

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

FILED
GARY L. HARRISON
CLERK OF SUPERIOR COURT

THE STATE OF ARIZONA,

Plaintiff,

vs.

001-EFREN LOPEZ CORNEJO

Defendant(s).

CAUSE NO. 21 APR -6 PM 4:28

INDICTMENT

D. WANDELL, DEPUTY

299-GJ-407

CR20211008-001

The grand jurors of the County of Pima, in the name of the State of Arizona, and by its authority accuse EFREN LOPEZ CORNEJO, and charge that in Pima County:

COUNT ONE: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V.C., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA OVER THE CLOTHES AT THE CALLA ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT TWO: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V.C., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA UNDER THE CLOTHES AT THE CALLA ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT THREE: SEXUAL ABUSE OF A MINOR, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS THREE FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual abuse of a minor by intentionally or knowingly engaging in sexual contact with the female breast of J.K.V.C., a minor under the age of fifteen years of age, to wit: AT THE CALLA ADDRESS, in violation of A.R.S. § 13-1404A.

COUNT FOUR: SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with J.K.V.C., a minor under fifteen years of age, by CAUSING THE VICTIM TO STROKE HIS PENIS AT THE CALLA ADDRESS, in violation of A.R.S. § 13-1405A.

COUNT FIVE: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA OVER THE CLOTHES AT THE BENET ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT SIX: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA UNDER THE CLOTHES AT THE BENET ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT SEVEN: SEXUAL ABUSE OF A MINOR, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS THREE FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual abuse of a minor by intentionally or knowingly engaging in sexual contact with the female breast of J.K.V.C., a minor under the age of fifteen years of age, to wit: AT THE BENET ADDRESS, in violation of A.R.S. § 13-1404A.

COUNT EIGHT: SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with J.K.V.C., a minor under fifteen years of age, by CAUSING THE VICTIM TO STROKE HIS PENIS AT THE BENET ADDRESS, in violation of A.R.S. § 13-1405A.

COUNT NINE: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA OVER THE CLOTHES AT THE BLAKEY ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT TEN: MOLESTATION OF CHILD, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed molestation of a child, by intentionally or knowingly engaging in sexual contact with J.K.V., a minor under fifteen years of age, or causing J.K.V.C. to engage in sexual contact, by TOUCHING THE VICTIM'S VULVA UNDER THE CLOTHES AT THE BLAKEY ADDRESS, in violation of A.R.S. § 13-1410A.

COUNT ELEVEN: SEXUAL ABUSE OF A MINOR, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS THREE FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual abuse of a minor by intentionally or knowingly engaging in sexual contact with the female breast of J.K.V.C., a minor under the age of fifteen years of age, to wit: AT THE BLAKEY ADDRESS, in violation of A.R.S. § 13-1404A.

COUNT TWELVE: SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS TWO FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with J.K.V.C., a minor under fifteen years of age, by CAUSING THE VICTIM TO STROKE HIS PENIS AT THE BLAKEY ADDRESS, in violation of A.R.S. § 13-1405A.

COUNT THIRTEEN: INDECENT EXPOSURE TO A MINOR UNDER FIFTEEN, A CLASS SIX FELONY

On or about the 15th day of May, 2006, through the 15th day of August, 2006, EFREN LOPEZ CORNEJO committed indecent exposure to a minor under fifteen by exposing his her genitals, anus, or the areola or nipple of her breast(s) while A.G. , a minor under fifteen years of age, was present, and was reckless about whether A.G. , as a reasonable person, would be offended or alarmed by the act, in violation of A.R.S. § 13-1402.

COUNT FOURTEEN: ATTEMPTED SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A DANGEROUS CRIME AGAINST CHILDREN, A CLASS THREE FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO attempted to commit sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with J.K.V.C., a minor under the age of fifteen years, by ATTEMPTING TO PENETRATE HER VULVA WITH HIS PENIS in violation of A.R.S. § 13-1405A, 13-1001.

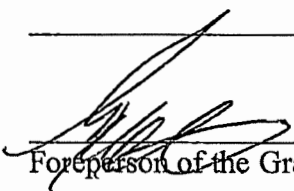
Marana Police Dept: 21020682, 21030433

LAURA CONOVER
PIMA COUNTY ATTORNEY

A True Bill

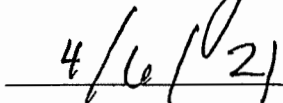
By:





Foreperson of the Grand Jury

Dated:


4/6/21

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT

INTERIM COMPLAINT

STATE OF ARIZONA

21 APR -9 PM 4:30

J. GIACOMINO, DEPUTY

vs.

Offense Time/Date: 3/10/21 @ 1102

Offense Location: [REDACTED]

Arrest Time/Date: 3/18/21 @ 1318

Arrest Location: 2430 S Swan Rd

Date 3/18/2021

Court Justice

Pima County, State of Arizona

(6)

Efren Lopez Cornejo

No. 1

Defendant's Name (Please Print)

CR 2021 1008 - 001

Precinct No. 1

BOND RECOMMENDATION

Arresting Agency Marana Police Department

High Bond Low Bond

Agency Case No. 2102-0682 & 2103-0433

No Recommendation

Arresting Officer Det. Clifford #343

Hold Without Bond

INTERIM COMPLAINT: To be used only where necessary to comply with the provisions of Rule 4.1, Arizona Rules of Criminal Procedure.

PLEASE PRINT CHARGING INFORMATION

The undersigned, having appeared personally and having been duly sworn does, upon information and belief, accuse Efren Lopez Cornejo of the crime(s) of Molestation of a Child, Sexual Abuse, Child Abuse, Indecent Exposure

committed on the day of 20, in Pima County, in violation of A.R.S. Section 13-1410 (F2), 13-1404 (F3), 13-3623.B1 (F4), 13-1402 (F6)

Statute(s)

3-18-21

Date

R. Moreno 4688

Complaining Witness

R. MORENO / PCSA

Name and Agency (Please Print)

Statement of Probable Cause:

From 2011 to 2017 Efren Lopez Cornejo would come into [REDACTED]'s bedroom, which began at the age of 9 when her mother was at work. Efren Cornejo would lay next to her in her bed and touch her on breasts and vagina both over her cloths and skin to skin. He attempted to digitally penetrate her on one occasion. He would also place her hand on his penis and masturbate with it. [REDACTED] said that she pretended to be asleep when he would come into the bedroom. [REDACTED] said that

Continued on next page

3/18/2021

Date

Det. Clifford #343

Reporting Officer / Badge No.

This court has found reasonable cause to believe that such offense was committed and that the defendant committed it.

3/18/21

Date

Justice of the Peace / Magistrate

Agency Case No. 2102-0682 & 2103-1

this would occur every other night when no other adult was at the home and her mother was at work. [REDACTED] said these events stopped happening when she was 15 years old. These events occurred at the following locations in Pima County: [REDACTED]

In the summer of 2006 Efren Lopez Cornejo called to [REDACTED] (9 Years Old at the time) to come to his bedroom. Efren Cornejo was sitting at his desk in a chair when [REDACTED] entered the room. Efren Cornejo was facing her with his erect penis exposed. [REDACTED] got scared and ran to her bed room and locked the door. This event occurred at [REDACTED]

Justification for Bond Recommendation:

22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 10

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

THE STATE OF ARIZONA,

Plaintiff,

vs.

EFREN LOPEZ CORNEJO,

Defendant(s).

PLEA AGREEMENT

CR20211008-001

BEST COPY

FILED IN COURT
10/7/24
GARY L. HARRISON
W. Robinson
Deputy

The State of Arizona and the defendant agree to the following non-trial disposition of the above-entitled action under the terms and conditions specified within this Agreement:

I. **THE CHARGE:** Having been placed under oath by the Court, Defendant, EFREN LOPEZ CORNEJO, agrees to plead guilty to the charge(s) of:

AMENDED COUNT ONE: CHILD/VULNERABLE ADULT ABUSE, INTENTIONAL/KNOWING, CIRCUMSTANCES NOT LIKELY TO CAUSE SERIOUS PHYSICAL INJURY OR DEATH, A CLASS FOUR FELONY

On or about the 26th day of October, 2011, through the 25th day of October, 2017, EFREN LOPEZ CORNEJO committed child abuse by intentionally or knowingly causing, J.K.V.C., to suffer physical injury or abuse, by TOUCHING THE VICTIM'S VULVA OVER THE CLOTHES AT THE CALLA ADDRESS, in violation of A.R.S. § 13-3623B1.

Pursuant to A.R.S. §13-118, the offense was committed for the purpose of sexual motivation by the defendant.

COUNT THIRTEEN: INDECENT EXPOSURE TO A MINOR UNDER FIFTEEN, A CLASS SIX FELONY

On or about the 15th day of May, 2006, through the 15th day of August, 2006, EFREN LOPEZ CORNEJO committed indecent exposure to a minor under fifteen by exposing his her genitals, anus, or the areola or nipple of her breast(s) while A.G., a minor under fifteen years of age, was present, and was reckless about whether A.G., as a reasonable person, would be offended or alarmed by the act, in violation of A.R.S. § 13-1402.

In addition to the factual basis and *mens rea* provided by the defendant, the Grand Jury or Preliminary Hearing Transcript is hereby expressly incorporated within the factual basis required by this Agreement.

A. **Prison.** If the defendant is sentenced to prison by the Court, the following statutory sentencing range applies:

	<u>AMENDED COUNT ONE</u>	<u>COUNT THIRTEEN</u>
1. Mitigated Sentence:	1.00 years	0.33 years
2. Minimum Sentence:	1.50 years	0.50 years
3. Presumptive Sentence:	2.50 years	1.00 years
4. Maximum Sentence:	3.00 years	1.50 years
5. Aggravated Sentence:	3.75 years	2.00 years

If sentenced to prison, the defendant must serve approximately 85 percent of the sentence imposed before (s)he is eligible for release on any basis. Upon completion of the prison sentence, the defendant will be placed on community supervision. The duration of community supervision is one day of community supervision for every seven days of the prison sentence imposed, not actually served. Violation of the terms of community supervision

could result in the defendant being required to complete the prison term imposed by the Court.

B. Probation. As to amended count one: The available term of probation for a Class FOUR felony is **10 years to LIFE**. Whether the defendant's sentence is suspended and (s)he is placed on probation is within the sole discretion of the Court. Unless otherwise stated within the Special Terms of this Agreement, there is no agreement that the State will recommend that the defendant be placed on probation. The Defendant understands that (s)he may be incarcerated for up to twelve months in the Pima County Jail as a condition of probation, as well as being assessed a monthly probation fee.

If probation is granted, the Defendant may be placed on lifetime probation pursuant to A.R.S. § 13-902(E).

B. Probation. As to count thirteen: The available term of probation for a Class six felony is **3 years to LIFE**. Whether the defendant's sentence is suspended and (s)he is placed on probation is within the sole discretion of the Court. Unless otherwise stated within the Special Terms of this Agreement, there is no agreement that the State will recommend that the defendant be placed on probation. The Defendant understands that (s)he may be incarcerated for up to twelve months in the Pima County Jail as a condition of probation, as well as being assessed a monthly probation fee.

If probation is granted, the Defendant may be placed on lifetime probation pursuant to A.R.S. § 13-902(E).

C. Fines and Assessments. The Court may require the defendant to pay a fine of \$150,000 plus a 78% surcharge pursuant to A.R.S. §§ 13-801(A); 12-116.01 (A-C); 12-116.02(A) and 16-954(A). If the defendant is unable to pay any fine or assessment in full on the day of sentencing, a one-time \$20 time payment charge will be assessed in addition to any fine imposed.

II. SPECIAL TERMS

If the Defendant is placed on probation, he/she shall participate in the sex offender treatment program. He/she understands the full range of special conditions imposed by the sex offender treatment program, and he/she agrees to abide by all of said special conditions, including taking the Polygraph and Plethysmograph upon request and participating and successfully completing any counseling imposed by the sex offender program. The defendant further agrees to all the attached conditions.

Defendant admits that Amended Count One was committed for the purpose of sexual gratification pursuant to A.R.S. § 13-811 and that Count Thirteen is a Chapter 14 offense, and understands that as a result, the Court will have the discretion to require the defendant to register in the county of his/her residence pursuant to A.R.S. § 13-3821.

Under A.R.S. § 13-3716, Defendant must further notify any organization which sponsors activities in which adults supervise children of his/her conviction when volunteering or applying for a job.

Availability of early release credits is controlled by the rules and regulations of the Department of Corrections.

Pursuant to A.R.S. § 13-610, if the Defendant is sentenced to a term of probation, the Adult Probation Department shall secure the Defendant's sample for DNA testing and extraction. If the Defendant is sentenced to incarceration in the Pima County Jail or the State Department of Corrections, those facilities shall be required to secure samples from the Defendant for DNA testing and extraction.

If the defendant is placed on probation, the parties agree that the minimum length of probation is a negotiated material term of the plea. Imposition of a lesser term of probation will constitute a manifest injustice and will allow the State to withdraw from the plea, in which case all charges would be automatically reinstated.

If Defendant is placed on probation, he/she agrees that he/she cannot request termination until the entire term has been successfully completed.

Pursuant to A.R.S. § 13-3821(Q) the Defendant shall pay an additional assessment of \$250 to the Pima County Treasurer, if ordered to register.

No contact with any Victim (as referred to in the indictment) or their Famil(ies), by any means direct or indirect, without written permission from the assigned Probation Officer.

There is no agreement as to whether the sentences will run concurrently or consecutively.

III. STANDARD TERMS AND CONDITIONS

A. Dismissal of Other Charges and Allegations. This Agreement amends the charges filed in this case to the offense(s) set forth above.

B. That this agreement, unless rejected or withdrawn, serves to amend the complaint, indictment, or information to charge the offense to which the Defendant pleads, without the filing of any additional pleading. All other charges and allegations in this case are dismissed.

C. Restitution. The Defendant agrees to pay restitution to all of the victims named in the original indictment, even if they are not named within the specific charge to which the defendant is pleading guilty. The Defendant further waives any and all rights to have the amount of the restitution (s)he owes determined by an evidentiary (restitution) hearing. The victims' restitution claim form shall be accepted as conclusive proof of the victims' economic loss. The Defendant understands that (s)he is jointly and severally liable for the entire restitution amount(s). The Defendant specifically agrees to make restitution to the victim(s) for losses suffered as a result of the course of conduct of which the defendant may only be a part. Pursuant to ARS §31-254, if the defendant receives compensation for work while incarcerated, a portion of that compensation shall be ordered to pay restitution pursuant to ARS §13-603.

D. Victim Rights. All victims listed in the original indictment retain all of their victim rights pursuant to Rule 39, Arizona Rules of Criminal Procedures, even if their names do not appear within the specific charge(s) to which the defendant is accepting responsibility. Art. II, § 2.1 and A.R.S. §§ 13-4401 - 4439.

1. The defendant agrees to have no contact with any of the victims listed in the original indictment without the prior knowledge and consent of either this Court or the probation department.

E. Waiver of Rights. By accepting this Agreement, the defendant understands that (s)he is giving up the following rights: [1] the right to a jury trial; [2] the right to confront and cross-examine the witnesses against him/her; [3] the right to present evidence and call witnesses, knowing that the State will compel witnesses to appear and testify; [4] the right to be represented at trial by counsel free of charge, if (s)he cannot afford to hire his/her own counsel; and [5] the right to remain silent, to refuse to be a witness against him/herself, and to be presumed innocent until proven guilty beyond a reasonable doubt.

F. Concurrent / Consecutive Sentencing. There is no agreement as to whether the sentence imposed in this cause number shall run consecutively or concurrently to any other sentence imposed, unless the applicable statutes expressly require consecutive sentences or unless otherwise stated in the special terms.

G. Forfeiture. Nothing in this agreement shall be construed to protect the defendant from civil forfeiture proceedings or prohibit the State from proceeding with and/or initiating an action for civil forfeiture arising out of or connected with the facts associated with this case. Further, this agreement does not preclude the State from

instituting any civil or administrative proceedings as may be appropriate now or in the future. If a firearm was used in the commission of any of the offenses originally charged in the indictment, the defendant automatically forfeits any and all ownership interest in that firearm.

H. Extradition / Detainer Costs. The defendant agrees to pay all costs of extradition to Pima County already incurred, if any. The defendant further agrees that in the event (s)he fails to appear pursuant to any court or probation order or any warrant that (s)he will pay any and all costs associated with his/her return to Pima County, Arizona. Reimbursement is to be made to the Pima County Sheriff's Department.

I. Rejection of or Withdrawal From the Plea Agreement

1. **Defendant's Disclosure of Prior Convictions.** The Defendant avows that this Plea Agreement contains his/her true name and that (s)he has no other prior felony convictions other than those specifically referenced in any Allegation of Prior Conviction(s) and/or the string cite of the original indictment. Should this representation be inaccurate, the State may withdraw from this Plea Agreement.

2. **Defendant's Future Unlawful Conduct.** The State may withdraw from this Agreement if the defendant is charged with or commits a crime between the time of the Court's acceptance of this Agreement and sentencing.

3. **Waiver of Double Jeopardy Claims.** If the defendant fails to comply with any of the provisions or conditions of this plea agreement at any time before or after sentencing or if at any time before or after sentencing, the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any court, the plea agreement will become void and the parties to the plea agreement shall return to the positions they were in before executing the plea agreement. Additionally, the State will be free to prosecute the defendant for all charges of which the State has knowledge. Any charges that were dismissed because of the plea agreement will be automatically reinstated. In such event, the defendant expressly waives any objections, motions, or defenses based upon the Statute of Limitations, Rule 8, Arizona Rules of Criminal Procedure, the Double Jeopardy Clause, or any other constitutional restrictions on bringing of charges.

J. Appeals. Defendant hereby waives any right to raise and/or appeal any and all motions, defenses, probable cause determinations, restitution orders, and objections which defendant has asserted or could assert to this prosecution and to the court's entry of judgment against defendant and imposition of sentence upon defendant consistent with this agreement. See A.R.S. § 13-4033. This waiver expressly encompasses potential issues that may arise as a result of future changes in the law.

K. Motions and Dismissals. The Defendant understands that (s)he gives up any motions, defenses or other matters which have been or could be asserted in this case regardless of their merit. If the defendant is permitted to withdraw from this Agreement for any reason, the original indictment and allegations shall be automatically reinstated. The State will then be permitted to file any additional charges not previously filed as a result of this Agreement.

L. Entire Agreement. This Agreement contains the complete agreement between the parties concerning this subject matter and supersedes all prior written or oral communications and understandings between the defendant, defense counsel and/or the State. All other terms or conditions previously discussed that are not specifically contained within this Agreement are null and void. Any predictions regarding what sentence the defendant might receive are voided by this Agreement.

IV. DEFENDANT'S ACKNOWLEDGMENTS

A. Advice by attorney: I have read each of the provisions of the plea agreement with assistance of counsel and I understand them. I have discussed the case and my constitutional and other rights with my attorney. I have been advised by my attorney of the nature of the charge[s], of the nature and range of the possible sentence, and of the fact that my ultimate sentence will be determined solely by the Court. I am satisfied that my defense attorney has represented me in a competent manner.

B. Waiver of trial rights: I understand that by entering my plea of guilty I will be giving up my rights to plead not guilty, to trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to present evidence in my defense, to remain silent and refuse to be a witness against myself by asserting my privilege against self-incrimination – all with the assistance of counsel – and to be presumed innocent until proven guilty beyond a reasonable doubt. **I further agree to waive my right to all trials. This includes any jury determination of aggravating factors beyond a reasonable doubt. I also agree that the Court, using a standard of preponderance of the evidence, may find the existence of aggravating or mitigating factors which may impact my sentence or disposition. I further agree that the rules of evidence do not apply in the determination of aggravating and mitigating factors.**

C. Waiver of Appellate Rights. I hereby waive any right to raise and/or appeal any and all motions, defenses, probable cause determinations, restitution orders, and objections, which I have asserted or could assert to this prosecution, and to the court's entry of judgment against and imposition of sentence upon me consistent with this negotiated Agreement. I expressly waive any objections, motions, or defenses based upon the Statute of Limitations, Rule 8, Arizona Rules of Criminal Procedure, the Double Jeopardy Clause, or any other constitutional restrictions on bringing of charges.

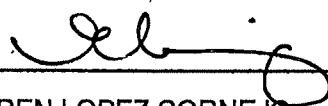
D. Acting on own volition with clear mind: My plea is not the result of force, threats, assurances or promises other than those contained in this agreement. I agree to the provisions of this agreement as a voluntary act on my part, rather than at the direction of or because of the recommendation of any other person, and I agree to be bound according to its provisions. I am not now on or under the influence of any drug, medication, liquor, or other intoxicant or depressant, which would impair my ability to fully understand the terms and conditions of this plea agreement.

E. Merger clause: I agree that this written Plea Agreement contains all the terms and conditions applicable and that any promises made by anyone (including my attorney), specifically any predictions as the sentence I may receive, that are not contained within this written Agreement are without force and effect and are null and void. No assurances, promises of leniency, or representations have been made to me or to my counsel by the State of Arizona or by any of its representatives which are not contained in this written agreement.

F. Immigration consequences of Admission. I understand that if I am not a citizen of the United States, 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. I understand that my plea or admission of guilt could result in my deportation or removal and further 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. My attorney has explained all this to me, I understand it, and I still want to enter this Plea Agreement.

10.7.2024

Date


EFREN LOPEZ CORNEJO
DEFENDANT

V. DEFENSE COUNSEL'S ACKNOWLEDGMENT

I have discussed this case and the plea agreement with my client in detail and have advised the defendant in all matters, including the constitutional and other rights of an accused, the sentencing range(s) of the charge(s) listed in the original indictment, as well as the effect of any additional sentencing enhancing allegations, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea. No assurances, promises, or representations have been given to me or to the defendant by the State or by any of its representatives, which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I am satisfied that my client understands the terms and conditions of this Plea Agreement and is competent to enter into it.

10 - 6 - 2024

Date


STEPHANIE BOND AND/OR BOBBI BERRY
DEFENDANT'S COUNSEL

VI. ACKNOWLEDGMENT OF THE STATE OF ARIZONA

I have reviewed this matter and this Agreement. I agree on behalf of the State that the terms and conditions of the Agreement are appropriate and in the interests of justice. I affirm that reasonable efforts have been made to confer with the victim(s), where required. Reasonable efforts have been made to give the victim(s) notice of this plea, the right to be present and an opportunity to be heard.

August 19, 2024

Date


TAI SUMMERS
DEPUTY COUNTY ATTORNEY
Tai.Summers@pcao.pima.gov

/mb