

11/16

NOV 14 2017

FILED

v:00pm

NOV 14 2017

MICHAEL K. JEANES, Clerk

By

J. Cardenas, Deputy

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

Lacey Gray
Deputy County Attorney
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Attorney for Plaintiff

DR 201700001977461 - Phoenix Police Department
West McDowell Justice Court
VACATE
0131685758

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA, RCC-DOWNTOWN

THE STATE OF ARIZONA,

Plaintiff,

vs.

MICHAEL ZABALZA RUELAS,

Defendant.

CR2017-151994-001

DIRECT COMPLAINT

COUNT 1: BURGLARY IN THE SECOND DEGREE, A CLASS 3 FELONY (Michael Zabalza Ruelas)

IN CUSTODY

The complainant herein personally appears and, being duly sworn, complains on information and belief against MICHAEL ZABALZA RUELAS, charging that in Maricopa County, Arizona:

COUNT 1:

MICHAEL ZABALZA RUELAS, on or about November 9, 2017, with the intent to commit a theft or a felony therein, did enter or remain unlawfully in or on the residential structure of

DCO

VICTIM A, located at Phoenix Arizona, in violation of A.R.S. §§ 13-1507, 13-1501, 13-701, 13-702, and 13-801.


/s/ Lacey Gray
Deputy County Attorney

IN CUSTODY



Agency: Phoenix Police Department

Complainant

Subscribed and sworn upon information and belief this 14 day of November, 2017.

rm

****FINAL****

RELEASE QUESTIONNAIRE

Notice: Unless a specific Form IV is sealed or ordered redacted by the Court, all Form IVs are public records of the Court or Clerk at the time they are provided to the Court and will be released in their entirety upon request.

DEFENDANT'S NAME MICHAEL ZABALZA RUELAS DOB [REDACTED] BOOKING NO. T412417
ALIAS(ES) _____ CASE NO. PF2017151994001

A. GENERAL INFORMATION

Charges
1 Cts. 13-1507 BURGLARY 2ND DEGREE F3

Pursuant to A.R.S. §41-1750 ten-print fingerprints were taken of the arrested person? Yes No
If yes, PCN = _____

Pursuant to A.R.S. §13-610 one or more of the above charges requires the arresting agency to secure a DNA sample from the arrested person? Yes No

If yes, does the defendant have a valid DNA sample on file with AZDPS? Yes No

If no, Arresting Agency has taken required sample? Yes No

Offense Location:
Offense Date: 2017-11-09
Arrest Location: [REDACTED]
Date: 2017-11-09 Time: [REDACTED]

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
ON 11/09/2017 BETWEEN APPROXIMATELY 1130 HOURS 1630 HOURS THE VICTIMS LEFT THERE HOUSE, WHICH IS LOCATED IN PHOENIX, AZ ,UNOCCUPIED. AFTER THE FAMILY OF THIS RESIDENCE ARRIVED HOME, THE FATHER OF THE HOUSE ATTENTION WAS DRAWN TO THE CLOSET INSIDE OF THE HOUSE BY THEIR DOG BARKING AT IT. WHEN THE FATHER OPENED THE DOOR HE OBSERVED THE SUSPECT NOW KNOWN TO BE MICHAEL RUELAS INSIDE OF THE CLOSET. MICHAEL EVENTUALLY LEFT THE HOUSE AFTER THE FATHER THREATENED TO STRIKE HIM WITH A CROW BAR. THE MOTHER OF THE HOUSE WITNESSED MICHAEL DRIVING AWAY IN A GRAY IN COLOR VAN WITH AZ LICENSE PLATE [REDACTED] ATTACHED TO IT. MICHAEL IS AN UNKNOWN PERSON TO THE VICTIM FAMILY. THE FATHER STATED AFTER MICHAEL LEFT, HE OBSERVED PHOTOS OF HIS DAUGHTER AS WELL AS UNDERWEAR BELONGING TO HIS DAUGHTER INSIDE OF THE CLOSET WHERE MICHAEL WAS LOCATED. THE FATHER STATED THE PICTURES AND UNDERWEAR WERE NOT IN THE CLOSET WHEN THEY LEFT IN THE MORNING. THE FATHER ALSO OBSERVED A BOTTLE OF LOTION IN THE CLOSET BELONGING TO THE FEMALES IN THE HOUSE. THE FATHER STATED THE LOTION WAS NOT IN THE CLOSET WHEN THEY LEFT THE HOUSE. OFFICERS LATER OBSERVED THE MAZDA VEHICLE WITH AZ LICENSE PLATE [REDACTED] DRIVE PAST THE VICTIMS HOUSE. A TRAFFIC STOP WAS CONDUCTED AND MICHAEL WAS TAKEN INTO CUSTODY. DURING A CHECK OF POLICE RECORDS MICHAEL WAS REPORTED TO BE DRIVING THE MAZDA VEHICLE WITH AZ LICENSE PLATE AWW7357 ON 11/3/2017.DURING A POST MIRANDA WARNINGS INTERVIEW MICHAEL ADMITTED TO ENTERING INTO THE VICTIMS RESIDENTIAL HOUSE THROUGH A WINDOW. MICHAEL STATED HE COLLECTED PANTIES FROM DIFFERENT LAUNDRY BASKETS INSIDE OF THE HOUSE. MICHAEL SAID HE WAS IN THE CLOSET WHEN THE VICTIM FAMILY ARRIVED HOME. MICHAEL STATED HE TOOK SOME OF THE PANTIES FROM THE HOUSE WHEN HE LEFT AND THAT THEY WERE CURRENTLY IN THE VEHICLE HE HAD BEEN PULLED OVER IN.

C. OTHER INFORMATION (Check if applicable)

1. Defendant is presently on probation, parole or any other form of release involving other charges or convictions:
Explain:

2. List any prior:
Arrests? FALSE RPRT, DUI, FAIL OBEY

Convictions? FALSE RPRT, DUI, FAIL OB

F.T.A.'s? PTA DRIVING SUSP L

3. Is there any indication the defendant is:
 An Alcoholic? An Addict?
 Mentally disturbed? Physically III?

4. Defendant is currently employed
With whom

How long:
5. Where does the defendant currently reside? [REDACTED]

With whom
How long: _____years _____months _____days
6. What facts indicate the defendant will flee if released?
Explain: PRIOR SEXUAL ABUSE INV, TARGETED 16 YR FEMALE'S UNDERWEAR

7. What facts does the state have to oppose an unsecured release? Explain:PRIOR SEXUAL ABUSE INV, TARGETED 16 YR FEMALE'S UNDERWEAR

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1. Firearm or other weapon was used
Type:
 Someone was injured by the defendant
 Medical attention was necessary
Nature of injuries:
2. Someone was threatened by the defendant
Nature and extent of threats:
3. Did the offense involve a child victim? Yes No
If yes, was DCS notified? Yes No
4. If property offense, value of property taken or damaged:

DEFENDANT'S NAME MICHAEL ZABALZA RUELAS

DOB [REDACTED] BOOKING NO. T412417

CASE NO. PF2017151994001

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1

Property was recovered

5. Name(s) of co-defendant(s):

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim:

Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

Victim Third Party Officer observed

3. There are previous incidents involving these same parties
Explain:

4. Is defendant currently the subject of:

An order of protection Any other court order

Injunction against harassment

Explain:

F. DOMESTIC VIOLENCE ISSUES (Check if applicable)

Defendant's actions

Threats of homicide/suicide/bodily harm

Control/ownership/jealousy issues Crime occurs in public

Prior history of DV Kidnapping

Frequency/intensity of DV increasing Depression

Access to or use of weapons Stalking behavior

Violence against children/animals

Multiple violations of court orders

G. CIRCUMSTANCES OF THE ARREST (Check if applicable)

1. Did the defendant attempt to:

Avoid arrest Resist arrest Self Surrender

Explain: FLED FROM SCENE, FOOT PUR

2. Defendant was armed when arrested

Type:

Pursuant to AO 2003-046, the oath has been administered pursuant to the law and required procedures. *[Signature]*

If a fugitive arrest, a Form IVA must also be completed

3. Evidence of the offense was found in the defendant's possession

Explain: VICTIM'S UNDERWEAR IN VEHICLE

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

Yes No Unk

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

Drug field test completed

Defendant admission of drug type

Approximate monetary value: \$

3. Was any money seized?

Yes No

Amount: \$

I. ADDITIONAL INFORMATION

1. Military Service:

Has the defendant served in the military services of the United States? Yes No Unknown

If yes, currently on active duty? Yes No

Branches Served In: _____

(AF - Air Force AR - Army CG - Coast Guard MC - Marine Corp

MM - Merchant Marines NG - National Guard NV - Navy

RS - Reserves)

2. Is the defendant homeless?

Yes No Unknown

3. Do you need the court to provide an interpreter to help communicate and to understand what is being said?

Yes No

If so, what language:

I certify that the information presented is true to the best of my knowledge.

GRABER, TERRY L/09448
ARRESTING OFFICER/SERIAL NUMBER

AZ0072300/602-262-6657
ARREST AGENCY/DUTY PHONE NUMBER

2017-11-09
DATE

201700001977461/AZ0072300
DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.



SUPERIOR COURT OF ARIZONA FOR

Maricopa County

Final Release Order and Order Regarding Counsel

Michael K. Jeanes, Clerk of Court

*** Electronically Filed ***

I. Osuna, Deputy

11/14/2017 5:38:00 PM

Filing ID 8837648

State of Arizona 1 Cnt BURGLARY 2ND DE F3

CaseNumber: PF2017151994001

vs.

Booking#: T412417

Michael Zabalza Ruelas

It is hereby ordered that **Michael Zabalza Ruelas shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference November 16, 2017 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3B **Docket: RCCT3**

Preliminary Hearing November 20, 2017 at 08:45 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3B **Docket: RCCT3**

WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.

RELEASE TYPE

Bailable As a Matter of Right

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

Secured Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum of **\$3,500.00**, which includes all applicable surcharges.

If the bond is posted the defendant is subject to the supervision restrictions and conditions of the Pretrial Services Agency set forth below.

PSA Supervision
Electronic Monitoring

Before Release: Mandatory Install

Defendant shall NOT BE released from Jail until Electronic Monitoring Equipment has been Installed. Curfew Times to be determined by PSA

With Curfew Restrictions -

You May Not Leave Your Home Except During The Hours Set or Approved by Your Pretrial Officer.

RELEASE CONDITIONS

1. You are not to return to the scene of the alleged crime.
2. You are not to initiate contact with the alleged victim or victims.
3. You are not to have any physical contact with any alleged victim.
4. You are not to initiate contact with the alleged complainant or witness.
5. You are not to initiate contact with the arresting officers.
6. You are not to possess any weapons.
7. You are not to possess any drugs without a valid prescription.
8. You are not to drive a motor vehicle without a valid driver's license.
9. You must continue to provide the court with proof of your local address.
10. You must contact your Case Manager within 24 Hours of your release from custody.



**SUPERIOR COURT OF ARIZONA FOR
Maricopa County
Final Release Order and Order Regarding Counsel**

Case#: PF2017151994001
Booking#: T412417

11. You must take all medications that you have been prescribed by your doctor.
12. You are currently on probation. You must contact your probation officer within 72 hours of your release from custody. If you are on Maricopa County probation and do not have your probation officer's name or telephone number, please call 602.506.3581 and select option #1 to speak with a representative who will assist you in contacting your assigned probation officer.

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. You must maintain contact with your attorney. If convicted, you will be required to appear for Sentencing. If you fail to appear, you may lose your right to a direct appeal. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. a. You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. b. You will refrain from committing any criminal offenses. c. You will diligently prosecute any appeal. d. You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be impossible for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.
You must contact the Office of the Maricopa County Public Defender at 620 W. Jackson Street, Suite 4015, Phoenix, AZ 85003. 602-506-7711

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 11/10/2017 8:00:00 PM

Address: [REDACTED]

City, State, Zip: [REDACTED]

Signature: [REDACTED]

Michelle Carson
Judge / Commissioner

Michael Zabalza Ruelas
Defendant

Pretrial Services-Court Report

| | | | |
|---|-------------------------|--|------------|
| State of Arizona vs MICHAEL ZABALZA RUELAS | | Reviewed By: Patrick Henry Swafford | |
| Superior Court of Arizona, at 7:32 PM on 11/10/2017 | | Booking #: T412417 | |
| IA Type: | Superior Court New Case | DOB: | 12/06/1982 |
| Interview Type: | Full | Gender: | Male |
| State of Residence: | Arizona | Ethnicity: | Anglo |
| Country Of Residence: | United States | Arrest Date: | 11/09/2017 |

| | | |
|-------------------|---------------------|----------------------|
| Charge(s): | | |
| Statute: | Discription: | Class Felony: |
| 13-1507 | BURGLARY 2ND DEGREE | F3 |

New Violent Criminal Activity Flag: NO

Failure to Appear Score

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|

New Criminal Activity Score

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|

| Public Safety Assessment-Court | |
|---|-------------|
| Risk Factors | Responses |
| 1. Age at Arrest | 23 or older |
| 2. Current Violent Offense | No |
| a. Current Violent Offense and Under 21 | |
| 3. Pending Charge at the Time of the Offense | No |
| 4. Prior Misdemeanor Conviction | Yes |
| 5. Prior Felony Conviction | Yes |
| 6. Prior Violent Conviction | 1 |
| 7. Prior Failure to Appear pre-trial in Past Two Years | 0 |
| 8. Prior Failure to Appear pre trial Older than Two Years | No |
| 9. Prior Sentence to Incarceration | Yes |

| PSA - Court Assessment Recommendation | |
|---------------------------------------|---------------------------|
| Final Recommendation: OR | Supervision Level: |
| Special Conditions: | |

Pretrial Services-Court Report

Additional Recommendations:

Contact

You are not to return to the scene of the alleged crime

You are not to initiate contact with the alleged victim or victims

You are not to initiate contact with the alleged complainant or witness

You are not to initiate contact with the arresting officers

Prohibitions

You are not to possess any drugs without a valid prescription

You are not to drive a motor vehicle without a valid driver's license

Requirements

You must continue to provide the court with proof of your local address

Probation / Parole

Currently on probation.

PRETRIAL SERVICES AGENCY FINANCIAL INFORMATION

Defendant's Name: MICHAEL ZABALZA RUELAS

Booking #: T412417

The Judicial Officer needs to know about your financial situation in determining whether to require you to post bond and, if so, the amount of bond. The Judicial Officer must also determine if you are entitled to have a lawyer appointed to represent you.

Number of Dependents: 1
 Employment/Student/Caregiver Status: Disabled / Retired
 Employment Verified: No Occupation :
 Employment Status: Length of Employment :
 Employer Name:

Income (Monthly):

Pay Amount:
 Payroll Deductions for Savings, Stocks, etc.:
 Spouse Income:
 Public Assistance/Food Stamps:
 Disability Benefits: \$2,900.00
 Veteran Benefits:
 Social Security Benefits:
 Accident Benefits:
 Retirement Benefits:
 Allotment Checks(Tribal):
 Interest:
 Dividends:
 Child Support Received:
 Alimony Or Maintenance Received:
 Unemployment Benefits:
 Other Income:
Net Income: \$2,900.00

Expense (Monthly):

Rent / Home Payment: \$2,900.00
 Utilities:
 Food:
 Gas:
 Cell Phone:
 Cable:
 Charge Account Payments:
 Loan Payments:
 Car Loan Payments:
 Car Insurance:
 Child Support:
 Medical Care:
 Court Fines and Fees:
 Alimony:
 Child Care:
 Union Dues:
 Other Expense:
 Delinquent Expense:
Total Expenses: \$2,900.00

Asset:

Cash Asset: \$0.00
 Checking Amount: \$0.00
 Savings Amount: \$0.00
 Cash Owed To This Person:
 Cash Value Of Stock Or Bonds:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00
 Real Estate Location:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00
 Automobile 1:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00
 Automobile 2:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00
 Trailer:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00
 Boat:
 Value: \$0.00 Owed: \$0.00 Net: \$0.00

Asset (Continued):

Stereos:
 Televisions:
 Musical Instruments:
 Stock In Trade:
 Tools:
 Jewelry:
 Jail Property: \$0.00
 Other Assets:
Total Assests: \$0.00

**PRETRIAL SERVICES AGENCY
FINANCIAL INFORMATION**

Defendant's Name: MICHAEL ZABALZA RUELAS

Booking #: T412417

The Judicial Officer needs to know about your financial situation in determining whether to require you to post bond and, if so, the amount of bond. The Judicial Officer must also determine if you are entitled to have a lawyer appointed to represent you.

Number of Dependents: 1
Employment/Student/Caregiver Status: Disabled / Retired
Employment Verified: No Occupation :
Employment Status: Length of Employment :
Employer Name:

Acknowledgement by Defendant

OATH UNDER PENALTY OF PERJURY: I have truthfully given the information, which appears in this statement. I have not concealed, or in any way misrepresented my financial resources. I am aware that I can be held in contempt of court or prosecuted for perjury, if I made any false statements. If the Public Defender or a court appointed attorney accepts my case, I will notify them of any changes in financial resources, employment, income or re-arrest. I also give permission for the Pretrial Services Agency staff to contact anyone named above or any agency or business concerning their investigation into the statement I made. I hereby make these statements under oath.



MICHAEL ZABALZA RUELAS