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Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **JOHN CHESTER STUART,** ) CR 2008-006332-001 DT  
 )  
 Defendant. ) **STATE'S ALLEGATION OF AGGRAVATING**  
 ) **CIRCUMSTANCES OTHER THAN PRIOR**  
 ) **CONVICTIONS**  
 )  
 ) (Assigned to the Honorable  
 ) Roland J. Steinle, III, Saj06)

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The State of Arizona, by and through undersigned counsel, pursuant to A.R.S. § 13-702, A.R.S. § 13-702.01, and Rule 13.5, Arizona Rules of Criminal Procedure, amends the Indictment in CR2008-006332-001 DT to allege the following aggravating circumstances. Any additional aggravating circumstances will be alleged in a seasonable time after they become known to the state.

- The offense(s) involved the infliction or threatened infliction of serious physical injury.
- The offense(s) involved the use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, specifically handgun.
- Other: Any other factors relevant to defendant's character/background or to the nature or circumstances of the crime.

Finally, if the jury convicts the defendant of multiple felony counts that are not used to enhance the sentence under A.R.S. § 13-702.02 or the defendant has felony convictions that were not used to

enhance the sentence under § 13-604, the state intends to allege the multiple convictions as an aggravating circumstance.

Respectfully submitted May \_\_\_, 2008.

ANDREW P. THOMAS  
MARICOPA COUNTY ATTORNEY

BY: /s/ \_\_\_\_\_  
/s/ Susie Charbel  
Deputy County Attorney

Copy mailed\delivered  
May \_\_\_, 2008,  
to:

The Honorable Roland J. Steinle, III, Saj06  
Judge of the Superior Court

Shawdy Banihashemi  
Office of the Public Defender

BY: /s/ \_\_\_\_\_  
/s/ Susie Charbel  
Deputy County Attorney