



**REPORT OF INVESTIGATION**

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1. Case Number: CR2018-113301	2. Report Re: Private Case	3. Case Status: Active
4. By: Damian Michael Jarrett	5. Date: Dec 9, 2018	7. Case Location: Phoenix

**SYNOPSIS**

On Oct 31<sup>st</sup>, 2018, I was contacted by the John Doe Law Firm to conduct a Sentencing Study of Aggravated Assault cases over the past year within the County of Maricopa, AZ. I was advised that the client of the law firm, Mr. Jones, was charged with 7 counts of Aggravated Assault with a Deadly Weapon, ARS 13-1204(a)(2), against Police Officers with the Phoenix Police Department. The intended use of the study was to identify a reasonable sentencing range of similar or like cases. The following were primary alleged acts against Mr. Jones:

- Possession of a BB Gun
- Made Verbal Threats of shooting officer in unprotected areas to elicit a lethal force response
- Failed to comply with officers ordering him to disarm after making verbal threats
- Displayed weapon toward officers
- Discharged weapon and struck three officers causing injuries

Dating January 1<sup>st</sup>, 2018, through Oct 2018, there were over 3100 adjudicated Aggravated Assault cases wherein 85 of them were designated Class 2 Felonies. While the elements of Mr. Jones case are remarkable, the finding of this study includes the identification of 10 cases, all Class 2 Felonies Aggravated Assaults with a Deadly Weapon and against Law Enforcement Officer(s).

The time sentenced to DOC was 5.625 years. Other outcomes ranged from county jail to

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several years of probation. Below are the findings of each case.

**CASE STUDY DETAILS**

1. STATE OF ARIZONA v. MARTIN G SALDANA

CR2016-155299-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS**

Deadly Weapon: Motor Vehicle

Officer(s) Involved: Physically Injured

Act(s): Intentionally struck Uniformed Officer and fled the scene during an investigatory stop for suspicion of smoking marijuana

**DISPOSITION OF CASE**

4 YEARS PROBATION

12 MONTH COUNTY JAIL

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2. STATE OF ARIZONA v. JASON LEE BUNTS

CR2017-003214

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

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**ELEMENT OF FACTS**

Deadly Weapon: Large Metal Pipe

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): Intentionally threatened Uniformed Officer as he approached him

**DISPOSITION OF CASE**

3 YEARS PROBATION

6 MONTH COUNTY JAIL

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3. STATE OF ARIZONA v. GEOVANNY GALVEZ

CR2015-157664-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS**

Deadly Weapon: Handgun

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): After shooting several rounds in a residential area defendant pointed his handgun at Uniformed Officers as they approached him

**DISPOSITION OF CASE**

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6 YEARS AZDOC

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4. STATE OF ARIZONA v. ANTONIO SPINA

CR2017-06365-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS**

Deadly Weapon: Knife

Officer(s) Involved: Physically injured

Act(s): While in handcuffs defendant escaped from a patrol vehicle, struggled with two officers before producing brass knuckle with an attached folding knife. Defendant stabbed one officer in the thigh and the other sustained a laceration to his forehead.

**DISPOSITION OF CASE**

8.5 YEARS AZDOC

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5. STATE OF ARIZONA v. ADAM ANTHONY MARTINEZ

CR2016-005347-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

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**ELEMENT OF FACTS**

Deadly Weapon: Handgun

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): Defendant while being taken into custody for suspicion of Armed Robbery, resisted, removed a handgun from his pants and pointed it at the officer. Defendant and officer fought over handgun before officer could gain complete control.

**DISPOSITION OF CASE**

5 YEARS AZDOC

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6. STATE OF ARIZONA v. MELISSA ANN ELMER

CR2016-141584-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS**

Deadly Weapon: Knife

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): Pulled out a knife within 15 feet of Officers and threatened to kill them.

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Officers had to Taser defendant to take her into custody.

**DISPOSITION OF CASE**

2 YEARS PROBATION

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7. STATE OF ARIZONA v. APRIL LUJAN-LEON

CR2016-155376

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS:**

Deadly Weapon: Handgun

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): Defendant after having attempted to jump off a balcony was being transported for a welfare check. Defendant went into a room to collect clothes, then yelled that she retrieved a handgun. Officer entered room and defendant pointed the gun directly at the officer while attempting to chamber a round. Struggle ensued with defendant before officer gained control of gun and defendant.

**DISPOSITION OF CASE:**

3 YEARS PROBATION

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8. STATE OF ARIZONA v. ANDY JENNINGS GOODWIN

CR2016-114006-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS:**

Deadly Weapon: Knife

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): The defendant having prior contact with police and being violent toward them banished an 8” knife during this incident and threatened to cut their throats. The defendant lunged toward them before taken into custody after being Tasered.

**DISPOSITION OF CASE:**

3 YEARS AZDOC

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9. STATE OF ARIZONA v. JUSTIN D. POWELL

CR2016-159702-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS:**

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Deadly Weapon: Knife

Officer(s) Involved: Reasonable apprehension of imminent physical injury

Act(s): Officers responded to a location where the defendant was present and there was an active OOP for him not to be. In addition, defendant had active Felony and Misdemeanor warrants. Officers arrived, and defendant fled on foot. Defendant was cornered and produced folded knife from his pocket and threatened to kill officers. A struggle ensued and it took three officers to disarm and arrest the defendant.

**DISPOSITION OF CASE:**

3 YEARS PROBATION

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10. STATE OF ARIZONA v. ROBERT BOB BARTOLUCCI

CR2016-14189-001

1. CHARGE– AGGRAVATED ASSAULT w/ DEADLY WEAPON, CLASS 2

**ELEMENT OF FACTS:**

Deadly Weapon: Handgun

Officers Involved: Reasonable apprehension of imminent physical injury & physically injured

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Act(s):                   The defendant had committed an armed burglary and fled the area in a vehicle. Officers located the defendant and vehicle, made contact at which time a struggle ensued. Defendant was able to retrieve the gun in his possession and point it in the face of one officer. During the incident the officer received injuries and the defendant was ultimately taken into custody.

**DISPOSITION OF CASE:**

3 YEARS PROBATION

30 DAYS IN COUNTY JAIL

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**All Direct Complaints and Presentence / Probationer Reports are available for each case listed.**

NFI

Damian M Jarrett

AZ Lic No.: 1588407

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