

IN THE SUPERIOR COURT - State of Arizona - County of Maricopa

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State of Arizona

1 Cl. PUB RCDS-FALSE F6

4/22/08 FILED P: 56 pm

No. CR2008006332001

DT

vs.

Release Order

JOHN CHESTER STUART

MICHAEL K. JEANES, Clerk

Arr Rsn: GJWARRANT

Defendant

By: [Signature] Deputy

IT IS HEREBY ORDERED that the defendant be released as indicated and must comply with ALL release conditions.

STANDARD CONDITIONS

- Evidentiary Hearing \_\_\_\_\_ at \_\_\_\_\_ AM /PM  
201 W. Jefferson, Courtroom # \_\_\_\_\_, Phoenix, AZ 85003-2232, (602) 506-8575.
- Status Conference \_\_\_\_\_ at \_\_\_\_\_ AM /PM  
Address \_\_\_\_\_
- Grand Jury Arraignment \_\_\_\_\_ at 8:30 AM /PM  
4/16/08  
101 W. Jefferson, 8th Floor, East Court Building, Courtroom 813, Phoenix, AZ, 85003-2232, (602) 506-8575.

Defendant **must** (a) appear to answer and submit to all further orders and processes of the court having jurisdiction of the case; (b) refrain from committing any criminal offense; (c) diligently prosecute any appeal; (d) **not** leave the state without permission of the court. If defendant violates any conditions of release and is found in any other jurisdiction, defendant hereby knowingly and voluntarily waives extradition. **Defendant must appear at all court proceedings in this case or release conditions can be revoked, a warrant will issue and proceedings may go forward in the absence of the defendant.**

RELEASE TYPE

- Own Recognizance:** The defendant is released and promises to appear in court as required.
- Supervised Release:** The defendant is released on own recognizance, subject to the supervision restrictions and conditions of The Pretrial Services Agency, including:
  - Drug and alcohol monitoring which may include testing, evaluation and treatment as directed by PSA.
  - Electronic monitoring program:
    - House arrest (remain in your residence at all times).
    - Curfew (must remain in your residence between hours set by Pretrial Services ).
- Secured Appearance Bond:** The defendant will deposit with the Clerk of the above court the total sum of \$ \_\_\_\_\_, which includes all applicable surcharges.
- No Bond:** The defendant is held without bond pursuant to Arizona Constitution Article 2, Section 22.
- Third-Party Custody:** The defendant will be placed in the custody of: Name: \_\_\_\_\_  
Address: \_\_\_\_\_

OTHER CONDITIONS AND RESTRICTIONS

- The defendant is not to return to the scene of the alleged crime.
- The defendant is not to initiate contact of any nature with the alleged victim(s) and/or complainant, including arresting officers.
- The defendant is not to possess any weapons or any drugs without a valid prescription.
- The defendant is not to drink alcoholic beverages, or drive without a valid driver's license.
- The defendant is to continue to reside at the present address or provide the court with proof of current local address.
- The defendant is to contact the probation/parole officer \_\_\_\_\_
- The defendant must submit to DNA testing within five (5) days of release from custody at the arresting agency.**  
**Failure to comply with this order will result in the defendant's release being revoked.**
- Other \_\_\_\_\_

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions and all other conditions of my release checked above, and the consequences of violating this release order as listed below. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 4/9/2008 / Booking # P405881

Address 3540 Gc Bisquit

City, State, Zip \_\_\_\_\_ Telephone \_\_\_\_\_

Signature [Signature] Defendant

Randy Laurence Ellexson  
Judge/Commissioner

CONSEQUENCES OF VIOLATING THIS ORDER: If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

In the Superior Court  
State of Arizona - County of Maricopa

State of Arizona  
vs.  
JOHN CHESTER STUART

Booking #: P405881  
Case #: CR2008006332001

**ORDER REGARDING COUNSEL**

THE COURT FINDS AND ORDERS:


- 1. Defendant is indigent. The following legal counsel is appointed to represent the defendant.  
**The defendant shall contact the below listed office or lawyer within 2 days of release from jail.**

- Maricopa County Public Defender** 620 W. Jackson Street, #4015, Phoenix, AZ. 602-506-7711  
Monday-Friday 8 A.M. to 4:30 P.M. except holidays.
- Legal Defender** 222 N. Central, Suite 910, Phoenix, AZ. 602-506-8800
- Legal Advocate** 411 N. Central, Suite 900, Phoenix, AZ. 602-506-4111
- Office of Public Defense Services (OPDS)** 411 N. Central, Suite 900, Phoenix, AZ. 602-506-7437
- Lawyer \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_, Arizona \_\_\_\_\_ Phone \_\_\_\_\_

- 2. Defendant is not indigent and is financially able to pay for a lawyer. Defendant has/has not advised the Court that he/she will hire a lawyer.
- 3. Defendant is indigent. COUNSEL TO BE DETERMINED BEFORE THE NEXT COURT DATE.
- 4. Defendant is NOT entitled to court appointed counsel due to nature of the charge. Rule 6.1(a) Arizona Rules of Criminal Procedure.

**WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.**

4/9/2008  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Randy Laurence Ellexson  
Judicial Officer

PRETRIAL SERVICES AGENCY

State of Arizona vs. Court: Date:

STUART, JOHN CHESTER Supreme Court 4/9/08 @ 5pm

REVIEWED BY [Signature]

Risk Group...: 2
Severity Level...: 3
(Before Factors)
Weapon Used...: N
Injury to Victim...: N
Final Severity Level...: 03

Interview Refused/Unfit: N
Property Offense.: Y
Flight Risk...: N
Prior FTA (1)...: N
Prior FTA (1+)...: N
Resides Alone...: N
Robbery Offense...: N
Highest Severity
ARS Code...: 13-2002

Attorney Appointment
[X] PD
() PVT
() NE
() PCWC

F/M: F5

Range: FELONY CHARGE - PNB DUE

UNUSUAL CIRCUMSTANCES

SPECIAL CONDITIONS: PRETRIAL SERVICE

PNB() GJ Warr'T \$ 15,700() DOC Hold() PTS - Supervision:
Probation Hold() Immigration Hold()
open case CRDP - ID# 599 Third Party Name:
murder 2nd; done by shooting Relationship:
IA: 1/30/08 (released PSA/EM) Other (specify):
NCD: 4/25/08
ID: 3/24/08

OTHER CONDITIONS AND RESTRICTIONS

- The defendant is not to return to the scene of the alleged crime.
The defendant is not to initiate contact of any nature with the alleged victim(s) and/or witnesses, including arresting officers.
The defendant is not to possess any weapons.
The defendant is not to drink alcoholic beverages and drive, or drive without a valid driver's license.
The defendant is to continue to reside at the present address.
The defendant is to provide court with proof of current local address.
The defendant is to contact the probation/parole officer
The defendant is to reside with at
The defendant is not to possess any drugs and or drug paraphernalia without a valid prescription.
The defendant is not to have any contact with anyone under the age of 18.
Other

COMMISSIONER'S DECISION

Nonfinancial Standard conditions Special conditions Secured bond (amount)
GUIDELINES FOLLOWED: YES() NO() NA()
If no, indicate reason:

( ) Probable Cause
( ) No Probable Cause

Victim Made Statement ( ) YES ( ) NO
Victim Favored Release ( )
Opposed Release ( )

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PRETRIAL SERVICES AGENCY  
FINANCIAL INFORMATION

Defendant's Name Stuart, John 0-21-02 Bkng.# P 405 881

**INSTRUCTIONS FOR THE DEFENDANT**

The Magistrate needs to know about your financial situation in determining whether to require you to post bond and, if so, the amount of bond. The Magistrate must also determine whether or not you are entitled to have a lawyer appointed to represent you.

Defendant's Employer: SELF EMPLOYED REPAIR/REMODELING

Spouse's Employer: \_\_\_\_\_  
**Pay Schedule-Monthly**  
Net Pay (amt. taken home) Defendant \$1,500 Spouse \_\_\_\_\_  
Payroll Deductions for Savings, stocks, etc. \_\_\_\_\_  
Other Forms of income \_\_\_\_\_  
Unemployment Comp. \_\_\_\_\_  
Other: \_\_\_\_\_  
Total Income per Month \$1,500  
Total Combined Income \_\_\_\_\_

**Expenses-Monthly**  
Rent/House payment \_\_\_\_\_  
Utilities \_\_\_\_\_  
Food \_\_\_\_\_  
Charge Account Payments \_\_\_\_\_  
Loans Amt. Owed \_\_\_\_\_  
Car Payments/Insurance \_\_\_\_\_  
Child Support \_\_\_\_\_  
Medical Care \_\_\_\_\_  
Other: \_\_\_\_\_

**Available Assets:**  
Cash: You or Spouse at Home \_\_\_\_\_  
Jail Property \_\_\_\_\_  
Savings Accounts \_\_\_\_\_  
Checking accts. \_\_\_\_\_  
Stocks or Bonds \_\_\_\_\_  
Money owed you/spouse \_\_\_\_\_  
Additional assets (car, trailer, boat, truck, other):  
Description Value Amt. Owed  
\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

**Total Monthly Expenses** \$1,500  
Other debts that you pay monthly or otherwise:  
Debt Pmt. Amt. Total How Often  
\_\_\_\_\_  
\_\_\_\_\_

**Property (your home, land, buildings, other):**  
Location Value Amt. owed Equity  
\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

**Total debts owed:** \_\_\_\_\_  
**Can you afford to pay for a lawyer to help you with this case?**  
Yes \_\_\_\_\_ No  Who: \_\_\_\_\_  
**How much could you pay each week, starting next week, for your lawyer's fee? Per Wk.** \_\_\_\_\_  
**Do you want the Court to appoint a lawyer (Public Defender) to help you?**  
Yes  No \_\_\_\_\_

REMARKS: supports 1 child

**OATH UNDER PENALTY OF PERJURY:** I have truthfully given the information, which appears in this statement. I have not knowingly concealed, or in any way misrepresented my financial resources. I am aware that I can be held in contempt of court, or prosecuted for perjury, if I have made any false statements. If the Public Defender or a court appointed attorney accepts my case, I will notify them of any changes in my financial resources, employment, income or re-arrest. I also give my permission for the Pretrial Services Agency staff to contact anyone named above or any agency or business concerning their investigation into the statements, I have made. I hereby make these statements under oath.

Date 4-9-08 Defendant's Signature [Signature] Social Security number 4960

Witnessed by Pretrial Services Officer \_\_\_\_\_

IN THE SUPERIOR COURT COURT  
STATE OF ARIZONA, COUNTY OF MARICOPA

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\*\*\*\*FINAL\*\*\*\*

RELEASE QUESTIONNAIRE

DEFENDANT'S NAME JOHN CHESTER STUART DOB 1962-06-21 BOOKING NO. P405881

ALIAS(ES) CASE NO. CR2008006332001

A. GENERAL INFORMATION

Charges

1 Cts. 39-161 PUB RCDS-FALSE INSTRMT FILING F6

Offense Location:

Offense Date: 2008-03-26

Arrest Location: 3600 E PINNACLE PEAK RD PHOENIX AZ

Date: 2008-04-09 Time: 07:40

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:  
ON 040-0902008 AT 0740 HRS SUSPECT STUART WAS ARRESTED FOR A GRAND JURY WARRANT, AT 3600 E PINNACLE PEAK ROAD

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:

2. List any prior:  
Arrests? AGG ASSAULT

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

- An Alcoholic?  An Addict?
- Mentally disturbed?  Physically III?

4.  Defendant is currently employed  
With whom SELF EMPLOYED

How long: 3 years

5. Where does the defendant currently reside? 3540 EAST EXPEDITION PHOENIX, AZ 85050

With whom GIRLFRIEND

How long: \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days

6. What facts indicate the defendant will flee if released?  
Explain:

7. What facts does the state have to oppose an unsecured release? Explain:

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1.  Firearm or other weapon was used  
Type:

- Someone was injured by the defendant
- Medical attention was necessary  
Nature of injuries:

2.  Someone was threatened by the defendant  
Nature and extent of threats:

3. If property offense, value of property taken or damaged:

Property was recovered

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

DEFENDANT'S NAME JOHN CHESTER STUART

DOB 1962-06-21 BOOKING NO. P405881

\*\*\*\*FINAL\*\*\*\*

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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:

G. CIRCUMSTANCES OF THE ARREST (Check if applicable)

- 1. Did the defendant attempt to:
  - Avoid arrest  Resist arrest  Self Surrender
 Explain:
- 2.  Defendant was armed when arrested  
Type:
- 3.  Evidence of the offense was found in the defendant's possession  
Explain:
- 4. Was the defendant under the influence of alcohol or drugs at the time of the offense?
  - Yes  No  Unk

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

H. DRUG OFFENSES

- 1. If the defendant is considered to be a drug dealer, please state the supporting facts:
- 2. What quantities and types of illegal drugs are directly involved in the offense?
  - Drug field test completed
  - Defendant admission of drug type  
Approximate monetary value: \$
- 3. Was any money seized?
  - Yes  No
 Amount: \$

\*\*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.

LEONARD WOOD/3953	AZ0072300/602-495-5003	2008-04-09
ARRESTING OFFICER/SERIAL NUMBER	ARREST AGENCY/DUTY PHONE NUMBER	DATE