

IN THE ARROWHEAD JP (PEORIA/LK PLSNT) 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 ACOSTA DOB [REDACTED] BOOKING NO. [REDACTED]
ALIAS(ES) _____ CASE NO. PF2019112938001

A. GENERAL INFORMATION

Charges
1 Cts. 13-1105A1 MURDER 1ST DEG-PREMEDITATED F1
1 Cts. 13-1204A1 AGG ASLT-SERIOUS PHY INJURY F4

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: STATE ROUTE 101 AT MILE POST 11
Offense Date: 2019-03-22
Arrest Location: STATE ROUTE 101 AT THUNDERBIRD
Date: 2019-03-22 Time: 07:00

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:
ON FRIDAY MARCH 22ND, 2019 FERNANDO ACOSTA, WAS DRIVING A WHITE 2001 LEXUS BEARING CALIFORNIA REGISTRATION [REDACTED] REGISTERED TO MARTHA THY, [REDACTED] WHEN WITNESSES OBSERVED THE VEHICLE VEER RIGHT TOWARDS THE CANAL SOUTH OF THUNDERBIRD ROAD ON STATE ROUTE 101. AFTER THE LEXUS TRAVELED OFF THE ROADWAY, THE LEXUS STRUCK THE CANAL AND CAME TO FINAL REST ON THE RIGHT-A-WAY FENCE LINE. ACOSTA EXITED THE DRIVER SEAT AND CONFRONTED A WITNESS, STATED "WHAT'S UP, WHAT YOU WANT TO DO" WHILE HOLDING A KNIFE IN HIS HAND. AFTER ACOSTA CONFRONTED THE WITNESS, ACOSTA ENTERED BACK INTO THE VEHICLE, BEGAN KNEELING ON THE DRIVER'S SEAT, AND BEGAN STABBING THY WHO WAS SITTING IN THE PASSENGER SEAT. WITNESSES BEGAN GIVING ACOSTA VERBAL COMMANDS TO "GET DOWN, GET DOWN, DROP THE KNIFE, DROP THE KNIFE" WHILE HE CONTINUED ATTACKING THY. ACOSTA THEN WALKED TO THE OPPOSITE SIDE OF THE LEXUS AND OPENED THE PASSENGER SIDE DOOR. ACOSTA AGAIN BEGAN STABBING THY WHO WAS STILL SEATED IN THE PASSENGER SEAT. ACOSTA CONTINUED TO STAB/ATTACK THY. THY CRAWLED OUT THROUGH THE DRIVER'S SIDE DOOR AND CLOSED THE DOOR BEHIND HER WHEN ACOSTA STOPPED ASSAULTING HER. AS THY WAS ON HER KNEES OUTSIDE OF THE VEHICLE, ACOSTA APPROACHED THE DRIVER'S SIDE OF THE VEHICLE, GRABBED THY BY HER HAIR AND BEGAN STABBING HER WITH THE KNIFE ONCE AGAIN. WITNESSES ON SCENE WERE LATER ABLE TO SUBDUCE ACOSTA UNTIL AUTHORITIES ARRIVED. ONCE AUTHORITIES ARRIVED, ACOSTA CONTINUED TO STRUGGLE, BUT WAS TAKEN INTO CUSTODY WITHOUT FURTHER INCIDENT.

THY SUSTAINED DEEP LACERATIONS/FATAL INJURIES TO HER FACE, UPPER TORSO AND BODY IN EXCESS OF TWENTY TIMES. MARTHA THY WAS PRONOUNCED DECEASED AT BANNER THUNDERBIRD HOSPITAL.

An Alcoholic? An Addict?
 Mentally disturbed? Physically Ill?

4. Defendant is currently employed
With whom ACOSTA PAINTING

How long:
5. Where does the defendant currently reside? [REDACTED]

With whom UNKNOWN
How long: _____ years _____ months _____ days

6. What facts indicate the defendant will flee if released?
Explain: NO TIES TO THE COMMUNITY / FIRST DEGREE HOMICIDE

7. What facts does the state have to oppose an unsecured release? Explain: NO TIES TO COMMUNITY / FIRST DEGREE HOMICIDE

D. CIRCUMSTANCES OF THE OFFENSE(Check if applicable)

1. Firearm or other weapon was used
Type: KNIFE

Someone was injured by the defendant
 Medical attention was necessary
Nature of injuries: N/A

2. Someone was threatened by the defendant
Nature and extent of threats: THREATENED TO STAB A WITNESS

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 or damaged:
 Property was recovered
5. Name(s) of co-defendant(s):

ACOSTA COMMITTED FIRST DEGREE MURDER WHEN HE EXITED THE DRIVER'S SEAT OF THE VEHICLE, WENT AROUND TO THE PASSENGER SIDE OF THE VEHICLE (PREMEDITATION), OPENED THE DOOR, AND BEGINNING STABBING THY CONTINUOUSLY IN THE FACE AND THROUGHOUT THE BODY WITH A KNIFE, A DEADLY WEAPON. AFTER THY LATER ATTEMPTED TO GET AWAY FROM ACOSTA, HE WENT AROUND TO THE DRIVER'S SIDE OF THE VEHICLE AND BEGAN STABBING HER AGAIN.

ACOSTA COMMITTED AGGRAVATED ASSAULT WHEN HE DISPLAYED AND THREATENED TO USE THE KNIFE ON ONE OF THE WITNESSES WHO WAS ATTEMPTING TO SAVE THY FROM BEING STABBED.

E. CRIMES OF VIOLENCE

1. Relationship of defendant to victim: COHABITATED

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: UNKNOWN

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:

N/A

2. Defendant was armed when arrested

Type: KNIFE

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

Explain: KNIFE

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

Yes 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 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, currently on active duty? 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

3. Do you need the court to provide an interpreter to help communicate and to understand what is being said?

Yes No

If so, what language:

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.

E. WARREN/7033

ARRESTING OFFICER/SERIAL NUMBER

AZ0079900/602-320-2126

ARREST AGENCY/DUTY PHONE NUMBER

2019-03-22

DATE

AZ19000113768/AZ0079900

DEPARTMENTAL REPORT NO.

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