

THE STATE OF ARIZONA,

Plaintiff,

vs.

Latisha Nicole Morrow,

Defendant.

NO. CR 2007-005731-002DT

PLEA AGREEMENT

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PROP 200 FIRST STRIKE

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

Plea: The Defendant agrees to plead GUILTY to:

COUNT 3: POSSESSION OF NARCOTIC DRUGS, A CLASS 4 FELONY, in violation of A.R.S. §§ 13-3401, 13-3408, 13-3418, 13-901.01(A), 13-701, 13-702, 13-702.01, 13-801, AND 13-610 committed on February 17, 2005.

This is a non dangerous, non repetitive offense under the criminal code.

THIS OFFER EXPIRES AND IS REVOKED IF NOT ENTERED IN COURT BY January 2, 2008.

Terms: On the following understandings, terms and conditions:

¶ 1. This crime carries a presumptive sentence of 2.5 years; a minimum sentence of 1.5 years (1 years if the Court makes exceptional circumstances finding); and a maximum sentence of 3 years (3.75 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 a 80% surcharge. 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. Within 30 days of being sentenced, the defendant shall provide a sufficient sample of blood or other bodily substance for deoxyribonucleic acid (DNA) testing and extraction to be used for law enforcement identification purposes and/or for use in a criminal prosecution and/or for use in a proceeding under title 36, chapter 37. Special conditions regarding sentence imposed by statute (if any) are: If the Court determines at sentencing that this offense represents Defendant's first drug-related conviction, or "Prop 200 First Strike," then the Defendant shall be sentenced to probation pursuant to A.R.S. § 13-901.01(A). Defendant shall perform a minimum of 360 hours of community service. Defendant shall pay a fine of \$2,000.00, or three times the value of the drugs, whichever is greater.

¶ 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7.)

IN DOC for a term to run concurrently with 2007-156996
Defendant shall be placed on supervised probation. The defendant shall be ordered to pay a fine of \$2,000.00 (subject to an 80% surcharge in the discretion of the Court). This plea is contingent upon the defendant simultaneously entering, and the court accepting, a plea in CR 2007-156996. My Morrow waives her right to 13-901.01(A) and the mandatory probation connected therewith.

¶ 3. The following charges are dismissed or, if not yet filed, shall not be brought against the Defendant:

Count 4. Allegation of multiple offenses.

¶ 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:

Defendant avows that she has no felony convictions in any jurisdiction under any name, and that she was not on probation, community supervision, parole, or release on the date of this offense. Defendant avows that she has NEVER been convicted of a violent crime and that she has no prior drug-related convictions.

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.

Plaintiff,

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vs.

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Latisha Nicole Morrow,

Defendant.

PROP 200 FIRST STRIKE

¶ 6. *Jm* Unless the plea is rejected by the court or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he has made or raised, or could assert hereafter, to the court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement. By entering the agreement, the Defendant further waives and gives up the right of appeal.

¶ 7. *Jm* The parties hereto fully and completely understand and agree that by entering into a plea agreement, the defendant consents to judicial fact-finding by preponderance of the evidence as to any aspect or enhancement of sentence, and that any sentence either stipulated to or recommended herein in paragraph two is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding sentencing, it must give both the state and the Defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated. The Defendant in such case waives and gives up his right to a probable cause determination on the original charges.

¶ 8. *Jm* If the court decides to reject the plea agreement provisions regarding sentencing and neither the state nor the Defendant elects to withdraw from the plea agreement. Then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

¶ 9. *Jm* This plea agreement in no way affects any forfeiture proceedings pursuant to A.R.S. § 13-4301 et. seq., § 13-2314, or § 32-1993 if applicable, nor does the plea agreement in any way compromise or abrogate any civil actions, including actions pursuant to A.R.S. § 13-2301 et. seq. or § 13-4301 et. seq., or the provisions of A.R.S. § 13-2314 or A.R.S. § 13-4310.

¶ 10. *Jm* I understand that if I am not a citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

¶ *Jm* I have read and understand the provisions of pages one and two of this agreement I have discussed the case and my constitutional rights with my lawyer. My lawyer has explained the nature of the charge(s) and the elements of the crime(s) to which I am pleading. I understand that by pleading guilty I will be waiving and giving up my right to a determination of probable cause, to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated above in paragraph one, to confront, cross-examine, compel the attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence and right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms state above in paragraph one, without limitation.

I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate that I have read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

Date 1/2/08 Defendant *Latisha Nicole Morrow*
Latisha Nicole Morrow

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I have also explained the nature of the charge(s) and the elements of the crime(s). I believe that the plea and disposition set forth herein are appropriate under the facts of the case. I concur with entry of the plea as indicated above on the terms and conditions set forth herein.

Date 1/2/08 Defense Counsel *James*

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date _____ Prosecutor ROBERT S. SHIPMAN # 022693

THE STATE OF ARIZONA,
Plaintiff,

vs.

Latisha Nicole Morrow,
Defendant.

NO. CR 2007-156996 -002 DT

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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:

COUNT 1, as amended: Solicitation To Commit Sale of Dangerous Drugs, A CLASS 4 FELONY, in violation of A.R.S. §§ 13-1002, 13-3408, 13-3418, 13-610, 13-701, 13-702, 13-702.01, and 13-801, committed on May 23, 2007.

This is a non dangerous, non repetitive offense under the criminal code.

THIS OFFER EXPIRES AND IS REVOKED IF NOT ENTERED IN COURT BY January 2, 2008.

Terms: On the following understandings, terms and conditions: (

Γ 1. *JM* Count 1: This crime carries a presumptive sentence of 2.5 years; a minimum sentence of 1.5 years (1 year if the Court makes exceptional circumstances finding); and a maximum sentence of 3.0 years (3.75 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 80% surcharge plus \$10.00 pursuant to A.R.S. 12-114.01. 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. Within 30 days of being sentenced, the defendant shall provide a sufficient sample of blood or other bodily substance for deoxyribonucleic acid (DNA) testing and extraction to be used for law enforcement identification purposes and/or for use in a criminal prosecution and/or for use in a proceeding under title 36, chapter 37. Special conditions regarding sentence imposed by statute (if any) are: None.

Γ 2. *JM* The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7.)
The defendant shall be sentenced to the Arizona Department of Corrections for no less than two (2) years and no longer than three (3) years. The defendant shall be ordered to pay a fine of \$1,000. This plea is contingent upon the defendant simultaneously entering, and the court accepting, a plea in CR 2007-005731.

Γ 3. *JM* The following charges are dismissed or, if not yet filed, shall not be brought against the Defendant:
Counts 2, 3, 5, 6, and 7. Allegation of multiple offenses.

Γ 4. *JM* 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.

Γ 5. *JM* 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:
Defendant avows that in any jurisdiction under any name she has no prior felony convictions, and that she was not on probation, parole, or community supervision on the date 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.

THE STATE OF ARIZONA,
Plaintiff,

vs.

Latisha Nicole Morrow,
Defendant.

NO. CR 2007-15699-002 DT

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¶ 6. Unless the plea is rejected by the court or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he has made or raised, or could assert hereafter, to the court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement. By entering the agreement, the Defendant further waives and gives up the right of appeal.

¶ 7. The parties hereto fully and completely understand and agree that by entering into a plea agreement, the defendant consents to judicial fact-finding by preponderance of the evidence as to any aspect or enhancement of sentence, and that any sentence either stipulated to or recommended herein in paragraph two is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding sentencing, it must give both the state and the Defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated. The Defendant in such case waives and gives up his right to a probable cause determination on the original charges.

¶ 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the state nor the Defendant elects to withdraw from the plea agreement. Then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

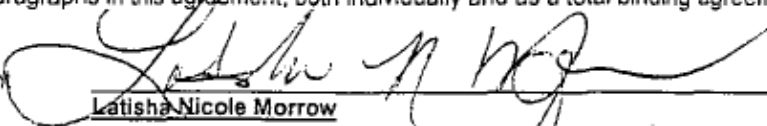
¶ 9. This plea agreement in no way affects any forfeiture proceedings pursuant to A.R.S. § 13-4301 et. seq., § 13-2314, or § 32-1993 if applicable, nor does the plea agreement in any way compromise or abrogate any civil actions, including actions pursuant to A.R.S. § 13-2301 et. seq. or § 13-4301 et. seq., or the provisions of A.R.S. § 13-2314 or A.R.S. § 13-4310.

¶ 10. I understand that if I am not a citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

I have read and understand the provisions of pages one and two of this agreement I have discussed the case and my constitutional rights with my lawyer. My lawyer has explained the nature of the charge(s) and the elements of the crime(s) to which I am pleading. I understand that by pleading guilty I will be waiving and giving up my right to a determination of probable cause, to a trial by jury to determine guilt and to determine any fact used to impose a sentence within the range stated above in paragraph one, to confront, cross-examine, compel the attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence and right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms state above in paragraph one, without limitation.

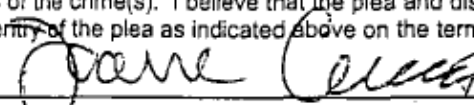
I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate that I have read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

Date 1/2/08

Defendant 
Latisha Nicole Morrow

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I have also explained the nature of the charge(s) and the elements of the crime(s). I believe that the plea and disposition set forth herein are appropriate under the facts of the case. I concur with entry of the plea as indicated above on the terms and conditions set forth herein.

Date 1/2/08

Defense Counsel 

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date _____

Prosecutor Robert S. Shipman, #022693