. Unless expressly stated otherwise, this stipulated plea agreement does not affect any proceedings that are pending or which could be brought by the State or any other jurisdiction to forfeit any interest of the Defendant in any property.
12. I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading guilty, I will be giving up my right to a trial by jury, to confront, cross-examine, and compel the attendance of witnesses, and my privilege against self-incrimination. I will enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation.
13. I also waive any right I may have to a jury determination of aggravating sentencing factors:
 - under A.R.S. § 13-702(C) (1 through 20) 13-701(D),
 - under A.R.S. § 13-702(C) (21), or A.R.S. § 13-702(C)(23), 13-701(D) for offenses committed on or after August 12, 2005, only the following listed factors:
DEFENDANT'S CRIMINAL HISTORY NOT OTHERWISE COVERED BY
A.R.S. §13-702(C)(11), 13-701(D); REDUCTION OF CHARGES;
DISMISSED CHARGES; ALL POTENTIAL ENHANCEMENT
ALLEGATIONS

- _____
• based on conduct occurring after entry of this plea agreement.

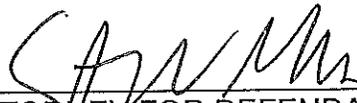
I agree the judge may find any mitigating and these aggravating factors based upon any information presented to the court that the judge deems appropriate under Arizona law and sentence me to the full range of sentences specified in Paragraph 1; either at the time of sentencing or after any probation violation, unless otherwise limited by this plea agreement.

4/12/11
DATE


DEFENDANT
CASSLYN MAE WELCH
DOB: 7/21/1966

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

4/12/11
DATE


ATTORNEY FOR DEFENDANT
STEPHEN R. GLAZER

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

4/11/11
DATE


DEPUTY COUNTY ATTORNEY
VICTORIA STAZIO