

**SUPERIOR COURT OF ARIZONA
YAVAPAI COUNTY
JUDGMENT OF GUILT AND SENTENCE**

FILED
DONNA McQUALITY
CLERK, SUPERIOR COURT
01/18/2024 3:17PM
BY: MPALMER
DEPUTY

7 140 JANUARY 16, 2024
Div. Room Date

MICHAEL R. BLUFF
Judge

K. DICKISON
Deputy Clerk

S1300CR202380163

STATE OF ARIZONA

Yavapai County Attorney
by: Larissa Parker

VS

BENJAMIN MICHAEL SCHAEFER
AKA _____ [D-1]
DOB 4/10/1993
Victim Case Yes

Sabrina Shaw
Defense Counsel
C. Dillon
Court Reporter

START TIME: 3:47 p.m.

END TIME: 4:11 p.m.

- The State has complied with the victims' rights laws.
- The victim is present and has been given the opportunity to address the court/submit statements that have been reviewed by the Court.

SENTENCE – PROBATION [Minute Entry: Sentencing]

IT IS THE JUDGMENT of the Court that Defendant is guilty of the nondangerous, nonrepetitive crime(s) of:

COUNT 2 – AGGRAVATED DRIVING OR ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS, a Class 4 Felony, in violation of A.R.S. §§ 28-1383(A)(1), 28-3304, 28-3305, 13-701, 13-702, and 13-801, committed on or about March 15, 2023.

COUNT 4 – LEAVING SCENE OF INJURY ACCIDENT, a Class 1 Misdemeanor, in violation of A.R.S. §§ 28-663(A)(1), 13-707, and 13-802, committed on or about March 15, 2023.

COUNT 6 – ENDANGERMENT (VICTIM: RAMON & SOFIA YBARRA AND BARBARA STRANGER), a Class 6 Undesignated Offense, in violation of A.R.S. §§ 13-1201(A), 13-604, 13-701, 13-702, and 13-801, committed on or about March 15, 2023.

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> County Atty (e) | <input type="checkbox"/> PD (e) | <input checked="" type="checkbox"/> Def Atty. <u>Shaw Law Firm (e)</u> | <input type="checkbox"/> Courtesy Copy |
| <input type="checkbox"/> AG(e) | <input type="checkbox"/> Pretrial Services (e) | <input checked="" type="checkbox"/> Div. <u>7</u> (e) | |
| <input checked="" type="checkbox"/> VS (e) | <input type="checkbox"/> DOC Transport (e) | <input type="checkbox"/> Other _____ | |
| <input checked="" type="checkbox"/> APD (e) | <input type="checkbox"/> YCSO-SOCU (e-mail) | <input type="checkbox"/> Homeland Security (packet) | |
| <input checked="" type="checkbox"/> YCSO (e) | <input checked="" type="checkbox"/> Financial Services (e) | (Dispo Screen Complete <input checked="" type="checkbox"/>) (Dispo Report Complete <input type="checkbox"/>) | |

TOTAL 0 sent-pro

12/26/2023

The basis of the finding of guilt was by:

- Plea of guilty after a knowing, voluntary and intelligent waiver of all pertinent rights.
- Class 6 Undesignated Offense(s) - A.R.S. §13-604(B): The Defendant is advised: You have been convicted of a Class 6 Undesignated offense. The offense shall be treated as a misdemeanor for all purposes until such time as the Court may actually enter an order designating the offense a misdemeanor or a felony. However, your conviction suspends your civil rights to possess a gun or firearm. A firearm is defined in A.R.S. Section 13-3101.

For Count 2, Defendant is placed on **Supervised Probation** for a period of **10 YEARS** commencing upon Defendant's release from custody. For Counts 4 and 6, Defendant is placed on **Supervised Probation** for a period of **3 YEARS** commencing this date.

Defendant shall:

- Be incarcerated in the Yavapai County Jail for **120 days** commencing upon written request of the Adult Probation Department and further order of the court.
Credit for time served: 0 days
- Be committed to the Arizona Department of Corrections for 4 months commencing today.
Credit for time served: 41 days

IT IS ORDERED awarding victim restitution in the amount of \$879.05 to Barbara Stranger.

- The Court enters additional financial orders as more fully set forth in the Financial Judgment and Order entered this date. The Court retains jurisdiction to order additional victim Restitution to the victims listed in the Plea Agreement upon the submission of a Victim's Statement of Financial Loss.
- Defendant shall pay restitution to the victim, Barbara Stranger, in the amount of \$879.05.

Defendant shall comply with all other special conditions of probation set forth in the Conditions of Probation signed by the Court and provided to Defendant.

Defendant is provided written Notice of Rights of Post-Conviction Relief.

- The Defendant is advised that if he/she cannot afford copies of the necessary records, they will be provided at no cost.

Count 1:

First Time Felony Offender (A.R.S §13-907 & Rule 30.1(a)) The Defendant is advised: As a first-time felony offender, your conviction suspends your civil rights to vote, serve as a juror, hold public office and to possess firearms. Upon completion of your probation or absolute discharge from prison, and if all victim restitution is paid in full, these rights are automatically restored **UNLESS** the felony involved a dangerous or serious offense. If you are sentenced for a dangerous offense under A.R.S. §13-704, your gun rights can never be restored. If you are sentenced for a serious offense under A.R.S. §13-706, you must wait 10 years from the date of absolute discharge from probation or prison to file an application. Additionally, you can also file an application to set aside the judgment of conviction. Applications can be obtained from the Clerk of the Court at no cost and no filing fee.

Count 6:

The Defendant is advised: You may be eligible to apply under A.R.S. §13-911 to have the Court seal all records of your arrest, conviction, and sentence in this case. Court records for some types of offenses are not eligible to be sealed. You may obtain a petition to seal court records from the Clerk's office at no cost. Certain time frames apply to eligible offenses depending on the class of felony or misdemeanor.

GRANTED: State's Motion to Dismiss the matters as set forth in paragraph #3 of the Plea Agreement for dismissal.

- The Defendant is directed to report to the Adult Probation Department with 72 hours or release from custody.
- The Defendant is remanded to the custody of the Sheriff.
- The Sheriff of Yavapai County is authorized to carry out the term of incarceration set forth herein.
- The Sheriff of Yavapai County is authorized to deliver Defendant to the custody of the Arizona Department of Corrections which is authorized to carry out the term of imprisonment set forth herein.
- The Clerk of the Court shall remit a copy of this Order together with all presentence reports, probation violation reports, and medical and mental health reports if any, relating to Defendant to the Arizona Department of Corrections.
- The bond posted on March 20, 2023 is forfeited to pay towards victim restitution first, and then the Defendant's remaining financial obligations. **[AE]**
- All terms and conditions of the Plea Agreement are incorporated into and made a part of this Judgment of Guilt and Sentence.

CASE # S1300CR202380163
STATE V BENJAMIN MICHAEL SCHAEFER
SENTENCE TO PROBATION

- The Court directs the clerk to forward an abstract of this conviction to the Motor Vehicle Department.

Case No. S1300CR202380163

STATE v. BENJAMIN SCHAEFER

Defendant's DOB 04/10/1993

Let the record reflect that the Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.



(right index fingerprint)



JUDICIAL OFFICER OF THE SUPERIOR COURT