



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

State of Arizona 1 Cnt MURDER 1ST DEG- F1
 1 Cnt CHILD/VUL ADULT F2

1 Cnt HINDERING PROSE F3

CaseNumber: **PF2017113061002**

Booking#: **T350338**

vs.

Kansas Eric Lavarnia

It is hereby ordered that **Kansas Eric Lavarnia** shall be released as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference March 28, 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 March 31, 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:

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.

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.

House Arrest -

After Installation, You May Leave Your Home ONLY During the Hours 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 have any contact with minors. Except under the following conditions: NONE
7. You are not to possess any weapons.
8. You are not to possess any drugs without a valid prescription.
9. You are not to drive a motor vehicle without a valid driver's license.
10. You must continue to provide the court with proof of your local address.

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. 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.



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

Case#: PF2017113061002
Booking#: T350338

ATTORNEY APPOINTMENT

The Court finds you to be indigent and orders an attorney to provide you representation.
You must contact the Office of the Legal Defender at **222 N. Central Avenue, Suite 8100, Phoenix, AZ 85004. 602-506-8800**

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 3/21/2017 11:00:00 PM

Address: [REDACTED]

City, State, Zip [REDACTED]

Lori Ash
Judge / Commissioner

Signature:

Kansas Eric Lavarnia
Defendant

RELEASE QUESTIONNAIRE

Information to be supplied by a prosecutor or law enforcement officer

STATE OF ARIZONA vs. KANSIAS LAMAR

DOB [REDACTED]

CASE / BK. NO. T350338

A. GENERAL INFORMATION

1. Charge and class:

See Attached

2. Offense Location:

Date: _____ Time: _____

3. Arrest Location: 201 S. 4th Ave Phoenix, AZ 85003

Date: _____ Time: _____

B. CIRCUMSTANCES OF THE OFFENSE

1. Was a firearm or other weapon used?

☐ Yes ☐ No

Type of weapon: _____

Was anyone injured by the defendant?

☐ Yes ☐ No

Was medical attention necessary?

☐ Yes ☐ No

Nature of injuries: ☐

2. Was anyone threatened by the defendant?

☐ Yes ☐ No

Nature & extent of threats: _____

3. If property offense, value of property taken or damaged:

Was property recovered?

☐ Yes ☐ No

C. CIRCUMSTANCES OF THE ARREST

1. Did the defendant attempt to:

Avoid arrest?

☐ Yes ☐ No

Resist arrest?

☐ Yes ☐ No

Explain: _____

2. Was the defendant armed when arrested?

☐ Yes ☐ No

Type of weapon: _____

3. Was evidence of the offense found in the defendant's possession?

☐ Yes ☐ No

Explain: _____

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

☐ Yes ☐ No ☐ Unk

CRIMES OF VIOLENCE

1. Relationship of defendant to victim:

Do the victim and defendant reside together?

☐ Yes ☐ No

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

☐ Victim

☐ Third party

☐ Officer observed

3. Have there been any previous incidents involving these same parties?

☐ Yes ☐ No

Explain: _____

4. Is defendant currently the subject of:

☐ An order of protection

☐ Injunction against harassment

☐ Any other court order

Explain: _____

D. OTHER INFORMATION

Is the defendant presently on probation, parole or any other form of release involving other charges or convictions:

☐ Yes ☐ No

Explain: _____

2. List any prior arrests, convictions, and / or F.T.A.'s:

3. Is there any indication the defendant is:

☐ An alcoholic?

☐ An addict?

☐ Mentally disturbed?

☐ Physically ill?

☐ Any other court order?

4. Is the defendant currently employed?

☐ Yes ☐ No

With whom _____

How long _____

Nature of employment _____

5. Where does the defendant currently reside?

With whom _____

How long _____

6. What facts indicate the defendant will flee if released

Explain: _____

7. What facts does the State have to oppose an unsecured release? Explain: _____

Page II

DOB

BOOKING NO. B2017200039667

DEFENDANT'S NAME LAVARNIA, KANSAS E

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim:

FATHER/SON

☒ 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 DEFENDANT ISSUES

Defendant's actions

- ☐ Threats of homicide/suicide/bodily harm
☐ Control/ownership/jealousy issues ☐ Crime occurs in public
☐ Prior history of Domestic Violence ☐ Kidnapping
☐ Frequency/intensity of DV increasing ☐ Depression
☒ Access to or use of weapon ☐ Stalking behavior
☐ Violence against children, vulnerable adults or animals
☐ Multiple violations of court orders

G. CIRCUMSTANCES OF THE ARREST

(Check if applicable)

- 1.
- ☒
- Avoid Arrest
- ☐
- Resist Arrest
- ☐
- Self Surrender

Explain: DESTROYED/HID EVIDENCE

- 2.
- ☐
- Defendant was armed when arrested

Type:

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

Explain:

EMPTY CLEANING PRODUCTS, BLOOD RESIDUE, INJURY

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

☐ Yes ☒ No**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, is defendant Active Duty, Reserves, or National Guard

☐ 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**** If a fugitive arrest, a form IVA must be completed ****

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

MOFFITT, KEITH A 05384

Arresting Officer/Serial No.

201700000484313

Departmental Report No.

Agency/Duty Phone Number

Departmental Report No.

3/21/2017

Date

Departmental Report No.

IN THE MOON VALLEY JP (NORTHWEST PHX) AZ007143J COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

DOB [REDACTED]

RELEASE QUESTIONNAIRE

BOOKING NO. PHX20170321
8868

DEFENDANT'S NAME LAVARNIA, KANSAS E

A. GENERAL INFORMATION

Charges:

CHILD-PHYSICAL ABUSE-INTENTIONAL-FIREARM,
13-3623A; HINDERING PROSECUTION-1ST DEGREE,
13-2512A

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

Pursuant to A.R.S. §13-610 one or more of the
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: 3/20/2017 Offense Time: _____

Arrest Location: [REDACTED]

Arrest Date: 3/21/2017 Arrest Time: 10:35

B. PROBABLE CAUSE STATEMENT

1. Summarize and include the facts which establish
probable cause for the arrest for the crimes charged:

ON 032017 AT APPROXIMATELY 1451 HOURS, PHOENIX
POLICE RESPONDED TO [REDACTED] ON THE
REPORT OF A CHILD BEING SHOT AT THAT LOCATION.
UPON ARRIVAL THEY FOUND 9 YR OLD;

[REDACTED] IN THE MASTER BEDROOM SUFFERING
FROM A SINGLE GUNSHOT WOUND TO THE HEAD.
FIREFIGHTERS TREATING [REDACTED] AT THE SCENE
NOTICED A SEEMING LACK OF BLOOD FROM THE
WOUND. [REDACTED] SUFFERED, AND RELAYED THIS
INFORMATION TO POLICE. [REDACTED] WAS
IMMEDIATELY TRANSPORTED TO THE HOSPITAL FOR
TREATMENT, AND THE HOME WAS EVACUATED AND
HELD BY POLICE FOR A PENDING SEARCH WARRANT.

[REDACTED] IS THE SON OF WENDY AND
KANSAS LAVARNIA. KANSAS WAS NOT AT THE HOME
WHEN POLICE RESPONDED, AND WENDY TOLD
INVESTIGATORS THAT KANSAS HAD BEEN OUT
SHOPPING AT THE TIME OF THE SHOOTING AND HAD
NOT RETURNED HOME. WENDY WENT ON TO SAY
THAT SHE HAD PLACED HER LOADED HANDGUN ON
THE BED NEXT TO HER 2 YEAR OLD SON, AND THE 2
YEAR OLD HAD TAKEN THE GUN AND FIRED IT ONCE,

C. OTHER INFORMATION

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

2. List any prior:

Arrests? MULTIPLE FELONY ARRESTS

Convictions? MULTIPLE FELONY CONVICT.

Failures to Appear (FTA)?

Protective Orders?

3. Is there any indication the defendant is:

☐ An Alcoholic?

☒ An Addict?

☐ Mentally Disturbed?

☐ Physically Ill?

4. Defendant is current employed

With Whom

How long

5. Where does the defendant currently reside?

With Whom:

How Long: _____ year(s), _____ month(s), _____ days

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

DEF HAS STATED HE WILL BOND OUT IMMEDIATE, OUT OF
STATE RELATI

7. What facts does the State have to oppose an
unsecured release? Explain:

NATURE OF CRIMES, PENDING HOMICIDE CHARGE

D. CIRCUMSTANCES OF THE OFFENSE

(Check if applicable)

1. ☐ Firearm or other weapon used

Type:

☐ Someone was injured by the defendant

☐ Medical attention was necessary

Nature of Injuries:

2. Someone was threatened by the defendant

Nature 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/damaged:

☐ Property was recovered

5. Names of co-defendant(s), if any:

STRIKING HIS OLDER BROTHER IN THE HEAD. WENDY SAID SHE THEN CALLED 911 AND PROVIDED CPR FOR [REDACTED] UNTIL POLICE ARRIVED TWO MINUTES LATER.

KANSAS LAVARNIA RETURNED TO HIS HOME SEVERAL HOURS LATER DURING THE POLICE INVESTIGATION. KANSAS IS A CONVICTED FELON AND PROHIBITED FROM OWNING FIREARMS. HE WAS CONTACTED BY OFFICERS AND ARRESTED FOR HAVING THE INVOLVED GUN IN HIS HOME. KANSAS WAS FOUND TO HAVE A SINGLE THROUGH AND THROUGH GUNSHOT WOUND TO HIS UPPER LEFT ARM. IT DOES NOT APPEAR THAT THIS WOUND COULD HAVE BEEN SELF INFLICTED. THIS WAS BANDAGED WITH TISSUE PAPER AND A DISTINCT CLEAR PACKING TAPE. KANSAS SAID HE WAS NOT HOME AT THE TIME OF [REDACTED] SHOOTING, AND WOULD NOT PROVIDE FURTHER INFORMATION. WENDY STATED THAT KANSAS WAS NOT INJURED WHEN HE LEFT THE HOME TO GO SHOPPING.

A SEARCH WARRANT WAS SUBSEQUENTLY SERVED ON THE LAVARNIA HOME AND THE SINGLE VEHICLE OWNED BY THE FAMILY AND USED BY KANSAS. A ROLL OF CLEAR PACKING TAPE WAS FOUND IN THE HOME'S TRASH, VISUALLY MATCHING THE TAPE FROM KANSAS' CRUDELY FASHIONED BANDAGE. A CHEMICAL PREPARATION USED TO IDENTIFY TRACE AMOUNTS OF BLOOD WAS USED IN THE HOME AND IN THE LAVARNIA VEHICLE. THIS REVEALED WHAT APPEARS TO BE A SUBSTANTIAL AMOUNT OF BLOOD CLEAN UP THAT WAS DONE INSIDE THE HOME PRIOR TO EMERGENCY SERVICES BEING CALLED TO AID [REDACTED]. DETECTIVES FOUND CLEANED BLOOD RESIDUE IN THE MASTER BEDROOM, MASTER BATH, MAIN BATH, HALLWAY AND KITCHEN AREA AND SINKS. THE CORRESPONDING CLEAN UP WIPES/TOWELS AND CLEANING PRODUCTS WERE NOT FOUND.

THE TRUNK OF THE VEHICLE DRIVEN BY KANSAS ALSO HAD TRACE AMOUNTS OF BLOOD. IN THE PASSENGER COMPARTMENT, TWO EMPTY CANS OF STAIN REMOVAL CLEANER WERE FOUND.

THE VISUAL LACK OF BLOOD, THE EXTENT OF OCCULTED BLOOD RESIDUE, AND THE LACK OF SOILED AND BLOODY CLEAN UP MATERIALS IMPLIES THAT A SIGNIFICANT AMOUNT OF TIME AND EFFORT WAS TAKEN PRIOR TO CONTACTING EMERGENCY SERVICES. THE AMOUNT OF CLEAN UP EVIDENCED COULD NOT HAVE BEEN ACCOMPLISHED DURING THE TWO MINUTE POLICE RESPONSE TIME, AND POLICE SECURED THE HOME AFTER THEIR ARRIVAL PREVENTING ANY SUBSEQUENT CLEAN UP. THIS INTENTIONAL DELAY IN MEDICAL TREATMENT SIGNIFICANTLY ENDANGERED THE HEALTH OF [REDACTED].

THE REMOVAL OF BLOODY ITEMS AND CLEANING SUPPLIES IN THE LAVARNIA VEHICLE CONSTITUTES HINDERING PROSECUTION BY KANSAS LAVARNIA IN VIOLATION OF ARS 13-2512.A.

 IS NOT EXPECTED TO SURVIVE HIS
INJURIES.