

IN THE MOON VALLEY JP (NORTHWEST PHX) COURT  
STATE OF ARIZONA, COUNTY OF MARICOPA

\*\*\*\*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 WENDY VIVIANA LAVARNIA DOB [REDACTED] BOOKING NO. T350310  
ALIAS(ES) \_\_\_\_\_ CASE NO. PF2017113061001

**A. GENERAL INFORMATION**

Charges  
4 Cts. 13-3623A1 CHILD/VUL ADULT ABUSE-INTENT F2

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: 2017-03-20  
Arrest Location: [REDACTED] PHOENIX AZ 85029  
Date: 2017-03-20 Time: 18:00

**B. PROBABLE CAUSE STATEMENT**

1. Please summarize and include the facts which establish probable cause for the arrest:  
ON 032017 AT APPROXIMATELY 1453 HOURS, PHOENIX POLICE OFFICERS RESPONDED TO [REDACTED] ON THE REPORT OF A SHOOTING. UPON ARRIVAL, THEY FOUND THAT NINE YEAR OLD HAD BEEN SHOT ONCE IN THE HEAD. MOTHER WENDY LAVARNIA STATED THAT SHE HAD PLACED AN UNHOLSTERED LOADED 9MM HAND-GUN ON THE MASTER BED. THIS GUN IS NOT EQUIPPED WITH AN EXTERNAL SAFETY. TWO OF HER SONS, AGED 2 AND 4, WERE ALSO ON THE BED, IMMEDIATELY NEXT TO THE LOADED GUN. WENDY LAVARNIA STATED HER TWO YEAR OLD CHILD THEN PICKED UP THE HANDGUN AND FIRED IT, STRIKING IN THE HEAD AS HE PLAYED VIDEO GAMES A FEW FEET AWAY. WENDY DESCRIBED ALLOWING THE TWO YEAR OLD TO PRACTICE PULLING THE TRIGGER OF THIS GUN WHEN EMPTY ON PREVIOUS OCCASIONS. WENDY LAVARNIAS ONE YEAR OLD DAUGHTER WAS ALSO IN THE HOUSE AT THAT TIME, BUT IT IS UNCLEAR IF SHE WAS IN THE SAME ROOM WHEN THE SHOOTING OCCURRED. WHILE ONLY WAS SHOT, EACH OF THE OTHER CHILDREN WERE EQUALLY ENDANGERED. IS CURRENTLY ON LIFE SUPPORT AND NOT EXPECTED TO SURVIVE.

**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:

5. Where does the defendant currently reside? [REDACTED] PHOENIX, AZ 85029

With whom

How long: \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days

6. What facts indicate the defendant will flee if released? Explain: SEVERITY OF CRIME

7. What facts does the state have to oppose an unsecured release? Explain: SEVERITY OF CRIME

**D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)**

1.  Firearm or other weapon was used  
Type: SEMI AUTOMATIC HAND GUN

Someone was injured by the defendant

Medical attention was necessary  
Nature of injuries: 9YR OLD WAS SHOT

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 VIOLENCE

1. Relationship of defendant to victim: MOTHER

[X] 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 [X] Self Surrender

Explain:

CALLED POLICE

2. [X] Defendant was armed when arrested

Type: GUN IN ROOM

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

Explain:

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

[X] 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

[X] Defendant admission of drug type
Approximate monetary value: \$

3. Was any money seized?

[ ] Yes [X] No

Amount: \$

I. ADDITIONAL INFORMATION

1. Military Service:

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

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

[ ] Yes [X] 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.

MOFFITT, KEITH A/05384

ARRESTING OFFICER/SERIAL NUMBER

AZ0072300/602-262-6657

ARREST AGENCY/DUTY PHONE NUMBER

2017-03-20

DATE

201700000484313/AZ0072300

DEPARTMENTAL REPORT NO.

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