

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

THE STATE OF ARIZONA,

Plaintiff,

vs.

Robin Jean Cortez,
DOB: 02/12/1970

Defendant.

CR2015-002437-002

PLEA AGREEMENT

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

Plea: The Defendant agrees to plead **GUILTY** to:

COUNT 1 (as amended): FRAUDULENT SCHEMES AND ARTIFICES, a Class 2 Felony, in violation of A.R.S. §§ 13-2310, 13-2301, 13-701, 13-702, and 13-801 committed on or between June 1, 2010 and November 1, 2010.

COUNT 13: UNLAWFUL USE OF FOOD STAMPS, a Class 6 Designated Felony, in violation of A.R.S. §§ 13-3701(A)(1), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801 committed on or between December 1, 2012 and May 31, 2013.

COUNT 14: UNLAWFUL USE OF FOOD STAMPS, a Class 6 Designated Felony, in violation of A.R.S. §§ 13-3701(A)(1), 13-301, 13-302, 13-303, 13-304, 13-701, 13-702, and 13-801 committed on or between June 1, 2013 and November 30, 2013.

These are **non-dangerous, non-repetitive** offenses under the criminal code.

THIS OFFER EXPIRES AND IS REVOKED IF NOT ENTERED IN COURT BY the CPTC

Terms: On the following understandings, terms and conditions:

RC 1. Count 1 carries a presumptive sentence of **5** years; a minimum sentence of **4** years (**3** years if the trial court makes exceptional circumstances finding); and a maximum sentence of **10** years (**12.5** years if the trial court makes an exceptional circumstances finding). Probation is ~~not~~ available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is **\$150,000.00** plus **an 84% surcharge plus, if applicable, \$20.00 pursuant to A.R.S. § 12-269**. 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 are: **None**

Counts 13 and 14 carry a presumptive sentence of **1** year; a minimum sentence of **.5** years (**.33** years if the trial court makes exceptional circumstances finding); and a maximum sentence of **1.5** years (**2** years

if the trial court makes an exceptional circumstances finding). Probation is available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is **\$150,000.00 plus an 84% surcharge plus, if applicable, \$20.00 pursuant to A.R.S. § 12-269**. 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 are: **None**

RC 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7:

Count 1

- **The Defendant will be placed on a period of supervised probation. As a condition of probation, the Defendant shall serve an initial six-month term in jail, not to be deleted or deferred.**
- **The Defendant shall pay restitution to all victims and/or their insurance companies for all economic loss arising from the events described in Report 14TDU00053 and Report A74740123 and any supplements in an amount not to exceed \$10,000 regardless of whether the offense giving rise to the loss has been charged, amended or dismissed pursuant to this plea agreement, and regardless of whether the loss was caused by the Defendant or any accomplice. Additionally, the Defendant shall pay restitution in the exact amount of \$23,856.00 to the Department of Economic Security and \$70,182.95 to the Arizona Health Care Cost Containment System.**

Count 13

- **The Defendant will be placed on a period of supervised probation.**

Count 14

- **The Defendant will be placed on a period of supervised probation.**

RC 3. The following charges are dismissed: **Counts 2-4, 7, 15, and 16 and the State's Allegation of Repetitive Offender Status**

RC 4. This agreement serves to amend the complaint, indictment, or information, and 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 because of this plea agreement are automatically reinstated.

RC 5. If the Defendant is charged with a felony, the Defendant waives and gives up her rights to a preliminary hearing or other probable cause determination on the charges to which she 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 her attorney, to-wit: **The Defendant avows that (1) she has NO prior felony convictions in any jurisdiction under any name and (2) she was NOT on probation, parole, community supervision or release at the time of the present offenses.** If the Defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence that 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 waives and gives up her right to a preliminary hearing or other probable cause determination on the original charges.

RC 6. Unless this plea is rejected by the court or withdrawn by either party, the Defendant waives and gives up any and all motions, defenses, objections, or requests which she has made or raised, or could assert hereafter, to the court's entry of judgment against her and imposition of a sentence upon her consistent with this agreement. By entering this agreement, the Defendant further waives and gives up the right to appeal.

RC 7. The parties 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 in paragraph two is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding sentencing, it must give both the State and the Defendant an opportunity to withdraw from the plea agreement. If this plea agreement is withdrawn: (1) all original charges will automatically be reinstated and (2) the Defendant waives and gives up her right to a probable cause determination on the original charges.

RC 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 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.

RC 9. This plea agreement does not in any way compromise, or provide any protection or defense with regard to, any civil action, whether by or on behalf of a victim or any government entity, and whether previously or later filed, including but not limited to an action pursuant to A.R.S. Title 13, Chapter 23 or § 13-4301-4315; nor does it abrogate or limit the provisions of A.R.S. § 13-2314(H) or A.R.S. § 13-4310(C), or in any other way adversely affect the State in any current or future forfeiture proceeding or other civil action pursuant to A.R.S. §§ 13-2314, 13-4301-4315, or 32-1993, if applicable.

RC 10. I understand that if I am not a citizen of the United States 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.

RC 11. I have read and understand all the provisions of this agreement. I have discussed the case and my constitutional rights with my lawyer. My lawyer 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;
- my right to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated in paragraph one;
- my right to confront, cross-examine, or compel the attendance of witnesses;
- my right to present evidence in my behalf;
- my right to remain silent;
- my right to appeal;
- my privilege against self-incrimination; and
- a presumption of innocence.

I agree to enter my plea as indicated above on the terms and conditions of this agreement. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions of probation 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.

I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate I read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

Date: 12/4/15

Defendant Robin Cortez
Robin Jean Cortez

I have discussed this case with my client in detail and advised her of her constitutional rights and all possible defenses. I have also explained the nature of the charge(s) and the elements of the crime(s). I believe that the plea and disposition in this agreement are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions in this agreement.

Date: 12/4/15

Defense Counsel David Roscoe Chris Gillespie

I have reviewed this matter and concur that the plea and disposition in this agreement are appropriate and are in the interests of justice.

Date: 12/4/15

Prosecutor Michelle L. Hogan

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

THE STATE OF ARIZONA,)
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 Plaintiff,)
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 vs.)
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 George Lorenzo Cortez) CR2015-002437-001
 a.k.a. Jorge Cortez,)
 DOB: 06/01/1972)
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 Defendant.) PLEA AGREEMENT
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COUNT 9: UNLAWFUL USE OF FOOD STAMPS, a Class 6 Designated Felony, in violation of A.R.S. §§ 13-3701(A)(1), 13-701, 13-702, and 13-801 committed on or between December 1, 2010 and May 31, 2011.

COUNT 10: UNLAWFUL USE OF FOOD STAMPS, a Class 6 Designated Felony, in violation of A.R.S. §§ 13-3701(A)(1), 13-701, 13-702, and 13-801 committed on or between June 1, 2011 and November 30, 2011.

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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 are: **None**

Counts 9 and 10 carry a presumptive sentence of 1 year; a minimum sentence of .5 years (.33 years if the trial court makes exceptional circumstances finding); and a maximum sentence of 1.5 years (2 years if the trial court makes an exceptional circumstances finding). Probation is available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is **\$150,000.00 plus an 84% surcharge plus, if applicable, \$20.00 pursuant to A.R.S. § 12-269**. 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 are: **None**

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Count 9

- **The Defendant will be placed on a period of supervised probation.**

Count 10

- **The Defendant will be placed on a period of supervised probation.**

GL 3. The following charges and allegations are dismissed: **Counts 2-8 and 11-16 and the State's Allegation of Repetitive Offender Status**

4. This agreement serves to amend the complaint, indictment, or information, and 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 because of this plea agreement are automatically reinstated.
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6. Unless this plea is rejected by the court or withdrawn by either party, the Defendant 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.
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9. This plea agreement does not in any way compromise, or provide any protection or defense with regard to, any civil action, whether by or on behalf of a victim or any government entity, and whether previously or later filed, including but not limited to an action pursuant to A.R.S. Title 13, Chapter 23 or § 13-4301-4315; nor does it abrogate or limit the provisions of A.R.S. § 13-2314(H) or A.R.S. § 13-4310(C), or in any other way adversely affect the State in any current or future forfeiture proceeding or other civil action pursuant to A.R.S. §§ 13-2314, 13-4301-4315, or 32-1993, if applicable.

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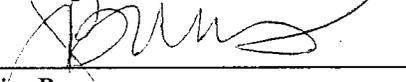
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Date: 12/4/15

Defendant 
George Lorenzo Cortez

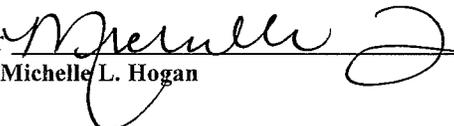
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Date: 12/4/2015

Defense Counsel 
Jennine Burns

I have reviewed this matter and concur that the plea and disposition in this agreement are appropriate and are in the interests of justice.

Date: 12/4/15

Prosecutor 
Michelle L. Hogan