

**IN THE SUPERIOR COURT**

1:46 p.m. Hearing starts  
1:55 p.m. Hearing ends

**PINAL COUNTY, STATE OF ARIZONA**

**Date: 04/13/2012**

**THE HON GILBERTO V FIGUEROA,**  
**Heard By: HENRY G GOODAY, JR., JPT**  
**Courtroom: 2B**  
Court reporter: Kelly Hartwig

**CHAD A ROCHE, CLERK**  
  
By Deputy Clerk: Cathy Phillips

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<b>THE STATE OF ARIZONA</b>	)	<b><u>S1100CR201200174/DV</u></b>
	)	
<b>Plaintiff</b>	)	
<b>vs</b>	)	<b>MINUTE ENTRY ACTION:</b>
	)	
<b>MARTIN EDWARD SCHMIDT</b>	)	<b><u>CHANGE OF PLEA</u></b>
	)	
	)	
<b>Defendant</b>	)	

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PRESENT: Plaintiff appearing by counsel, Stacey Heard, Deputy County Attorney.

Defendant appearing in person and with counsel, Thomas Larson.

Adult Probation Officer, Scott Legg.

*Guardian Ad Litem*, Kent Volkmer.

The Court announces this is the time set for Change of Plea.

Pursuant to PLEA AGREEMENT, Defendant states to the Court the desire to enter a plea of guilty to the crimes(s) of COUNT 1 (AMENDED): CHILD ABUSE (DOMESTIC VIOLENCE), a class 6 undesignated felony.

The Court advises the defendant as to the range of possible sentence for the offense(s), including whether or not probation is available and any other conditions imposed by statute, including special requirements for probation, if available. The Court further advises the defendant as to all constitutional rights waived by the Plea Agreement.

The Court further advises the defendant that by entering in to a Plea Agreement that he/she waives the right to have the Arizona Court of Appeals review the proceedings by way of a direct appeal, and may seek review only by filing a Petition for Post-Conviction Relief, pursuant to Rule 32 within ninety (90) days of entry of judgment and sentencing.

Defendant is advised of all constitutional rights, consequences of the plea, and the range of possible sentence for the offense, including any special conditions imposed by statute.

Counsel for Defendant presents a factual basis.

Defendant pleads guilty.

Upon inquiry, the Court FINDS Defendant desires to forgo the constitutional rights, that the defendant has entered the agreement knowingly, intelligently and voluntarily, and is not the result of force, threats and promises.

That no promises, other than those contained in the PLEA AGREEMENT, force or threats were made in to induce the plea, and that the defendant understands the nature of the charge(s).

That there is a factual basis for the plea.

Therefore, IT IS HEREBY ORDERED:

The plea of Defendant of guilty to the crime(s) of COUNT 1 (AMENDED): CHILD ABUSE (DOMESTIC VIOLENCE), a class 6 undesignated felony, committed on October 4, 2011, in violation of A.R.S. § 13-3623(B)(3), 13-3601, 13-610, 13-701, 13-702 and 13-801 is accepted and entered of record and IMPOSITION OF SENTENCE is hereby SET on **Monday, May 14, 2012, at 10:00 a.m., before the Honorable Gilberto V Figueroa.**

The Defendant is advised to personally appear in court on the dates set herein or a Bench Warrant may issue; a trial date may be set, the trial may go forward in his/her absence and the Defendant may be tried and convicted even though not present.

Directing that a full presentence report shall be made available to the Court and counsel by the Adult Probation Department prior to the date of sentencing.

VACATING the REVIEW OF SETTLEMENT CONFERENCE date of **Monday, April 23, 2012, at 10:00 a.m., before the Honorable Gilberto V Figueroa.**

AFFIRMING prior release conditions.

Directing Defendant to contact Adult Probation prior to leaving this day.

Directing Defendant to cooperate with the preparation of the Presentence Report.

**Mailed/distributed copy: 4/17/2012**

**THOMAS LARSON  
KENT VOLKMER (GAL)**

**OFFICE DISTRIBUTION:  
ADULT PROBATION  
COUNTY ATTORNEY/P GARD  
VICTIM ASSISTANCE  
JUDGE/FIGUEROA**

**IN THE SUPERIOR COURT**

**PINAL COUNTY, STATE OF ARIZONA**

**Date: 03/18/2013**

Judge: **THE HON GILBERTO V FIGUEROA**

**CHAD A ROCHE, CLERK**

Courtroom: «#»

Court Reporter: «Court Reporter»

By Deputy Clerk:

<b>THE STATE OF ARIZONA,</b>	)	<b><u>S1100CR201200174</u></b>
	)	
<b>Plaintiff,</b>	)	<b>MINUTE ENTRY ACTION:</b>
	)	
<b>vs.</b>	)	<b><u>RESTITUTION HEARING</u></b>
	)	
<b>MARTIN EDWARD SCHMIDT,</b>	)	
	)	
<b>Defendant(s).</b>	)	
	)	
	)	

**PRESENT:**

Plaintiff appearing by counsel, Patrick Gard, Deputy County Attorney.

Defendant appearing in person and with counsel, Thomas Larson.

Kent Volkmer, Guardian ad Litem, appearing.

State's Exhibit #1, #2, and #3 are marked for identification as reflected on the attached Exhibit List.

THE RECORD MAY SHOW this is the time set for RESTITUTION HEARING.

(Conference at the bench)

Nicole Schmidt is contacted by the Court via telephone.

Martin Schmidt and Nicole Schmidt are sworn.

THE RECORD MAY FURTHER SHOW the Court reviews the exhibits marked.

Nicole Schmidt is called and having been previously sworn, presents testimony.

Based on the evidence and testimony presented this date,

IT IS HEREBY ORDERED Defendant shall pay restitution to the State of Arizona in a total sum of \$1,726.79. The sum of \$600.00 shall be paid as and for the forensic interview conducted in this matter.

FURTHER ORDERED said sum shall be paid at such amount as may be arranged with the defendant and the Adult Probation Department. Said sum shall be reduced to judgment in the event the probation term is completed prior to the restitution being paid in full.

Counsel advises that this matter is also set for Review of Jail today's date.

Adult Probation Officer advises the Court that the Defendant is compliant with the terms and conditions of probation.

Counsel for the State requests that the jail sentence be continued.

IT IS FURTHER ORDERED continuing and resetting this matter for REVIEW OF JAIL on **Monday, July 22, 2013, at 9:30 a.m. before the Honorable GILBERTO V. FIGUEROA.**

Mailed/distributed copy: 3/20/2013

THOMAS LARSON

KENT VOLKMER (GAL)

**OFFICE DISTRIBUTION:**  
**JUDGE /G V FIGUEROA**  
**COUNTY ATTORNEY P GARD**  
**ADULT PROBATION**  
**FINES/RESTITUTION**  
**VICTIMS ASSISTANCE**