

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

vs.

BRIAN ALLEN WILKINS

Defendant

NO. CR2008-145947-001 SE

PLEA AGREEMENT

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The State of Arizona and the Defendant hereby agree to the following disposition of the case:

Plea: The Defendant agrees to plead guilty to:

Amended Count 4: Possession of Drug Paraphernalia, a class 6 undesignated offense, in violation of A.R.S. 13-3415, 13-3405, 13-3401, 13-3418, 13-610, 13-701, 13-702, 13-702.01, 13-801, 13-707, 13-802, 13-901.01(h), committed on July 22, 2008.

This is a nondangerous, nonrepetitive offense under the criminal code.

THIS OFFER EXPIRES AND IS REVOKED IF NOT ENTERED IN COURT BY October 22, 2008.

Terms: On the following understandings, terms and conditions:

- 1. This crime carries a presumptive sentence of 1.0 years; a minimum sentence of 0.5 years (0.33 years if the Court makes exceptional circumstances finding); and a maximum sentence of 1.5 years (2.0 years if the trial court makes exceptional circumstances finding). Probation is available. Restitution of economic loss to the victim and a waiver of extradition for probation revocation proceedings are required. The maximum fine that can be imposed is \$150,000 plus an 84% surcharge plus \$10. If the Defendant is sentenced to prison, the Defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the Defendant fails to abide by the conditions of community supervision, the Defendant can be required to serve the remaining term of community supervision in prison. Special conditions regarding sentence imposed by statute (if any) are: **If the offense is designated a misdemeanor, the maximum sentence is six months jail and a fine of \$2,500 plus a 84% surcharge. The defendant shall submit to DNA testing for law enforcement identification purposes pursuant to A.R.S. 13-610.**
- 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7.) **On Amended Count 4, the defendant shall be placed on probation. If the defendant successfully completes probation, the offense may be designated a misdemeanor. The defendant shall pay a fine of \$750 plus an 84% surcharge (for a total fine of \$1380), and shall perform not less than 24 hours community service. This offense is outside Proposition 200, A.R.S. 13-901.01.**
- 3. The following charges are dismissed or, if not yet filed, shall not be brought against the Defendant:
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- 4. This agreement serves to amend the complaint or information, to charge the offense to which the Defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea are automatically reinstated.
- 5. If the Defendant is charged with a felony, he hereby waives and gives up his rights to a preliminary hearing or other probable cause determination on the charges to which he pleads. The Defendant agrees that this agreement shall not be binding on the State should the Defendant be charged with or commit a crime between the time of this agreement and the time of sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by the Defendant and his attorney, to-wit:
The defendant has no prior convictions for drug-related offenses. When the plea agreement is accepted on Amended Count 2, the defendant will have one violent conviction. The defendant has no prior felony convictions. The defendant was not on probation, parole or release for any felony offense at the time of commission of this offense.
If the Defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement. In the event the court rejects the plea, or either the State or the Defendant withdraws the plea, the Defendant hereby waives and gives up his right to a preliminary hearing or other probable cause determination on the original charges.