

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

CR2024-114646-001 DT

HONORABLE MONICA N. B. EDELSTEIN

THE STATE OF ARIZONA)

V.)

SABRINA A LOCHNER

EDUARDO CRUZ (001))

JESUS M ACOSTA

DOB: 10/13/1986)
_____)

SENTENCING ORDER

Imprisonment/Supervised Probation

This is the time set for Sentencing hearing held on September 30, 2024 at 9:00 AM in the South Court Tower - 7D for CR2024-114646-001 DT and Defendant EDUARDO CRUZ.

Hearing Start: 09:03 AM

Present in the courtroom,

Attorney

LOCHNER, SABRINA A

Defendant

Eduardo Cruz

Retained Counsel

Jesus Acosta

A record of the proceedings is made digitally in lieu of a court reporter.

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following offense(s):

Count 001

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

As Amended, §13-3408A7 CONSPIRACY TO COMMIT NARC DRUG-TRANSP AND/OR SELL,
Felony 2

A.R.S. § 13-1003

Date of Offense: 2/14/2024

Non Dangerous - Non Repetitive

Count 009

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

As Amended, §13-3407A7 ATTEMPT TO COMMIT DANG DRUG-TRANSP AND/OR SELL,
Felony 3

A.R.S. § 13-1001

Date of Offense: 3/27/2024

Non Dangerous - Non Repetitive

Count 012

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

§13-2312B ILLEGAL CONTROL OF ENTERPRISE, Felony 3

Date of Offense: 2/12/2024 to 3/27/2024

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED the Defendant is sentenced to a term of imprisonment and is committed to Department of Corrections/Arizona State Prison as follows:

Count 009 - A less than Maximum term of 5 years to begin on: 9/30/2024 with a presentence credit for 32 day(s) (time served).

AS PUNISHMENT, IT IS ORDERED the Defendant is sentenced to a term of imprisonment and is committed to Department of Corrections/Arizona State Prison as follows:

Count 012 - A less than Maximum term of 5 years to begin on: 9/30/2024 with a presentence credit for 32 day(s) (time served).

Community Supervision: Count(s) [009],[012] - Waived pursuant to A.R.S. § 13-603(K), due to a term of probation in Count(s) [001].

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. § 13-901(B).

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

IT IS ORDERED that the imprisonment in CR2024114646-001 (Count - 012) is concurrent with CR2024114646-001 (Count - 009)

IT IS ORDERED Defendant shall pay restitution for all economic loss to all victims.

IT IS ORDERED Defendant shall forfeit all interest in weapons, ammunition, any weapon accessories and currency seized in connection with this case.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED that a copy of the Order of Confinement together with all presentence reports, probation violation reports and medical and psychological reports that are not sealed in this case be remitted to the Arizona Department of Corrections.

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:

Count 001 - Supervised Probation for a term of 3 years upon release from prison pursuant to §13-603(k)

IT IS ORDERED that the Defendant shall abide by all standard terms and conditions of probation including:

Condition: 15 Defendant shall pay restitution for all economic loss to all victims. Defendant shall forfeit all interest in weapons, ammunition and any weapon accessories in connection with this case.

IT IS ORDERED that the Defendant shall pay financial obligations through the Clerk of the Superior Court as directed.

	Total	Payment	Begin	Note
Probation Svc Fee/Standard		\$65.00	To be determined	
Time Payment Fee	\$20.00		To be determined	
Probation Assess.	\$20.00		To be determined	
Other	\$10000.00		To be determined	Cost of Investigation
Victim Rights/Compensation Fund	\$9.00		To be determined	
Criminal Penalty Assessment	\$13.00		To be determined	AZ DPS
Drug Offense Fine (Narcotic Drug)	\$4500.00		To be determined	State Anti-Racketeering Revolving Fund Fine
Victim Rights Enforcement Assessment	\$2.00		To be determined	

IT IS FURTHER ORDERED that the Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant who is placed on probation and who does not already have a State Identification Number (SID) established in this matter be fingerprinted.

IT IS FURTHER ORDERED dismissing: Count(s): [002],[003],[004],[005],[006],[007],[008],[010],[011].

IT IS ORDERED dismissing allegation(s) as listed in paragraph 3 of the Plea Agreement.

IT IS FURTHER ORDERED that the Defendant must submit to DNA testing for law enforcement identification purposes in accordance with ARS §13-610.

Defendant is advised that pursuant to ARS §13-805 that failure to maintain contact with the Adult Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

The Adult Probation Department has prepared a presentence investigation and recommendation to be filed under the case number.

Hearing Concludes: 09:28 AM

M. Edelstein

DONE IN OPEN COURT 09/30/2024

Hon. Monica N. B. Edelstein
Maricopa County Superior Court

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include the date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

Let the record reflect that the Defendant's right index fingerprint is attached to this sentencing order in open court.



Right Index finger

ENDORSEMENT PAGE

CASE NUMBER: CR2024-114646-001

SIGNATURE DATE: 9/30/2024

E-FILING ID #: 18597768

FILED DATE: 10/1/2024 8:00:00 AM

JESUS M ACOSTA

SABRINA A LOCHNER

AZ DOC

PRETRIAL SERVICES DIVISION-CCC

RFR

VICTIM WITNESS DIV-AG-CCC