

EXHIBIT 1:

Redacted Case Excerpts for
CR2014-161388

MICHAEL K. JEANES, CLERK
BY DEP

D. Draper
FILED

1/7

15 JAN -5 PM 4: 19

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

Jane Schneider
Deputy County Attorney
Bar ID #: 023020
301 West Jefferson, 8th Floor
Phoenix, AZ 85003
Telephone: (602) 372-7350
mcaoptd@mcao.maricopa.gov
MCAO Firm #: 00032000
Attorney for Plaintiff

DR 1428253 - Scottsdale Police Department
McDowell Mtn. Justice Court

0131535847

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA, RCC-DOWNTOWN

THE STATE OF ARIZONA,

Plaintiff,

vs.

THOMAS MARIO COSTANZO,
aka THOMAS MARIO COSTANZA,
aka THOMAS MATIO COSTANZO,
aka THOMAS FIAMMA TAMBORELLO,

Defendant.

CR2014-161388-001

DIRECT COMPLAINT

COUNT 1: POSSESSION OR USE OF
MARIJUANA, A CLASS 6 FELONY (Thomas
Mario Costanzo)

COUNT 2: POSSESSION OF DRUG
PARAPHERNALIA, A CLASS 6 FELONY
(Thomas Mario Costanzo)

COUNT 3: REFUSING TO PROVIDE
TRUTHFUL NAME WHEN LAWFULLY
DETAINED, A CLASS 2 MISDEMEANOR
(Thomas Mario Costanzo)

IN CUSTODY

DCO

The complainant herein personally appears and, being duly sworn, complains on information and belief against THOMAS MARIO COSTANZO, charging that in Maricopa County, Arizona:

COUNT 1:

THOMAS MARIO COSTANZO, on or about December 31, 2014, knowingly did possess or use an amount of marijuana having a weight of less than two pounds, in violation of A.R.S. §§ 13-3401, 13-3405, 13-3418, 13-701, 13-702, and 13-801.

COUNT 2:

THOMAS MARIO COSTANZO, on or about December 31, 2014, unlawfully did use or possess with intent to use a plastic container, drug paraphernalia, to pack, repack, store, contain, or conceal marijuana, in violation of A.R.S. §§ 13-3401, 13-3405, 13-3415, 13-3418, 13-701, 13-702, and 13-801.

COUNT 3:

THOMAS MARIO COSTANZO, on or about December 31, 2014, after being advised that refusal to answer is unlawful, did fail or refuse to state his true name on request of a peace officer who lawfully detained the defendant based on reasonable suspicion that the defendant had committed, was committing or was about to commit a crime, in violation of A.R.S. §§ 13-2412, 13-707, and 13-802.




/s/ Jane Schneider
Deputy County Attorney

IN CUSTODY


Complainant

Agency: Scottsdale Police Department

Subscribed and sworn upon information and belief this  day of January, 2015.

JS:es/AO

COURT INFORMATION SHEET (CIS)

County Attorney Case No.: 0131535847

STATE v. THOMAS MARIO COSTANZO

Aliases: THOMAS MARIO COSTANZA, THOMAS MATIO COSTANZO, THOMAS FIAMMA TAMBORELLO,

Defendant's In Custody

Last Known Address: Transient

Defendant's Attorney:

DEFENDANT'S DESCRIPTION:

Race: W Sex: M Hair: BLK Eyes: BRO Wgt: 175 Hgt: 5'09 DOB: [REDACTED] 1964
FBI#: 444533AA2 SID#: 06348459 Booking#: T142074 Soc Sec#: [REDACTED] 0996

FILING STATUS:

Date Filed: Court #: CR2014-161388-001
Court Designation: RCC-Downtown
Justice Court Precinct: McDowell Mtn. Justice Court

Attorney: Jane Schneider Bar ID: 023020 Location: Downtown

CHARGES:

- COUNT 1: POSSESSION OR USE OF MARIJUANA, A CLASS 6 FELONY
COUNT 2: POSSESSION OF DRUG PARAPHERNALIA, A CLASS 6 FELONY
COUNT 3: REFUSING TO PROVIDE TRUTHFUL NAME WHEN LAWFULLY DETAINED, A CLASS 2 MISDEMEANOR

Table with 4 columns: Count, ARS Literal, Date of Crime, PCN. Contains 3 rows of charge data.

DEPARTMENTAL REPORTS:

DR 1428253 - Scottsdale Police Department

EXTRADITE: Arizona Only

CO-DEFENDANTS:

DWL

IN THE MCDOWELL MOUNTAIN JP (SCOTTSDL) COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

****DRAFT****

RELEASE QUESTIONNAIRE

Notice: Unless a specific Form IV is sealed or ordered redacted by the Court, all Form IVs are public records of the Court or Clerk at the time they are provided to the Court and will be released in their entirety upon request.

DEFENDANT'S NAME THOMAS MARIO COSTANZO DOB 1964 BOOKING NO.

ALIAS(ES) MORPHEUS TITANIA; THOMAS TAMBORELLLO; CASE NO.

A. GENERAL INFORMATION

Charges

- 1 Cts. 13-3407A1 DANGEROUS DRUG-POSS/USE F4
1 Cts. 13-3405A1 MARIJUANA-POSSESS/USE F6
1 Cts. 13-3406A1 PRESCRIPT DRUG-POSSESS/USE M1
1 Cts. 13-3415A DRUG PARAPHERNALIA-POSSESS/USE F6
1 Cts. 13-2412A OBSTRUCTION-REFUSE TRUE NAME M2

Pursuant to A.R.S. §41-1750 ten-print fingerprints were taken of the arrested person? [X] Yes [] No
If yes, PCN =

Pursuant to A.R.S. §13-610 one or more of the above charges requires the arresting agency to secure a DNA sample from the arrested person? [] Yes [X] No

If yes, does the defendant have a valid DNA sample on file with AZDPS? [] Yes [] No

If no, Arresting Agency has taken required sample? [] Yes [] No

Offense Location: N WINFIELD SCOTT PLAZA/E 3RD AVE
Offense Date: 2014-12-31
Arrest Location: N WINFIELD SCOTT PLAZA/E 3RD AAVE
Date: 2014-12-31 Time: 01:12

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
ON 12-31-14 AT APPROXIMATELY 0058 HOURS, THE SCOTTSDALE POLICE WERE DISPATCHED TO THE HYATT PLACE HOTEL AT 4245 N DRINKWATER BLVD REGARDING A DISTURBANCE AND SUSPICIOUS PERSON. THE DEFENDANT WAS SEEN AT THE HOTEL WITH A FEMALE VICTIM FROM AN EARLIER AGG ASSAULT, PROSTITUTION AND DRUG INVESTIGATION.

THE DEFENDANT WAS BELIEVED TO BE DISTURBING THE FEMALE VICTIM AND TOLD A HOTEL EMPLOYEE HE HAD A WARRANT FOR HIS ARREST. THE DEFENDANT IMMEDIATELY FLED THE SCENE WHEN THE POLICE WERE CALLED. WHEN I ARRIVED ON SCENE I WAS ADVISED THE DEFENDANT NEEDED TO BE DETAINED TO INVESTIGATE HIS INVOLVEMENT WITH THE FEMALE VICTIM AND THE EARLIER AGG ASSAULT.

I LOCATED THE DEFENDANT APPROXIMATELY ONE HALF MILE AWAY FROM THE HOTEL. I ATTEMPTED TO STOP THE DEFENDANT BUT HE REFUSED. I THEN ACTIVATED MY OVERHEAD EMERGENCY LIGHTS AND THE DEFENDANT STOPPED. THE DEFENDANT WAS ADVISED FOUR TIMES HE WAS BEING LAWFULLY DETAINED BUT REFUSED TO PROVIDE HIS TRUTHFUL NAME.

THE DEFENDANT WAS PLACED UNDER ARREST AND SEARCHED PRIOR TO TRANSPORT FOR BOOKING. A GREEN LEAFY SUBSTANCE BELIEVED TO BE MARIJUANA WAS FOUND IN THE DEFENDANT'S FANNY PACK ALONG WITH VIAGRA (A PRESCRIPTION ONLY DRUG) AND AN ANTI DEPRESSANT WHICH IS A DANGEROUS DRUG. Marijuana field tested positive

THE DEFENDANT CONTINUED TO REFUSE TO SPEAK TO POLICE AND REFUSED TO IDENTIFY HIMSELF AT THE JAIL.

BASED ON THE DEFENDANT'S CONTINUING CRIMINAL BEHAVIOR AND NUMEROUS FAIL TO APPEAR VIOLATIONS, THE STATE REQUESTS A HIGH BOND OR NO BOND. THE DEFENDANT IS ALSO BEING INVESTIGATED FOR A SEPARATE KIDNAP/AGG

C. OTHER INFORMATION (Check if applicable)

1. [] Defendant is presently on probation, parole or any other form of release involving other charges or convictions: Explain: AWAITING INITIAL APPEARANCE FOR PRIOR POM ARREST IN 2014

2. List any prior Arrests? ASSAULT, POM JUNE 2014, THEFT, FLEE LAW ENFORCEMENT, RESIST ARREST X3, FAIL TO SHOW ID X3, AGG DUI, DC
Convictions? FAIL TO OBEY POLICE OFFICER

F.T.A.'s? FTA FOR ASSAULT, FTA FOR RESIST, FTA FOR FAIL TO SHOW ID, FTA FOR SUSP DL

3. Is there any indication the defendant is:
[] An Alcoholic? [X] An Addict?
[] Mentally disturbed? [] Physically III?

4. [] Defendant is currently employed With whom

How long:
5. Where does the defendant currently reside? RE-FUSED

With whom UNKNOWN
How long: _____years _____months _____days

6. What facts indicate the defendant will flee if released? Explain: THE DEFENDANT HAS MULTIPLE FTA'S FOR PREVIOUS ARRESTS, DEFENDANT HAS SHOWN A PROPENSITY TO FLEE COURT AND POLICE.

7. What facts does the state have to oppose an unsecured release? Explain: DEFENDANT HAS MULTIPLE PRIOR ARRESTS SHOWING HIS CONTINUED CRIMINAL BEHAVIOR. MULTIPLE ARRESTS IN 2014

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1. [] Firearm or other weapon was used
Type: N/A

[] Someone was injured by the defendant
[] Medical attention was necessary
Nature of injuries: N/A

2. [] Someone was threatened by the defendant
Nature and extent of threats: NONE

3. If property offense, value of property taken or damaged: NONE

DEFENDANT'S NAME THOMAS MARIO COSTANZO

DOB 1964-

 BOOKING NO.

****DRAFT****
ASSAULT CASE.

CASE NO.

Page 2 of 4

Property was recovered

4. Name(s) of co-defendant(s):

DEFENDANT'S NAME THOMAS MARIO COSTANZO

DOB 1964

BOOKING NO.

****DRAFT****

CASE NO.

Page 3 of 4

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim:

Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

Victim Third Party Officer observed

3. There are previous incidents involving these same parties

Explain:

4. Is defendant currently the subject of:

An order of protection Any other court order

Injunction against harassment

Explain:

F. DOMESTIC VIOLENCE ISSUES (Check if applicable)

Defendant's actions

Threats of homicide/suicide/bodily harm

Control/ownership/jealousy issues Crime occurs in public

Prior history of DV Kidnapping

Frequency/intensity of DV increasing Depression

Access to or use of weapons Stalking behavior

Violence against children/animals

Multiple violations of court orders

G. CIRCUMSTANCES OF THE ARREST (Check if applicable)

1. Did the defendant attempt to:

Avoid arrest Resist arrest Self Surrender

Explain: See Addendum (Page 4)

N/A

See Addendum (Page 4)

2. Defendant was armed when arrested

Type: NONE

3. Evidence of the offense was found in the defendant's possession

Explain: AFTER ARREST FOR REFUSE TO ID, THE DEFENDANT WAS IN POSSESSION OF PILLS W/OUT PRESCRIPTION AND MARIJUANA.

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

Yes No Unk

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, please state the supporting facts: NONE

2. What quantities and types of illegal drugs are directly involved in the offense? MARIJUANA. APPROXIMATELY 3 GRAMS

Drug field test completed

Defendant admission of drug type Approximate monetary value: \$NONE

3. Was any money seized?

Yes No

Amount: \$NONE

I. ADDITIONAL INFORMATION

1. Military Service:

JUDICIAL OFFICER REVIEW OF PROBABLE CAUSE STATEMENT AND COMPLAINT ON OATH OR AFFIRMATION

Has the defendant served in the military services of the United States? Yes No Unknown

If yes, currently on active duty? Yes No

Branches Served In:

(AF - Air Force AR - Army CG - Coast Guard MC - Marine Corp MM - Merchant Marines NG - National Guard NV - Navy NS - Reserves)

- Complaint Reviewed
Witness sworn
Reviewed Form IV
Other sources
PC determined

2. Is the defendant homeless?

Yes No Unknown

Judicial Officer

Pursuant to AO 2003-046, the oath has been administered pursuant to the law and required procedures. ATD

If a fugitive arrest, a Form IVA must also be completed

I certify that the information presented is true to the best of my knowledge.

FERNANDEZ/1299 ARRESTING OFFICER/SERIAL NUMBER

AZ0072500/480-312-5348 ARREST AGENCY/DUTY PHONE NUMBER

2014-12-31 DATE

1428253/AZ0072500 DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.

DEFENDANT'S NAME THOMAS MARIO COSTANZO DOB 1964- [REDACTED] BOOKING NO. _____

****DRAFT****

CASE NO. _____

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ADDENDUM

G1. Avoid Arrest Description

DEFENDANT KNEW HE HAD A WARRANT AND LEFT THE SCENE WHEN POLICE WERE CALLED. DEFENDANT REFUSED TO ID SELF MULTIPLE TIMES

G1. Self Surrender Description

DEFENDANT KNEW HE WAS IN POSSESSION OF MARIJUANA AND HAD A WARRANT AND WAS FOUND APPROXIMATELY HALF MILE FROM THE SCENE.

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

THE STATE OF ARIZONA,

Plaintiff,

vs.

THOMAS MARIO COSTANZO
aka THOMAS MARIO COSTANZA,,
aka THOMAS MATIO COSTANZO,,
aka THOMAS FIAMMA TAMBORELLO,,

DOB: [REDACTED] 1964
Booking #: T142074

Defendant.

FILED
8-17-15 4:07 pm
MICHAEL R. JEANES, Clerk
By *[Signature]*
Sandoval, Deputy

FILED
01815 3130w
MICHAEL R. JEANES, Clerk
By *[Signature]*
S.L. Morris, Deputy

SUPERIOR COURT CASE # CR2014-161388-001

WAIVER OF PRELIMINARY HEARING WITH
PLEA AGREEMENT

DECLARATION by defendant as follows.

Defendant is represented by his/her attorney: *Dm. Akins*

[Signature]
I hereby voluntarily waive my right to a preliminary hearing understanding that I will be held to answer and an information will be filed charging me with having committed:

- Count 1: Possession Or Use Of Marijuana, a class 6 Felony, committed on December 31, 2014;
- Count 2: Possession Of Drug Paraphernalia, a class 6 Felony, committed on December 31, 2014;
- Count 3: Refusing To Provide Truthful Name When Lawfully Detained, a class 2 Misdemeanor, committed on December 31, 2014.

[Signature] These are non-dangerous, non-repetitive offenses under the criminal code.

I understand and acknowledge that:

- A. I have a right to a preliminary hearing.
- B. I am represented by an attorney now. Further, I know I have a right to an attorney for all further proceedings in this case. If I cannot afford one, then one will be appointed to represent me at this preliminary hearing as well as in the Superior Court for all purposes including trial, free of charge.
- C. I am giving up the right to confront and cross-examine witnesses.
- D. I am giving up the right to present evidence in my behalf and that I am giving up the right to have the magistrate determine if there is sufficient evidence against me to establish probable cause to hold me to answer in the Superior Court on the above stated charges, as well as the right to a dismissal of charges against me if the evidence is insufficient.

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

Plea: The Defendant agrees to waive the preliminary hearing and plead **GUILTY** to:

FAC WRB
COUNT 1: POSSESSION OR USE OF MARIJUANA, A CLASS 6 DESIGNATED FELONY, in violation of A.R.S. 13-3401, 13-3405, 13-3418, 13-901.01, 13-901.01(B), 13-901.01(D), 12-116.08, 12-116.04, 12-269, 13-701, 13-702, and 13-801; committed on December 31, 2014.

[Signature] This is a non-dangerous, non-repetitive offense under the criminal code.

Terms: On the following understandings, terms and conditions:

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

State of Arizona vs. THOMAS MARIO COSTANZO aka THOMAS MARIO COSTANZA,
State of Arizona vs. THOMAS MARIO COSTANZO aka THOMAS MATIO COSTANZO,
State of Arizona vs. THOMAS MARIO COSTANZO aka THOMAS FIAMMA TAMBORELLO,
CR2014-161388-001

Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. Pursuant to A.R.S. §13-805 at the time restitution is ordered, the court may enter a criminal restitution order including interest and collection fees. The maximum fine that can be imposed is \$150,000.00 plus an 83% surcharge plus, if applicable, \$20.00 probation fee pursuant to A.R.S. §12-269 plus a \$13.00 assessment pursuant to A.R.S. §12-116.04. 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. § 12-116.08, the defendant shall pay a penalty assessment of \$15.00. Pursuant to A.R.S. §13-901.01, this offense represents a strike under Prop. 200. If the defendant is eligible for sentencing pursuant to A.R.S. §13-901.01, pursuant to A.R.S. 13-901.01(D), the Court shall require participation in an appropriate drug treatment or education program. Pursuant to A.R.S. §13-901.01(F), if the Court determines at sentencing that the defendant has been convicted of one prior drug offense, the defendant may be sentenced to up to one year in jail as a condition of probation. Pursuant to A.R.S. §13-3405(D), the defendant shall pay a fine of \$750 or three times the value of the drugs, whichever is greater, plus surcharge. Pursuant to A.R.S. §13-3405(E), the defendant shall be required to submit to drug testing. Pursuant to A.R.S. §13-3405(G), if granted probation, the defendant shall perform not less than 24 hours community restitution. Pursuant to A.R.S. §13-3418, on conviction of any offense in Arizona Revised Statute Title 13, Chapter 34, the Court may render the defendant ineligible to receive any public benefits. The Court shall determine the length of time that shall elapse before the defendant's eligibility is restored.

the

□ 2.

The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7: The defendant shall be placed on supervised probation. The defendant shall pay a fine of at least \$750 plus an 83% surcharge for a total minimum fine of \$1,372.50. If granted probation, the defendant shall perform 24 hours of community restitution. Defendant agrees this offense represents a strike against prop. 200. The Defendant agrees to submit to and pay the cost of DNA testing for law enforcement identification purposes pursuant to ARS § 13-610. This plea is contingent upon the defendant's entry into, and the Court's acceptance of, a plea agreement with the State in Maricopa County Superior Court Cause No. CR2014-157290-001. The State shall be permitted to revoke and/or withdraw from this plea agreement if the defendant does not enter into, or either party is permitted to withdraw from, or the Court rejects, a plea agreement with the State in CR2014-157290-001.

the

□ 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: Counts 2 and 3; Allegation of prior adult felony convictions; Allegation of multiple dates of offense.

the

□ 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.

the

□ 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 that he HAS NO MORE THAN TWO (2) prior felony convictions, NO drug or drug-related convictions, and one violent conviction in any jurisdiction under any name. Defendant avows that he WAS NOT on felony release, probation, parole or community supervision at the time of this offense. Defendant avows that he HAS NO other pending felony matters in any jurisdiction under any name, other than CR2014-157290-001 If the Defendant fails to appear for sentencing, the court may disregard the

SB

State of Arizona vs. THOMAS MARIO COSTANZO aka THOMAS MARIO COSTANZA,
State of Arizona vs. THOMAS MARIO COSTANZO aka THOMAS MATIO COSTANZO,
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CR2014-161388-001

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.

True
 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.

True
 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.

True
 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.

True
 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, 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.

True
 10.

I understand that if I am not a citizen of the United States, or was not a citizen at the time of the commission of the offense to which I am pleading, 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.

True
 11.

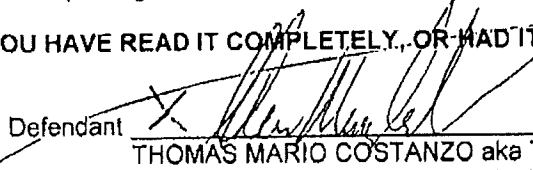
I have read and understand the provisions of pages one, two, three, and four of this agreement. I have discussed the case and my constitutional rights with my lawyer. My lawyer has explained the nature of the charge(s) and the elements of the crime(s) to which I am pleading. I understand that by pleading **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.

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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.

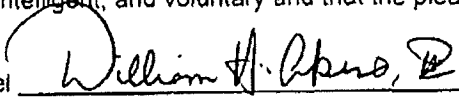
DO NOT SIGN THIS FORM UNLESS YOU HAVE READ IT COMPLETELY, OR HAD IT READ TO YOU AND UNDERSTAND IT FULLY.

Date: 2/18/15

Defendant 
THOMAS MARIO COSTANZO aka THOMAS MARIO COSTANZA,
THOMAS MARIO COSTANZO aka THOMAS MATIO COSTANZO,
THOMAS MARIO COSTANZO aka THOMAS FIAMMA
TAMBORELLO,

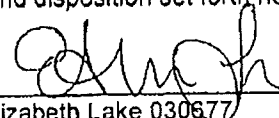
I have discussed this case with my client in detail and advised my client of his or her constitutional rights and all possible defenses. I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law.

Date: 2/18/15

Defense Counsel 

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: 2/18/15

Prosecutor 
Elizabeth Lake 030677
On behalf of Alan M Cechanowicz
Deputy County Attorney

MICHAEL K. JAMES, CLERK
BY *S. Sandoval* DEP
FILED

15 MAR 17 PM 4: 05

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
UNIFORM CONDITIONS OF SUPERVISED PROBATION**

STATE OF ARIZONA

COUNTY/DIVISION: Maricopa / RCCT3

VS.

CR: 2014161388-001 DT

Costanzo, Thomas Mario

§13-901.01 Offense: 1st 2nd Ineligible

PID#: AZ06348459

OFFENSE(S): Count 1 13-3405A MARIJUANA-POSSESS/USE N 6 F

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 a period of 2 year(s) month(s) day(s) lifetime
 - to begin 3/17/15 or
 - upon absolute discharge from prison for a separate offense or
 - upon release from prison for felony DUI (_____ months; _____ days credit)
 - upon release from prison pursuant to A.R.S. § 13-603(K)

- REINSTATING** the defendant on probation for a period of _____ year(s) month(s) day(s) lifetime
 - to begin _____ with a revised expiration date of _____

I AGREE TO THE FOLLOWING AS CONDITIONS OF THE SUSPENSION OR THE IMPOSITION OR EXECUTION OF SENTENCE (Conditions Checked Also Apply)

LAW ABIDING BEHAVIOR

1. I will maintain a crime-free lifestyle, by obeying all laws, and not engaging or participating in any criminal activity.
2. I will not possess or control any stun guns, tasers, firearms, ammunition, deadly or prohibited weapons as defined in A.R.S. §13-3101.
3. I will report any contact I have with law enforcement to the APD within 72 (or 72) hours.
4. I will submit to search and seizure of person and property by the APD without a search warrant.
5. If deported or processed through voluntary departure, I will not return to the United States without legal authorization during the term of my probation. If I am deported or processed through voluntary departure, all conditions remain in effect except for _____.

REPORTING TO APD

6. I will report to the APD within 72 (or 72) hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. I will also 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. I will provide sample for DNA testing if required by law.

RESIDENCE

7. I will provide the APD safe, unrestricted access to my residence and receive prior approval of the APD before changing my residence. I will reside in a residence approved by the APD.
8. I will request and obtain written permission of the APD prior to leaving the state (county).
9. I may apply for Interstate Compact supervision in the state of _____ and will not proceed to that state until reporting instructions are received and the APD issues a written travel permit.
10. I may apply for an Inter-County transfer and will not proceed to that County until APD issues written authorization.

UNIFORM CONDITIONS OF SUPERVISED PROBATION - PAGE 2 OF 3

STATE OF ARIZONA

COUNTY/DIVISION: Maricopa / RCCT3

VS. Costanzo, Thomas Mario

CR / COUNT: 2014161388-001 DT Count: 1

TREATMENT/BEHAVIOR CHANGE/PRO-SOCIAL ACTIVITIES

- 11. I will actively participate and cooperate in any program of counseling or assistance as determined by APD, or as required by law, given assessment results and/or my behavior. I will sign any release or consent required by the APD so the APD can exchange information in relation to my treatment, behavior and activities.
- 12. I will not possess or use illegal drugs or controlled substances and will submit to drug and alcohol testing as directed by the APD.
- 13. I will obtain written approval of the APD prior to associating with anyone I know who has a criminal record. I will not knowingly associate with any person engaged in criminal behaviors.
- 14. I will seek, obtain, and maintain employment, if legally permitted to do so, and/or attend school. I will inform the APD of any changes within 72 hours.
- 15. I will be financially responsible by paying all restitution, fines, and fees in my case as imposed by the Court. I understand, if I do not pay restitution in full, the Court may extend my probation.
- 16. I will not consume or possess any substances containing alcohol.

PAR

SPECIAL REQUIREMENTS

- 17. I will complete a total of 24 hours of community restitution. I will complete a set number of hours per month as directed in writing by my probation officer. I will complete these hours at a site approved by the APD.
- 18. I will serve days month(s), in the county jail beginning with credit for days served, not to be released until . I will report to the APD within 72 (or) hours of release from jail. I will comply with all program rules.
 - Be screened for or shall participate in Work Furlough, if eligible or Work Release, if eligible
- 19. I will not have any contact with the victim(s) in any form, unless approved in writing by the APD.
- 20. I will comply with the following sanctions based on my behavior:
 - Up to community restitution hours (in addition to any ordered under condition #17), as directed by the APD.
 - Up to days in the county jail (in addition to any ordered under condition #18), at the discretion of the Court, upon recommendation from the APD.
- 21. I will abide by the attached special conditions of probation:

<input type="checkbox"/> Intensive Probation	<input type="checkbox"/> Sex Offender	<input type="checkbox"/> Gang
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Drug Court	<input type="checkbox"/> _____
<input type="checkbox"/> Mental Health	<input type="checkbox"/> DUI Court/Program	
- 22. _____

PAR

UNIFORM CONDITIONS OF SUPERVISED PROBATION - PAGE 3 OF 3

STATE OF ARIZONA

COUNTY/DIVISION: Maricopa / RCCT3

VS. Costanzo, Thomas Mario

CR / COUNT: 2014161388-001 DT Count: 1

Based upon the defendant's agreement to abide by the Conditions of Supervision set forth, above, as well as my review and approval of such conditions, I hereby impose and order that these conditions are in effect, and the defendant shall comply with said conditions.

[Signature]
Judge of the Superior Court

3/19/15
Date

Commissioner James Rummage

RECEIPT AND ACKNOWLEDGMENT:

I acknowledge receipt of the conditions of probation and any attachments added. I understand that by not abiding by the conditions of probation my probation could be revoked and the Court may sentence me in accordance with the law. In addition, I waive extradition for any probation revocation proceedings in this matter.

[Signature]
Defendant

Date

Defendant's Address

Apt.

Mesa
City

AZ
State

85207
Zip

(602) 434-1725
Phone

Defendant's Address

Apt.

City

State

Zip

Phone

DISTRIBUTION: Original - Court, Copies - APD, Defendant

Revision 2010

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 JUDGMENT AND ORDERS OF RESTITUTION, FINES AND FEES

State of Arizona
 VS.
 Costanzo, Thomas Mario

COUNTY/DIVISION: Maricopa / RCCT3
 CASE / CR / COUNT: 2014161388-001 DT Count: 1

PID#: AZ06348459

Pursuant to Uniform Condition 15: I will pay all restitution, fines, and fees in my case as imposed by the Court.*

Financial Sanctions	Total Amount	Payment	Begin Date
<input type="checkbox"/> a. Total Restitution Ordered**			
<input type="checkbox"/> b. Monthly Probation Service Fee (PSF) (A.R.S. 13-901)			
<input type="checkbox"/> c. Delinquent Probation Service Fees			
<input checked="" type="checkbox"/> d. Drug Fine: <u>\$750.00</u> + Surcharge <u>83%</u> (<u>\$622.50</u>) = Total	<u>\$1,372.50</u>	<u>1550</u> 622.50	<u>5/1/15</u>
<input type="checkbox"/> e. Non-drug Fine: _____ + Surcharge _____ (_____) = Total			
<input type="checkbox"/> f. Reimbursement (A.R.S. 11-584 C 3)			
<input type="checkbox"/> g. DUI Abatement Fund (A.R.S. 28-1382 D 3)			
<input type="checkbox"/> h. DUI Fine _____ + Surcharge _____ (_____) = Total			
<input type="checkbox"/> i. DUI Incarceration Cost (A.R.S. 28-1444)			
<input type="checkbox"/> j. Prison Construction & Operations Fund (A.R.S. 28-1382 D6)			
<input type="checkbox"/> k. Public Safety Equipment Fund (A.R.S. 28-1382 D7)			
<input type="checkbox"/> l. Monthly GPS Monitoring Fee (A.R.S. 13-902 G)			
<input type="checkbox"/> m. Delinquent GPS Monitoring Fees			
<input type="checkbox"/> n. Sex Offender Registration Violation Assessment (A.R.S. 13-3824 B)			
<input type="checkbox"/> o. Sex Offender Registration Fee (A.R.S. 13-3821 Q)			
<input type="checkbox"/> p. DUI Fine Warrant Assessment (ARS 28-1525)			
<input type="checkbox"/> q. Other: _____			
TOTAL PAYMENT MONTHLY =		<u>\$65.00</u>	
Other Assessments (paid in conjunction with monthly payment)			
<input checked="" type="checkbox"/> r. Probation Assessment (A.R.S. 12-269)	<u>\$20.00</u>		
<input checked="" type="checkbox"/> s. Time Payment Fee (A.R.S. 12-116)	<u>\$20.00</u>		
<input type="checkbox"/> t. Victim Rights Enforcement (A.R.S. 12-116.09)			
<input type="checkbox"/> u. Warrant Charge (Maricopa County A. O. 2004-199)			
<input type="checkbox"/> v. Interstate Compact Application Fee***			
<input type="checkbox"/> w. Inter-county Transfer Fee (A.O. 2009-116)			
<input checked="" type="checkbox"/> x. Penalty Assessment (A.R.S. 12-116.04) Agency: <u>Scottsdale PD</u>	<u>\$13.00</u>		
<input type="checkbox"/> y. Family Offense Assessment (A.R.S. 12-116.06)			
<input type="checkbox"/> z. Address Confidentiality Program (A.R.S. 12-116.05)			
<input type="checkbox"/> aa. DCAC or Sexual Assault Assessment (A.R.S. 12-116.07)			
<input checked="" type="checkbox"/> bb. Technical Registration Fund (A.R.S. 12-116.08)	<u>\$15.00</u>		

*Pursuant to A.R.S. 13-805, failure to maintain contact with the Probation Department may result in the issuance of a criminal restitution order in favor of both the State for the unpaid balance, if any, of any fines, costs, fees, or surcharges or assessments imposed; and, in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

** Probation will automatically be extended pursuant to A.R.S. 13-902 C.

*** Interstate Compact Process and Application Fee: Only one fee per defendant with entire fee due at time of application.

RECEIPT AND ACKNOWLEDGMENT: I hereby acknowledge receipt of the Judgment and Orders of Restitution, Fines and Fees and understand my financial obligation to the Court and other related parties.

[Signature] 3/17/15
 DEFENDANT DATE JUDGE OF THE SUPERIOR COURT DATE
 Commissioner James Rummage
 1100-044 (R12-14) White: Court File Yellow: APD File Pink: Defendant

**SUPERIOR COURT OF THE STATE OF ARIZONA
MARICOPA COUNTY**

MICHAEL A. JEANES, CLERK
DEP
FILED

2017 MAR -8 PM 2:21

Division **CRJ18**
Pros Atty **DCA**
APO **Dulcelinda Ramirez, PSC**

THE STATE OF ARIZONA
Vs
THOMAS MARIO COSTANZO
DOB: [REDACTED] 1964

Case Number: **CR2014-161388-001-DT**
ORDER OF DISCHARGE FROM PROBATION

The defendant was formally judged guilty of the crime of **COUNT 1: POSSESSION OR USE OF MARIJUANA, A CLASS 6 DESIGNATED FELONY**

Probation Start Date: 03/17/2015 Prob. Length: 2 year(s) Standard

EXPIRATION SUMMARY:

The defendant is nearing completion of the probation grant in the aforementioned case. While on probation, the defendant successfully completed an eight hour drug education class and an eight hour cognitive skills class. In addition, the defendant successfully completed a substance abuse treatment program through Sage Counseling and completed twenty-four hours of community restitution. Furthermore, the defendant reported as directed, maintained employment or schooling, maintained a stable residence and paid Court monies in full.

Victim Status: There is no victim involved in this case.

Dated this 21 day of February, 2017
DR:lp/02/17/2017
Probation Officer Dulcelinda Ramirez Phone (602)619-5639

IT IS ORDERED pursuant to Rule 27.5(A) that the defendant is hereby discharged from probation in this case effective 03/17/2017.

THE COURT NOTES the defendant failed to comply with conditions _____

IT IS ORDERED the undesignated offense: **REMAIN UNDESIGNATED***; **Be Designated a MISDEMEANOR**
*Notice: The defendant may request misdemeanor designation for an undesignated offense; see A.R.S. 13-604. All requests must be submitted to the Court in writing and provide detailed reasons to support the request.

Dated this 1st day of March, 2017
Judge of the Superior Court
Comm. James Rummage

ORDER OF DISCHARGE FROM PROBATION

cc: Court (Original) APD File Defendant Pros Atty.