

IN THE WEST MCDOWELL JP (PHX WEST) 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 FERNANDO MAGAZ NEGRETE DOB [REDACTED] BOOKING NO. [REDACTED]
ALIAS(ES) _____ CASE NO. PF2018137740001

A. GENERAL INFORMATION

Charges
1 Cts. 13-1410A MOLESTATION OF CHILD F2
1 Cts. 13-1404A SEXUAL ABUSE F3
1 Cts. 13-1204 AGGRAVATED ASSAULT F6

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: 2018-06-27
Arrest Location: [REDACTED]
Date: 2018-07-31 Time: 14:45

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
ON JULY 25, 2018, PHOENIX POLICE PATROL OFFICERS RESPONDED TO A LOCATION IN THE CITY OF PHOENIX IN REFERENCE TO A MOLESTING CALL. THE OFFICERS LEARNED THAT A 16YEAROLD FEMALE WITNESS 1 HAD DISCLOSED TO THEM THAT SHE HAD OBSERVED FERNANDO MAGAZ NEGRETE KISSING AND INAPPROPRIATELY TOUCHING A 14YEAROLD FEMALE RESIDENT VICTIM ONE DAY IN JUNE BETWEEN 2100 AND 2300 HOURS. WITNESS 1 SHARED A BEDROOM WITH THE VICTIM AND WITNESS 2. THE VICTIM, WITNESS 1, AND WITNESS 2 WERE TRANSPORTED TO THE FAMILY ADVOCACY CENTER FOR FORENSIC INTERVIEWS. DURING THE FORENSIC INTERVIEW, VICTIM 1 DISCLOSED THAT FERNANDO ENTERED THEIR BEDROOM AND KISSED VICTIM 1 ON THE LIPS. AFTER HE DID THIS, VICTIM 1 PUSHED HIM AWAY AND GOT AWAY FROM FERNANDO. VICTIM 1 SAID SHE WENT TO HER BED ANGRY. DURING THE FORENSIC INTERVIEW, WITNESS 1 DISCLOSED SEEING FERNANDO KISSING VICTIM 1 THREE OR FOUR TIMES WHILE STANDING AT THE DOORWAY OF THE BEDROOM. WITNESS 1 DISCLOSED SEEING FERNANDO COMPLETELY ENTER THE ROOM, KISS VICTIM 1, AND TOUCH VICTIM 1. [REDACTED] DURING THE FORENSIC INTERVIEW, WITNESS 2 DISCLOSED SEEING FERNANDO KISSING VICTIM 1 ON THE LIPS. IN THE SURVEILLANCE VIDEO INSIDE THE RESIDENCE, FERNANDO CAN BE SEEN APPROACHING VICTIM 1S BEDROOM SEVERAL TIMES THROUGHOUT THE NIGHT OF JUNE 27, 2018, BETWEEN 2101 HOURS AND 2226 HOURS. THE DOORWAY AND BEDROOM ARE OUT OF VIEW OF THE CAMERA. DETECTIVES INTERVIEWED FERNANDO AT HIS RESIDENCE. FERNANDO ADMITTED TO KISSING VICTIM 1 AND TOUCHING [REDACTED]

C. OTHER INFORMATION (Check if applicable)

- Defendant is presently on probation, parole or any other form of release involving other charges or convictions: Explain:
- List any prior:
Arrests?
Convictions?
F.T.A.'s?
- Is there any indication the defendant is:
 An Alcoholic? An Addict?
 Mentally disturbed? Physically Ill?
- Defendant is currently employed
With whom
How long:
5. Where does the defendant currently reside?
With whom
How long: _____ years _____ months _____ days
- What facts indicate the defendant will flee if released? Explain:
- What facts does the state have to oppose an unsecured release? Explain:

D. CIRCUMSTANCES OF THE OFFENSE (Check if applicable)

- Firearm or other weapon was used
Type:
 Someone was injured by the defendant
 Medical attention was necessary
Nature of injuries:
- Someone was threatened by the defendant
Nature and extent of threats:
- Did the offense involve a child victim? Yes No
If yes, was DCS notified? Yes No
- If property offense, value of property taken or damaged:
 Property was recovered
- Name(s) of co-defendant(s):

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim: DEF WAS CARE WORKER AT JUVENILE FACILITY FOR REFUGEE CHILDRE

[] Victim(s) and defendant reside together

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

[] Victim [X] 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:

2. [] Defendant was armed when arrested

Type:

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?

[] Yes [X] 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 [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 [X] 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?

[X] Yes [] No

If so, what language: SPANISH

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.

CHAPARRO, ANGEL A/08692

ARRESTING OFFICER/SERIAL NUMBER

AZ0072300/602-262-6657

ARREST AGENCY/DUTY PHONE NUMBER

2018-07-31

DATE

201800001307131/AZ0072300

DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.

DEPARTMENTAL REPORT NO.



SUPERIOR COURT OF ARIZONA FOR

Maricopa County

Final Release Order and Order Regarding Counsel

State of Arizona 1 Cnt AGGRAVATED ASSA F6
1 Cnt MOLESTATION OF F2

1 Cnt SEXUAL ABUSE F3

CaseNumber: **PF2018137740001**

Booking#: [REDACTED]

vs.

Fernando Magaz Negrete

It is hereby ordered that **Fernando Magaz Negrete shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Status Conference August 07, 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 August 10, 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:

Secured Appearance Bond

The defendant will deposit with the Clerk of the above Court the total sum of **\$150,000.00**, 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. 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 have any contact with minors. Except under the following conditions: None
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.



SUPERIOR COURT OF ARIZONA FOR

Maricopa County

Final Release Order and Order Regarding Counsel

Case#: PF2018137740001

Booking#: [REDACTED]

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.

APPOINTMENT OF INTERPRETER

Court Interpretation and Translation Services (CITS) is to provide Spanish language services.

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 7/31/2018 11:00:00 PM

Address:

City, State, Zip: [REDACTED]

Signature:

Tracy R Nadzieja
Judge / Commissioner

Fernando Magaz Negrete
Defendant