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DOCKETED BY:

MEMORANDUM OF AGREEMENT 2009 FEB 19 PM 12: 27

Date: 2-19-09

Case #: JV2008-065

SUE HALL, CLERK
APACHE COUNTY SUPERIOR COURT

Juvenile's Name: [REDACTED]

Date of Birth: [REDACTED]

Age: 9 (nine)

1. JUVENILE WILL ADMIT THE FOLLOWING ALLEGATIONS:

Amended Count II, Negligent Homicide. On or about November 5th, 2008, [REDACTED], with criminal negligence caused the death of another person in violation of ARS 13-1102, 13-1101, 13-701, 13-801, 8-201, 12-114.01, 12-116.01, 12-116.02, 16-954 (c), et. seq.

The Petitions listed herein shall be deemed amended to conform to the Memorandum of Agreement without the filing of any additional pleadings if the admission is accepted by the Court.

2. THE STATE WILL WITHDRAW THE REQUEST TO TRANSFER FILED:

N/A

3. THE STATE WILL DISMISS:

Date Petition Filed	Counts	Offense	Date of Offense
11-7-08	Remaining Charges	13-1105(A)(1)	11-5-08

4. THE STATE WILL NOT FILE THE FOLLOWING CHARGES:

Any charges the State is aware of related to the juvenile and the events of November 5, 2008 involving or concerning either victim.

5. The state reserves the right to withdraw from this memorandum of agreement prior to disposition if the juvenile is charged with any additional delinquent or incorrigible offenses.

6. The agreement is contingent upon the right of the victim, if any, to consult with the prosecution prior to disposition.

7. RESTITUTION WILL BE: Ordered in an amount to be determined by the Court at disposition.

8. Detention shall be at the discretion of the Court.

9. The juvenile shall remain on Intensive Probation until further order of the Court.
10. The juvenile will remain on probation until he turns 18 (eighteen).
11. Special conditions of sentence/probation:
 - The juvenile shall admit to Negligent Homicide.
 - A complete diagnostic evaluation and mental health examination at the age of nine (9), 12 (twelve), 15 (fifteen) and seventeen and a half (17.5) shall be conducted by a board certified psychiatrist which shall include:
 - An evaluation as to future dangerousness;
 - Recommendations regarding any changes as to the terms and conditions of the juvenile's probation;
 - A recommendation as to the type, duration and frequency of any mental health services; and,
 - A report of any prescribed medications or change in any prescribed medications the juvenile is or should be taking.
 - The evaluation for the defendant's ninth year shall be performed prior to disposition in this case and shall be a full diagnostic evaluation and mental health examination reflecting the items set forth above and shall also be conducted by an additional board certified psychiatrist. These psychiatrists shall make recommendations as to the terms and conditions of probation the Court should initially impose.
 - Any change in the juvenile's terms and conditions of probation must be recommended in writing by his treating psychiatrist with the State or defense reserving its right to request a hearing and object to such change before approval by the Court.
 - The Juvenile shall not be allowed to use or possess any dangerous weapons and no weapons of this type shall be allowed where the juvenile is residing while on probation.
 - The juvenile is to have no contact with the victims, their immediate or extended family, unless such person files a written request with the Court and the judge issues an order in writing granting such request.
 - The juvenile shall not be allowed to enroll in any public, private or charter school (or any school that is not a secured facility) until the juvenile is determined to not pose a threat to himself or the public and such determination is submitted to the Court in writing by his evaluating psychiatrist and the State and defense and victims are given an opportunity to object at a hearing before this Court.

- The juvenile shall attend all counseling or other mental health services recommended by his treating psychiatrist and shall take all prescribed medications.
 - The State does not object to the juvenile's probation being transferred to another county or state after a hearing is held on such a request and the State and defense and victims are given an opportunity to recommend any changes in the terms and conditions of the juvenile's probation.
12. In the event the Defendant herein spends time in the Juvenile Department of Corrections, Detention, or in other out-of-home placement, the costs thereof may be assessed in accordance with A.R.S. §§ 8-243, 8-245.
 13. All other disposition not specifically designated herein will be at the Court's discretion.

EXPIRATION OF ACCEPTANCE

This offer expires at 5:00 p.m. on _____. It is intended to be the most favorable offer that the state will make in this case. If rejected, it is likely any subsequent plea offer will contain less favorable terms and conditions.

Michael B. Whiting
 Attorney for the State
 Date: 2-19-09

Ronald D. Wood
Ron Wood
 Attorney for the Juvenile
 Date: 2/18/09

 X
Juvenile
 Date: 2-19-09

Juvenile's Parent
 (Not necessary if signed by legal counsel)
 Date: _____