

IN THE UNIVERSITY LAKES JP (TMP EAST) COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

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****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 ANDREW JAMES KERR

DOB

BOOKING NO.

ALIAS(ES)

CASE NO. PF2018101721001

A. GENERAL INFORMATION

Charges

1 Cts. 13-1105A1 MURDER 1ST DEG-PREMEDITATED F1

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: 1635 N. SCOTTSDALE ROAD, TEMPE

Offense Date: 2018-01-08

Arrest Location:

Date: 2018-01-09 Time: 11:00

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
PC HAD TO BE PRINTED, DUE TO THE PC BEING TOO LONG

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?

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

- ☐ An Alcoholic? ☐ An Addict?
☐ Mentally disturbed? ☐ Physically Ill?

4. ☐ Defendant is currently employed
With whom

How long: 0 years 0 months 0 days

5. Where does the defendant currently reside?

How long: 0 years 0 months 0 days

6. What facts indicate the defendant will flee if released?

Explain: VIOLENT NATURE OF INCIDENT, NO DIRECT TIES TO COMMUNITY, NO LONG TERM EMPLOYMENT

7. What facts does the state have to oppose an unsecured release? Explain: VIOLENT NATURE OF INCIDENT, NO DIRECT TIES TO COMMUNITY, NO LONG TERM EMPLOYMENT.

D. CIRCUMSTANCES OF THE OFFENSE (Check if applicable)

1. ☒ Firearm or other weapon was used
Type: 9MM HANDGUN

- ☒ Someone was injured by the defendant

- ☒ Medical attention was necessary

Nature of injuries: GUNSHOT WOUND AND VICTIM IS DECEASED

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:

☐ Property was recovered

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

E. CRIMES OF VIOLENCE1. Relationship of defendant to victim: ACQUAINTANCE☐ Victim(s) and defendant reside together

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

☐ Victim ☒ Third Party ☐ Officer observed3. ☐ 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:

N/A2. ☐ Defendant was armed when arrested

Type:

3. ☒ Evidence of the offense was found in the defendant's possessionExplain: 9MM HANDGUN FOUND INSIDE KERR'S 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 ☒ UnknownIf 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:

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

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

MILLER/00000
ARRESTING OFFICER/SERIAL NUMBERAZ0072900/480-350-8311
ARREST AGENCY/DUTY PHONE NUMBER2018-01-09
DATE20183285/AZ0072900
DEPARTMENTAL REPORT NO./
DEPARTMENTAL REPORT NO./
DEPARTMENTAL REPORT NO.

PC Statement for Tempe Police Report 18-3285

On 01/09/2018, ANDREW JAMES KERR was arrested at the Tempe Police Headquarters located at 120 E. 5th Street, Tempe for one (1) count of First Degree Murder after investigation revealed the 20 year old female victim was found dead from a single gunshot to the torso inside her rented hotel room located at the Ramada hotel located at 1635 N. Scottsdale Road, Tempe. A gun was not found at the scene and the hotel room door was found to be secured.

She was pronounced deceased at approximately 1742 hours on 01/08/18 by paramedics after Tempe Police received a 911 call from the victim's roommate who found the victim when she returned after a day of work. The roommate reported to police that the victim had been meeting numerous males from dating and social media sites and having what she thought were sexual relations with them. The victim reported to her that one of the males, later identified as ANDREW JAMES KERR, scared her into having sex. The victim felt she was forced to have sex with KERR because she was scared of him but didn't elaborate to her roommate what made her fearful.

KERR was picked out of a photographic lineup by both the roommate and her girlfriend as the male that the victim was fearful of and forced sexual relations with the victim as described.

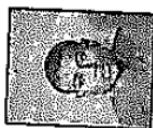
A review of text messages from one of the victim's 2 phones showed a recent text message exchange with a phone number which research revealed belongs to ANDREW KERR. The phone number was linked to KERR through police databases. At around 0446 hours on 01/08/18 KERR and the victim started texting and KERR made arrangements to go over to the hotel after he got off work at around 0600 hours. Through text message, KERR said he was at the hotel and in the parking lot in his car, later determined to be a silver colored 2008 Chevrolet passenger car bearing Arizona license [REDACTED] and would be going up to the room. The victim responded that her roommate was awake and he would have to wait to come up until she left for work at approximately 1030 hours because her roommate did not like him. KERR agreed to wait in the parking lot. The correspondence indicated KERR had previously been to the room, as the victim asked if he remembered where it was.

At approximately 1004 hours the victim texted and said her roommate had left and for KERR to call her. At approximately 1026 hours KERR texted back and said he had just woken up, and "wya?" (shorthand for, "where you at?"). KERR also made an outgoing call to the victim at around 1026 hours, which appeared to be answered by the victim. KERR then sent a second text message repeating that he had just woken up and again asking where she was.

After those messages, there was no other known correspondence between Kerr and the victim, indicating they were likely in the presence of one another.

Beside the males the victim was meeting up with, she did not know anyone in Arizona after only having moved here recently.

A search warrant was obtained for the hotel room for evidence collection and examination of the scene and decedent which revealed 1 spent 9mm cartridge casing found only feet from the victim as she lay dead on the living area floor. A copper jacketed projectile in near pristine condition was found on the victim, between the skin on her back and the clothing. No firearm was located inside the hotel room.



KERR, ANDREW JAMES

Bk Dt:

9/15/1994

Sex: Male

v3

Autopsy revealed the single gunshot was found to have entered the victim's upper chest area, just below the throat in a downward trajectory, penetrating the victim's aorta and other major vascular tissue then transecting the spinal cord at the 5th thoracic vertebrae and exited the victim at mid-back. The victim's height was estimated at 5'07". KERR's height is approximately the same with only about a 2-inch difference at approximately 5'09", therefore the victim was likely on her knees, seated on the floor, or the suspect held his arm high when she was shot.

The Maricopa County Office of the Medical Examiner arrived on scene and assisted with conducting a body exam of the victim and rolling her body onto her left side to determine if there were any wounds or defects to her body. Two defects were found in her skin that looked to be entrance and exit wounds of a gunshot. One was on the front of her body, in the area at the top of the sternum. A second one was located in the middle of her back. With the projectile having been found inside the back of her shirt, it looked as if the front one was the entry wound and the one in her back was the exit wound. A spent 9mm cartridge casing was found on scene only a few feet from where the victim lay dead on the floor.

A check of a closed source database revealed on 12/12/17, ANDREW KERR was contacted by the Mesa Police Department regarding follow up; KERR was a person of interest for an Indecent Exposure incident. During this contact, KERR was found to be armed with an SCCY Firearms 9mm pistol, SN 436772. The serial number was checked but a Records check returned negative so it was returned to KERR after the police contact.

KERR's silver colored 2008 Chevrolet passenger vehicle was located at the listed [REDACTED] which was confirmed as KERR's residence. During service of a search warrant at KERR's apartment and vehicle, a hand-written note was found in his nearly empty apartment that read:

"People I want to kill"

"Ronoldo MacDonal"

"Rodney"

This note was among notes found about how KERR does not have friends, does not fair well with females and his writings range from never quit type writings and believing in yourself to writings about how people are always against him and he will not be "punked" again and if the girl does not give him what he wants, she will be "cut off".

During the warrant service of KERR's vehicle, a KCCY CX1 9mm pistol was found in the vehicle. The pistol was seized as part of the warrant and turned over to Tempe Police Forensic Services Unit.

A trained NIBN technician then compared the spent 9mm cartridge collected at the scene to one that was test-fired from the SCCY CX1 9mm pistol recovered from KERR's vehicle glovebox during a search warrant service and is of the opinion that both have come from this firearm. Further examination will be forthcoming by a certified firearms examiner.

A Personal Characteristics Order was obtained and KERR was interviewed post-Miranda regarding the hotel and the victim. KERR denied knowing the victim, being in Tempe, and having any communication with the victim. When KERR was pressed about some facts and being honest, he advised he wanted an attorney.

KERR was booked into the Tempe City Jail where he was charged with one count of First Degree Murder and held to see a judge.



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

State of Arizona 1 Cnt MURDER 1ST DEG- F1

CaseNumber: **PF2018101721001**

vs.

Booking#: [REDACTED]

Andrew James Kerr

It is hereby ordered that **Andrew James Kerr shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference January 17, 2018 at 08:30 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3A **Docket: RCCT1**

Preliminary Hearing January 19, 2018 at 08:45 AM at South Court Tower, 175 W. Madison Street, 3rd Floor, Phoenix, AZ, 85003-2243 Courtroom: 3A **Docket: RCCT1**

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:

Cash Only Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum, in cash, of **\$1,000,000.00**, which includes all applicable surcharges.

[Flight risk; dangerousness; strong weight of evidence.]

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 complainant or witness.
3. You are not to initiate contact with the arresting officers.
4. You are not to possess any weapons.
5. You are not to possess any drugs without a valid prescription.
6. You are not to drive a motor vehicle without a valid driver's license.
7. You must continue to provide the court with proof of your local address.
8. You must submit to DNA testing at the police department that arrested you within five (5) days of release from custody. You must bring proof of your DNA Testing to your next hearing. If you do not submit to testing your release will be revoked.
9. You may have no contact with the alleged victim's next-of-kin, even if one of them contacts you first.

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.



SUPERIOR COURT OF ARIZONA FOR

Maricopa County

Final Release Order and Order Regarding Counsel

Case#: **PF2018101721001**

Booking# [REDACTED]

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 1/10/2018 8:00:00 AM

Address: [REDACTED]

City, State, Zip [REDACTED]

Jane McLaughlin

Judge / Commissioner

Signature:

Andrew James Kerr

Defendant