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IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

| OFFICE DISTRIBUTION | |
|---------------------|---|
| APPEALS | 3 |
| BONDS: REFUND | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMANOS | |
| SENTENCING | |

20-I : March 6, 1975 HON. PHILIP W. MARQUARDT WILSON D. PALMER, Clerk
DATE JUDGE ON EQUIVOCATION M.A. Coster Deputy

CR 85433

STATE OF ARIZONA

County Attorney - *Schwartz*

VS

APO

Ricky A. Rose

Alan L. Haggard

85433

CHANGE OF PLEA. State is represented by above named deputy. Defendant is present with counsel above named. Court reporter *John Swader* is present.

FILED: Plea Agreement

Pursuant to plea agreement, defendant desires to withdraw his former plea of not guilty and to now enter a plea of guilty to the crime of *conspiracy in violation of A.R.S. Sec 13-351.*

The Court interrogates the defendant concerning the plea and advises the defendant of the constitutional rights thereto.

Based upon the information and statement of the defendant, The Court finds a factual basis for the plea and guilty and further finds that the defendant's request to enter a plea of guilty is made knowingly, voluntarily and intelligently. Therefore the Court accepts the plea and it may be entered.

(initials)

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| OFFICE DISTRIBUTION | |
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| APPEALS | |
| RECORDS RETURN | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMARKS | |
| SENTENCING | <input checked="" type="checkbox"/> |

IN THE SUPERIOR COURT
OF
MARICOPA COUNTY, STATE OF ARIZONA

12-1 April 3, 1975
Hon. Odilio H. Nunez
 HONORABLE JUDGE OF COURSE
 WILSON D. PALMER, CLERK
Wilson D. Palmer

C. ~~85433~~
 85433

STATE OF ARIZONA

Rocky Allan Ross

Co Atty Schwartz

ADO
Adon Haggard

MSCO

The State is represented by the above named deputy; the defendant is present with counsel above named: Court Reporter *Rocky Ross*

The defendant is advised of the charge against him, the determination of guilt, and is given an opportunity to speak in his own behalf.

Having found no legal cause to delay, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT OF THE COURT that the defendant is guilty of the crime of *conspiracy, open end.*

ORDERED suspending imposition of sentence and placing defendant on probation for a period of *one year from this date; and under the conditions and regulations of probation set forth in writing and under the supervision of the probation department of this Court.*

ORDERED remanding the defendant to the custody of the Sheriff of Maricopa County to carry out the terms of Condition 14 of Probation. *to wit: 10 days County Jail (expiries on next page).*

The defendant is advised concerning the consequences of failure to abide the conditions of probation.

The defendant is further advised concerning rights of appeal, and written notice of those rights is provided.

ORDERED granting any motion to dismiss and exonerating any bond

Conditions of Probation, signed by defendant (copy provided defendant); and Notice of Appeal Rights, signed by defendant (copy provided defendant).

Further ordered def. is shall pay a fine of \$250

APR 7 1975 *not later than June 15, 1975.*

(cont.)

6

Probation - Remanded for Condition 14.

DIVISION E
SENTENCING JUDGE: HON. MARCO RDT
CHARLES SAMUELS IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
ACIC
ATTY: ALLAN HAGGARD IN AND FOR THE COUNTY OF MARICOPA 9

THE STATE OF ARIZONA
vs.
RICKY ALLAN ROSS

85433

Case Number 85433

PETITION TO REVOKE PROBATION; ORDER FOR WARRANT OR SUMMONS

The above named defendant was formally adjudged guilty of the crime of CONSPIRACY,
OPEN END and was placed on probation by this Court's judgment and order dated the
3rd day of April, 1975, the period of probation being one (1) year

from said date

This Officer is informed and has reason to believe that the defendant has violated the conditions or regula-
tions as follows: The defendant violated Term #1, failing to conduct

himself as a law-abiding citizen, as he was arrested, and is
awaiting trial for Grand Theft by embezzlement, which he admitted
to police officers, and to his probation officer.

Dated this 29th day of July, 1975.

Charles Samuels
Deputy Probation Officer

ORDER

- IT IS ORDERED directing the issuance of a Bench Warrant for the arrest of the defendant.
- IT IS ORDERED that a summons be issued ordering the appearance of the defendant before this court on _____ at _____ (a.m.) (p.m.), if the defendant fails to appear as ordered, a warrant shall issue for his arrest.

Dated this 29th day of July, 1975.

[Signature]
Judge of the Superior Court

PETITION TO REVOKE PROBATION;
ORDER FOR WARRANT OR SUMMONS

White Copy: Court File
Pink Copy: Defendant Attorney
Blue Copy: County Attorney
26-1

Yellow Copy: Probation File
Green Copy: To be attached to
warrant or summons

FILED
BY
1975 JUL 29 PM 4:04
CLERK OF SUPERIOR COURT
MARICOPA COUNTY
PHOENIX, ARIZONA

In the Superior Court

OF MARICOPA COUNTY, STATE OF ARIZONA

89445

FILED
BY [Signature]
1975 SEP 2 11:11 AM
MUSKIE PALMER, CLERK
DEP.

THE STATE OF ARIZONA,)
)
)
 vs.)
)
 RICKY ALLAN ROSS and)
 DANIEL ALLEN SCHROEDER,)
)
 Defendants.)

NO. 89445

INFORMATION FOR
THEFT BY EMBEZZLEMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF ARIZONA, RICKY ALLAN ROSS and DANIEL ALLEN SCHROEDER are accused this 2nd day of September, 1975, by the County Attorney of Maricopa County, State of Arizona, by this Information, of the crime of THEFT BY EMBEZZLEMENT, a felony, committed as follows, to-wit:

The said RICKY ALLAN ROSS and DANIEL ALLEN SCHROEDER, on or about the 23rd day of July, 1975, and before the filing of this Information at and in the County of Maricopa, State of Arizona, committed theft by embezzling from Kay-Bee Interprises, property, to-wit: Three Hundred Six (306) pieces of jewelry, consisting of rings, watches, pendants, earrings, broaches, tie tacs and cuff links, of the value of over \$100.00, all in violation of A.R.S. §13-691, §13-682, §13-688, §13-671, §13-138, §13-139 and §13-140; contrary to the form, force and effect of the statute in such cases made and provided and against the peace and dignity of the State of Arizona.

MOISE BERGER
MARICOPA COUNTY ATTORNEY

By Steven C. Whitting
DEPUTY COUNTY ATTORNEY

IN THE SUPERIOR COURT

OF
MARICOPA COUNTY, STATE OF ARIZONA

| OFFICE DISTRIBUTION | |
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| <input checked="" type="checkbox"/> | APPEALS |
| <input type="checkbox"/> | BONDS REFUND |
| <input type="checkbox"/> | FORFEITURE |
| <input type="checkbox"/> | CHANGE OF VENUE |
| <input type="checkbox"/> | JURY FEES |
| <input type="checkbox"/> | REMANDS |
| <input type="checkbox"/> | SENTENCING |

31-G

Nov. 26, 1975

HON. EDWARD C. RAPP
JUDGE OR COMMISSIONER

WILSON D. PALMER, Clerk
V. Dahlquist, Deputy

CR- 89445

STATE OF ARIZONA

vs

RICKY ALLAN ROSS

(Lee Hunsick)
County Attorney
By: Ronald Collett

Michael Dann

APO

89445

CHANGE OF PLEA.

The State is represented by Ronald Collett;
the Defendant is present with counsel, Michael Dann;
Court Reporter, Joseph Rosales, is present.

There being no objection by the Defendant, IT IS
ORDERED permitting the State to file a Plea Agreement, said Plea
Agreement to constitute the Amended Information.

The Defendant withdraws his former plea of not
guilty and enters a plea of guilty to the crime of
CONSPIRACY TO COMMIT GRAND THEFT SECOND DEGREE - OPEN END
as charged in the Amended Information.

The Court inquires of the Defendant concerning the
Plea Agreement, advises him of his constitutional rights, and
finds that the Defendant's plea of guilty is made knowingly,
voluntarily and intelligently; that a factual basis for the plea
exists, and the Court accepts the plea.

IT IS ORDERED setting the time for entry of Judgment

(Continued)

REC-2 1975

IN THE SUPERIOR COURT

OF

MARICOPA COUNTY, STATE OF ARIZONA

OFFICE DISTRIBUTION

| | |
|-----------------|--|
| APPEALS | |
| BONDS - RETURN | |
| FORFEITURE | |
| CHANGE OF VENUE | |
| JURY FEES | |
| REMANDS | |
| SENTENCING | |

2

31-G

Nov. 26, 1975

HON. EDWARD C. RAPP

WILSON D. PALMER, Clerk

V. Dahlquist, Deputy

(Lee Hunsick)

(Continues)

CR- 89445

STATE OF ARIZONA vs ROSS

of Guilt and Sentencing on Monday, December 29, 1975 at 1:30 P.M. in this division.

IT IS FURTHER ORDERED that the Adult Probation Department make an investigation and submit a Presentence Report to this Court. The defendant is to report to the Adult Probation Department forthwith for this purpose.

IT IS FURTHER ORDERED the defendant may remain released O.R. pending sentencing.

IT IS FURTHER ORDERED vacating the trial date in this cause.

IT IS FURTHER ORDERED taking under advisement State's motion to dismiss charge of Grand Theft by Embezzlement.

REC-115

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THE STATE OF ARIZONA
Plaintiff

CAUSE NO. 89745

vs

HONORABLE EDWARD C. RAPP

RICK ALAN ROSS
Defendant

CRIMINAL DIVISION G

SUPERIOR COURT

PRESENTENCE INVESTIGATION

PRESENT CHARGE: Conspiracy to Commit Grand Theft, Second Degree, Open-End, amended from Theft By Embezzlement, a Felony.

PLEA: November 26, 1975.

CUSTODY STATUS: Released O.R.

DEFENSE COUNSEL: Michael Dann, privately retained.

PRESENT OFFENSE:

According to Phoenix Police Departmental Report #75-072808, on July 23, 1975, at approximately 2100 hours, a white male suspect robbed Kay-Bee Enterprises, the jewelry shop located in the Broadway Store at Biltmore Fashion Park, 2401 East Camelback, of approximately \$50,000.00 worth of diamonds and precious paraphernalia by presenting the victim clerk with a note demanding the diamonds be placed in a box or he would detonate a bomb that he had brought in with him. The clerk, Daniel Schroeder, described the suspect as being a "white male, thirty-five years old, five foot seven, one hundred fifty pounds, noticeable pot belly, dark brown dirty stringy hair, a full face beard." Upon arrival of police, the clerk indicated he followed instructions explicitly and instructed police that while the jewelry was valued at \$50,000.00, its retail value was approximately \$100,000.00. On July 24, 1975, information was received that Mr. Schroeder had in fact set up the robbery, and suspect Rick Ross was the person responsible for the robbery itself. After questioning both Mr. Ross and Mr. Schroeder, they later admitted to the

NICK ALAN ROSS
Defendant

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CAUSE NO. 89445

PRESIDENT OFFENSE: (Cont'd)

crime, and each suspect indicated he had received half of the jewelry. Mr. Schroeder led police to his parents' residence, where he showed police that the jewelry had been hidden inside the refrigerator door. Mr. Ross indicated to police that his half of the jewelry was hidden in a safety deposit box.

OFFENSES TO BE DISMISSED:

According to the Plea Agreement, the original charge was dismissed after the defendant pled to an Amended Information.

DEFENDANT'S STATEMENT:

"Three months previous to July 23, 1975, Daniel Schroeder began to approach me with regard to a planned embezzlement of \$100,000.00 at the Broadway Store in which he worked. I finally agreed to his plan and committed the crime July 24, 1975. I did this because I was convinced it was to my advantage at that time and would help Dan out of serious financial problems. All the items embezzled were later returned." Mr. Ross advised that he felt he needed the money for security, but had no specific plans for the money. He stated that at the time of his involvement, he was associating with lots of "criminals" and admitted that he is easily led. He indicated that he was on probation to this Department at the time of the instant offense, and stated that the first charge had happened the same way. Mr. Ross indicated that the police were notified that he was involved in the instant offense when a newspaper article was read by a third co-conspirator who has since been "cut out of the action."

RICK ALAN ROSS
Defendant

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7 6 11 CAUSE NO. 89445

DEFENDANT'S STATEMENT: (Cont'd)

This third party then contacted police and led them to Mr. Schroeder and Mr. Ross. He stated that he believes the third party, Mr. Newcom, has "ruined my life. I don't believe any of this would have happened if he and his friends hadn't approached me."

COMPANION ACTION:

A presentence report is being prepared for co-defendant Daniel Schroeder for the same charge. After interviewing both Mr. Ross and Mr. Schroeder, it would appear that both co-defendants were equally involved in the instant offense.

STATEMENT OF VICTIM:

Mr. Geisler of the Broadway Department Store was contacted by telephone. He advised that the store recovered most of the jewelry which had been stolen and stated that seven or eight rings had been melted down but the gold and the jewels were returned also. He advised that he wished to make no statement, adding "We got our property back."

STATEMENT OF REFERENCES AND INTERESTED PARTIES:

Investigating Detectives Berry and Corey, as well as their superior, Lieutenant Twitchell, of the Phoenix Police Department were contacted by the writer. The officers advised that they would not oppose probation.

Deputy Adult Probation Officer Randy Walker contacted the writer. He advised that Mr. Ross had originally been assigned to his caseload when first placed on probation. He advised that the defendant never reported to his office

STATEMENT OF REFERENCES AND INTERESTED PARTIES: (Cont'd)

and thus Mr. Walker was forced to make inquiries of Mr. Ross' parents. He advised that when the defendant's parents were contacted, the defendant's parents were completely unaware that the defendant had been arrested and were understandably upset. Mr. Walker added that Mr. Ross came in to the department shortly thereafter and was "hostile and irate that his parents had been contacted." Mr. Walker advised that Mr. Ross was then transferred to the caseload of Charles Samuels. Mr. Walker further indicated that due to the defendant's complete lack of cooperation, he would not recommend probation a second time.

Charles Samuels was contacted and he advised that due to the instant offense, he has instituted revocation proceedings against the defendant and advised that he recommended the original charge be designated a Misdemeanor, with the defendant being sentenced to one year in the Maricopa County Jail. He stated that in his professional opinion, he did not feel the defendant deserves a second chance with probation, due to the fact that the instant offense was committed approximately sixty days after the defendant had been placed on probation and, further, the fact that the Robbery had required an enormous amount of planning, indicating that the defendant completely ignored any instructions given by the Court or the probation department.

The defendant's attorney, Michael Dann, was contacted and he advised he believes his client can be successful on probation because Mr. Ross now realizes he cannot continue his past behavior and has sought psychiatric help on his own.

ALAN ROSS
Defendant

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11-11-76

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CAUSE NO. 89445

PRIOR RECORD:

The defendant did not indicate that he had a juvenile record and there is no evidence to the contrary.

The defendant's adult arrest record indicates that in December of 1974, he was arrested for Attempted Burglary, for which he was placed on probation for a period of one year after the charge was amended to Conspiracy, Second Degree, Open-End. Court records indicate that on April 3, 1975, the defendant was placed on probation for a period of one year with added terms of \$250.00 fine and ten days in the Maricopa County Jail. The probation department file indicates that both of these special conditions were later suspended by Division 20. At this time, the disposition hearing for revocation is set for February 11, 1976 in Division 20.

SOCIAL HISTORY:

Mr. Ross advised that he is the oldest of three children adopted by Paul and Ethel Ross in Cleveland, Ohio. He advised that his family is of the Jewish faith and that they have adhered strictly to that faith through the years. He stated that his mother is extremely active in the Phoenix Jewish Community Center and that his father is the owner of Ross Plumbing Company. Mr. Ross indicated that the family has lived in Phoenix approximately nineteen years. The defendant indicated that he and his younger siblings have all experienced personality and behavioral problems, and the defendant attributed this to the fact that his father tends to be passive while his mother is protective and aggressive. One of the attached child study reports on Mr. Ross indicates that his father "worked a great deal and usually felt quite tired and did not want to be bothered with the children"; in

SOCIAL HISTORY: (Cont'd)

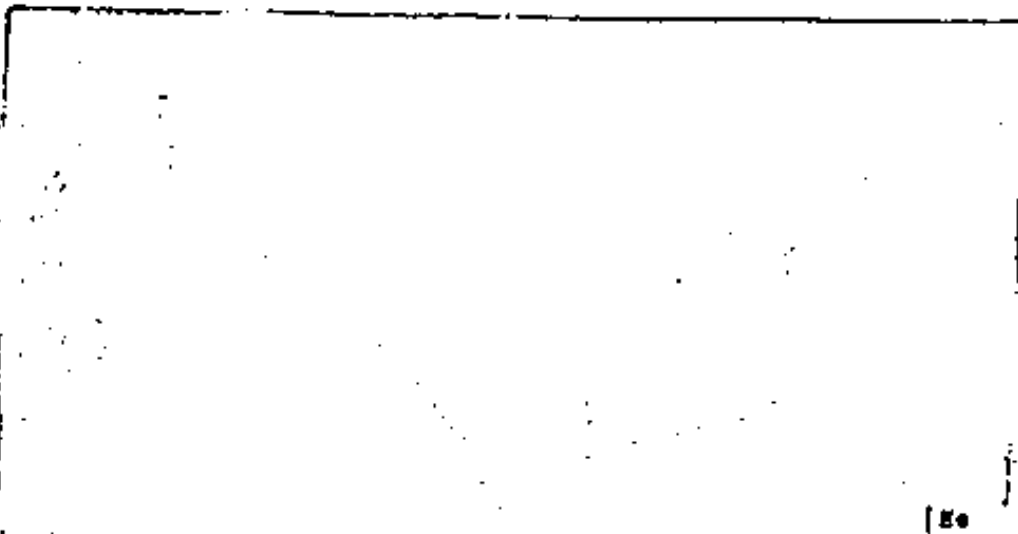
addition, "it was apparent that Mrs. Ross was the rejecting kind of mother who bends over backwards to do things for her kids when she feels angry at them."

EDUCATION:

Mr. Ross stated that he attended his freshman and sophomore years at West High School, his junior year at Camden Military Academy, and graduated from North High School in the Phoenix area. The attached reports indicate that the defendant experienced problems throughout his elementary school years in the form of hyperactive behavior and attention span.

MARITAL HISTORY:

Mr. Ross advised that he has never been married.



_____ He
stated that his parents and he have since effected a reconciliation and can accept each other's life styles with more ease at present.

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RICK ALAN ROSS
Defendant

CAUSE NO. 89445

EMPLOYMENT HISTORY:

In 1971, the defendant advised that he was employed by Astna Finance as a collection agent and advised that this job lasted approximately one year when he resigned for a better position with another finance company. He stated this second job was terminated ~~due~~ to a personality conflict with the new manager approximately one year later." In 1973, he related being employed by Valley National Bank until October of 1974, when he stated he resigned his position of loan officer to return to the Phoenix area. He advised that he was working in Bullhead City, Arizona, and felt that he was not achieving success at the rate which he wished. After returning to Phoenix, he stated he was employed by American Credit Bureau as a collection agent but related that he was fired three months later due to excessive absence and illness. In September of 1975, he stated that he found employment with a cousin who is owner of an auto salvage company. He advised that he is currently a sales representative for that company and is earning approximately \$675.00 per month. The writer has the defense attorney's assurance that the defendant's arrest record will present no problems with the family business and that the defendant can maintain full-time employment with that company.

HEALTH FACTORS:

As a child, the defendant advised that he was diagnosed as a hyperkinetic child and explained that this is a nervous disorder. He stated that he was on medication for this, and this is verified by the attached medical reports. He denied having any serious accidents or illnesses with the exception of a nervous collapse, which he advised he suffered

RICK ALAN ROSS
Defendant

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CAUSE NO. 89443

DISCUSSION AND EVALUATION: (Cont'd)

day period of probation. Mr. Ross explained at some length that he felt he was not an appropriate candidate for probation, partially due to his mental status. The writer cannot see why it would be more difficult for Mr. Ross than for many other clients to be incarcerated, and it is felt that probably no one enjoys being locked up. After considering the information gained from the police department, the defense and the defendant, as well as two probation officers, this writer cannot justify a recommendation of probation in this case.

RECOMMENDATION:

It is respectfully recommended that the defendant be sentenced to serve a ~~maximum~~ term in the Arizona State Prison.

RESTITUTION/REIMBURSEMENT:

Neither restitution nor reimbursement is applicable in this case.

Respectfully submitted,

H. C. DUFFIE
Chief Adult Probation Officer

By: Carl Hougabauer
Deputy Adult Probation Officer

Approved:

Michael Hodges
Michael Hodges, Supervisor

Ginis
January 14, 1976

PAGE 10

David J. Perry
March 26, 1976
April 1, 1976

ARIZONA DEPARTMENT OF HEALTH SERVICES

7-76-0044032

ARIZONA STATE HOSPITAL

101 EAST SAN PABLO STREET
TUCSON, ARIZONA 85724
TELEPHONE 622-2222

CLIFF SANDOZ, M.D., M.P.H.

March 25, 1976

This is a report on Ricky Ross, 23-year-old white single male sales representative, who was seen for the first time on 12-10-75 at Fillmore Mental Health Service, referred by Joy Carter of Catholic Social Service. The patient sought help because of anxiety, depression and sexual problems. He wanted to be able to understand himself better. He was seen at Fillmore 13 sessions, once a week, each lasting for fifty minutes. When I first saw him he was feeling anxious, nervous, depressed and complaining of difficulty sleeping. He ascribed such feelings as stemming from his involvements in several thefts and burglaries as a result of which he had been in jail two times. He expressed deep concern that this would create a bad reputation for his future and especially for this reason stated that he wants to change his life style.

Ricky indicated that the reasons why he got involved with criminal activities was that he had had several jobs and although he enjoyed working in banks and collection agencies the low salary and slow promotion and the accumulation of unpaid bills pressured him to buy and use stolen credit cards and later on to steal furniture and appliances at model homes. He was later on approached by a jeweler friend who offered him partnership in an inside job diamond robbery which lead to his second arrest and imprisonment.

It had been known that Ricky Ross had been seen by several psychiatrists and counselors when 6 to 14 years old. He was diagnosed as a hyperkinetic child which later on lead to general behavioral problems in school being negativistic, manipulative, and argumentative. I saw Ricky as an arrogant, self-centered individual with some hostile tendencies. He was oriented in all dimensions and had some tendencies to be overproductive in his speech, and to manifest some degree of circumstantiality in his thinking. He had an inclination to monopolize the session and had a problem listening. He becomes evasive and defensive when his inner feelings are exposed or slighted. His associations were not loose. His thought processes are not disorganized. He has no disturbance of perception, no paranoid ideations, ideas of reference or ideas of influence. His affect was appropriate to his spoken thoughts. There was no impairment of memory and his fund of information was consistent with his education. There was no evidence of psychosis seen in him.

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RE: RICKY ROSS

Page 1

March 25, 1976

It is my opinion that Ricky has a personality disturbance which started even as a child. He had emotional maladjustment, never learned usual lines of conduct for socializing as a result of which as a child he had outbursts of rage, was demanding, a manipulative and argumentative child with no friends and was defiant. He does not seem to profit from his past experiences and cannot realize that what he does is socially unacceptable and dangerous and does not realize that he has a responsibility to society to control his behavior. He has had expressed guilt feelings for what he has done the first time but repeated what he had done despite the fact he had been reprimanded and punished for it. He was unable to control his impulses regardless of the punishments. Ricky seems to demand immediate and instant gratification of his desires and needs with no feelings for the interests of others with whom he had some emotional attachments. He does not seem to identify himself with society and its laws, and believes that punishments are an injustice. He has a tendency to externalize responsibility, though he is gradually assuming responsibilities now. He has problems learning because of his inability to listen.

I see Ricky as an individual who has sociopathic inclinations, [REDACTED] and as a person with learning disability.

Recommendation is strict probation with specific limitations and intensive guidance or psychotherapy. He will not benefit from any form of incarceration.

Prognosis is fair to guarded.

DS:jw

Domiciano E. Santos M.D.
DOMICIANO E. SANTOS, M.D.

CHILDREN'S MEDICAL CENTER

SEP 18 1975

CHILDREN'S MEDICAL CENTER

700 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85001

CHILDREN'S MEDICAL CENTER

September 10, 1975

D. Michael Dunn
Attorney at Law
100 West Washington Street
First National Bank Plaza
Phoenix, Arizona 85001

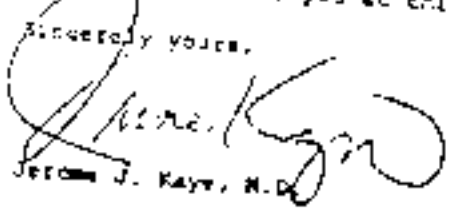
Re: Edward Allen Ross

Dear Mr. Dunn:

I must apologize to you for this delay in answering your letter of August 18th. However, I have been incapacitated following back surgery and have not been able to get to the mail until now.

Ricky Ross had been under my care since February of '57 through September of '71, and he was seen regularly early in his life but more episodically later on. In July of '69, at the age of 10-1/2 years, because of parents' statements that the youngster was exhibiting hyperactive behavior and having difficulty concentrating and giving his attention to school matters. An attempt was made to control this with Desner 100 mg. twice a day and Librium 30 mg. daily. Thereafter he was seen, as I mentioned before, episodically only for acute illnesses or injuries and there was no mention of any of these problems thereafter. His last visit to the office was on September 16, 1971, when he was treated for a streptococcal sore throat with penicillin for ten days.

This is the only information I can provide for you at this time.

Sincerely yours,

Jerome J. Kaye, M.D.

JJK:fa)

[Handwritten notes]

THOMAS J. JONES, M.D.
 401 EASTMAN AVENUE, WESTINGHOUSE CENTER
 WESTINGHOUSE BUILDING
 PITTSBURGH, PENNSYLVANIA 15213

DATE: _____

NOVEMBER 02, 1978

TO: _____

RE: MICHAEL RICK

THIS PATIENT IS A 22 YEAR OLD MALE ADOPTED SON OF PAUL AND CORAL ROSS. HE WAS SEEN UPON THE FURAL OF MR. G. MICHAEL RICK. HE WAS SEEN ON AUGUST 29, 1975, FOR ONE AND ONE-HALF HOURS, ON SEPTEMBER 25, 1975, FOR ONE HOUR AND ON NOVEMBER 13, 1975, FOR A PERIOD OF TWO HOURS. THE PURPOSE OF THIS EVALUATION WAS TO ASSESS RICK'S PERSONALITY STRUCTURE, HIS GENERAL ATTITUDE TOWARD THE CURRENT CHARGES AND TO SECURE A RECOMMENDATION FOR COURT DISPOSITION OF HIS CASE.

ON ALL THREE OCCASIONS WHEN I SAW HIM, RICK WAS WELL ORIENTED AND ALERT TO HIS SURROUNDINGS. HE WAS COOPERATIVE AND UNDERSTOOD THE SERIOUSNESS OF THE CHARGES AGAINST HIM. RICK WAS WORKING AT VALLEY NATIONAL BANK AT THE END OF 1975 THROUGH OCTOBER, 1976. HE HAD PREVIOUSLY WORKED AS A COLLECTOR FOR SIX OR SEVEN MONTHS WITH THE AETNA INSURANCE COMPANY. HE HAD ALSO WORKED WITH AVIS FOR A SHORT PERIOD OF TIME PRIOR TO THIS. BECAUSE OF THIS EXPERIENCE, HE WAS HIRED AT VALLEY BANK TO HELP REPOSSESS CARS AND WORK AS A LOAN OFFICER. DURING HIS PERIOD OF EMPLOYMENT AT VALLEY NATIONAL BANK, RICK CAME UPON SOME PREJUDICES WHICH RESULTED IN HIS FILING CHARGES WITH THE AMERICAN CIVIL LIBERTIES UNION, THE JEWISH FEDERATION AND THE JEWISH ANTI-DEFAMATION LEAGUE. A NEGOTIATED SOLUTION WAS WORKED OUT AND RICK WAS TRANSFERRED TO THE BULLHEAD CITY BRANCH OF VALLEY NATIONAL BANK, WHERE HE BECAME THE MASTERCARGE OFFICER OF THE BANK. WHILE AT BULLHEAD CITY, RICK WAS AGAIN SUBJECT TO PRESSURES FROM OTHER BANK EMPLOYEES AND HE WAS ACCUSED OF JUST WORKING (ALTHOUGH QUITE CREDITLY) AT HIS JOB JUST EIGHT HOURS A DAY AND WAS TOLD THAT HE SHOULD BE TAKING BANKING COURSES AND SO FORTH ON THE SIDE. ACTUALLY, HE WAS TAKING COURSES PREPARATORY TO A COLLEGE DEGREE, WHICH WOULD BE NECESSARY FOR HIS ADVANCEMENT IN THE BANK IN HIS CASE.

AFTER RICK RESIGNED FROM VALLEY NATIONAL BANK, HE WORKED AT THE AMERICAN CREDITORS BUREAU FOR FIVE MONTHS. DURING THIS TIME, HE HAD BRONCHITIS AND IN ADDITION TO SEVERAL DOCTOR BILLS THERE WAS ALSO A BACKLOG OF MASTERCARGE BILLS AND A CONSOLIDATION LOAN FROM VALLEY NATIONAL BANK. IT WAS BECAUSE OF THESE KINDS OF PROBLEMS THAT RICK TOLD ME THAT HE FELL IN WITH COMPANIONS THAT SAID THAT HE COULD MAKE "AN EXTRA BUCK". IN THIS WAY HE SAID HE HOPED HE WOULD BE MORE INDEPENDENT. AT APPROXIMATELY THE SAME TIME, RICK ALSO SPENT SOME TIME WORKING FOR HIS DAD, WHICH HE CHARACTERIZES AS "A HAND OUT AT ROSS PLUMBING." HE LATER WENT ON UNEMPLOYMENT.

7 67 60 04 JAN 1977

RICHARD LAMAR POSS
NOVEMBER 28, 1976
PAGE 2

THE MOST SIGNIFICANT ASPECT OF RICK'S PAST HISTORY IS THAT HE IS AN OPPORTUNIST. WHEN HE GETS SAID TO DO SOMETHING THAT HE SHOULD NOT DO OR SOMETHING THAT IS A LITTLE SHADY, HIS CHARACTERISTIC RESPONSE IS "IT'S REALLY UNUSUAL THE WAY THEY MAKE SUCH A BIG DEAL ABOUT THINGS." HE HAS A TRENDSHIFT CAPACITY TO DENY THE SERIOUSNESS OF PROBLEMS WHICH HE FACES. HE STILL SEES IT AS INTENSELY UNFAIR THAT HE SUCCESSFULLY PUNISHED ONE HEART'S PROBABLY \$200.00 FINE AND TEN DAYS IN JAIL BECAUSE "THEY THOUGHT IT WOULDN'T BE GOOD FOR ME." HE IS QUICK TO SAY "THAT'S ILLEGAL" IN SUCH A SITUATION. RICH TOLD ME THAT "I COULD PLEADED TO THE JUDGE-- I WASN'T THE RING LEADER JUST BECAUSE I WAS OLDER." RICK SAYS THAT WHEN HE CAME OUT FROM THAT JAIL TERM HE HAD DECIDED THAT HE WOULD NOT GET INTO ANY MORE TROUBLE. IN RETROSPECT, HOWEVER, HE FEELS NOW THAT THE JAIL TERM JUST GAVE HIM THE IMPRESSION THAT JAIL WAS NOT SUCH A BAD PLACE AND THAT YOU COULD POP IN AND POP OUT AGAIN. THIS IS IN SHARP CONTRAST TO HIS SECOND EXPERIENCE OF JAIL, WHICH WAS OVER A LONGER PERIOD OF TIME AND DURING WHICH THERE WERE MANY SIGNS OF SERIOUS PSYCHOLOGICAL DECOMPENSATION. IN HIS SECOND JAILING, HE EVENTUALLY MADE A QUITE SERIOUS SUICIDE ATTEMPT. IT IS IMPORTANT TO REALIZE THAT THIS SHOULD NOT BE LOOKED ON AS AN IMPETUOUS OR IMPULSIVE ACT ON HIS PART. RATHER, IT IS AN EXCELLENT INDICATION OF THE SHALLOWNESS OF RICK'S ONGOING PSYCHOLOGICAL STABILITY. ALTHOUGH AN OPPORTUNIST, AND ALTHOUGH QUICK TO CRY FOUL WHEN HE FEELS HE HAS BEEN TROGGED OR NOT GIVEN A FAIR SHARE, IT IS MY OPINION THAT THIS OPPORTUNISM AND WHININESS SPRINGS FROM A NEED TO SUCCEED IN LIFE DESPITE THE FEELING OF DEEP INTER-WORTHLESSNESS. WHEN HE IS THROWN ON HIS OWN RESOURCES AND OPPORTUNISM IS UNAVAILABLE, AND CRYING FOUL PRODUCES NO CHANGES, HIS OWN LACK OF SELF-WORTH AND SENSE OF DIGNITY OVERWHELM HIM AND A NEAR SUICIDE RESULTS.

IN ORDER TO UNDERSTAND THE BASIS FOR THIS DEEP LACK OF A SENSE OF SELF-WORTH, WE MUST RETURN TO RICK'S EARLIER LIFE. HE HAS BEEN SEEN OFF AND ON BY PSYCHIATRISTS AND COUNSELORS SINCE AGE SIX. THERE HAVE BEEN SCHOOL DIFFICULTIES ALL ALONG AND AS EARLY AS OCTOBER, 1963, RICK HAD BEEN IN AND OUT OF TWO DIFFERENT CLASSROOM SITUATIONS WITHIN THE FIRST TWO MONTHS OF SCHOOL. THERE WAS A QUALITY OF LACK OF POSITIVE SOCIAL CONTACTS AND AFFILIATIONS IN HIS CLASSROOM RELATIONSHIPS. HIS NEED FOR CONSTANT STRUCTURE WAS I FEEL, HIS WAY OF ATTEMPTING TO HAVE THE ENVIRONMENT MAKE MORE CLEAR IT'S DEMANDS ON HIM. THIS PHENOMENON IS SEEN IN TWO PSYCHOLOGICAL SITUATIONS: ONE, THAT OF MENTAL RETARDATION WHERE THE CHILD HAS LITTLE CAPACITY TO UNDERSTAND WHAT IS EXPECTED OF THEM AND SECONDLY, IN SITUATIONS OF MINIMAL BRAIN DYSFUNCTION. IT IS MY FEELING BASED BOTH ON THE MISUNDERSTANDINGS OF QUESTIONS AND COMMENTS I WOULD ASK HIM IN THE COURSE OF THE PSYCHIATRIC EVALUATION PERFORMED IN THE JAIL AND ALSO ON THE BASIS OF RICK'S SCHOOL HISTORY THAT HE WAS THE VICTIM OF AN EARLY AUDITORY CHANNEL SPECIFIC LEARNING DISABILITY. IT IS QUITE CLEAR, HISTORICALLY, THAT WHEN ADEQUATE LIMITS WERE SET FOR HIM THAT HE DID QUITE WELL AND HAD A VERY STRONG POSITIVE RELATIONSHIP WITH TEACHERS. CURRENT STUDIES BEING DONE AT UCLA CHILD NEUROPSYCHIATRIC CENTER INDICATE QUITE CLEARLY THAT THE RESIDUAL OF THIS KIND OF

A CHAS. B. W. BISS
 JULY 24, 1975
 A. J. 1007

PROBLEM IS, DUE TO HIS VERY HIGHLY APPARENTLY OPPORTUNISTIC PERSONALITY SUCH AS RICK'S WHICH OCCURS IN MEN AS OPPOSED TO A HYSTERICAL PERSONALITY TYPE ESPECIALLY IN FEMALES. I THINK THE LESSON IN THE CURRENT SITUATION FOR RICK IS QUITE CLEAR. HE WOULD NOT PROFIT FROM THE SITUATION IN JAIL, NOR IS HE CANNY ENOUGH TO AVOID BEING THE BRINE OF OTHER INMATES' AGGRESSIONS. WHAT HE WANTS BEST UNDER IS A PERIOD OF PROBATION WITH RATHER STRICT AND SPECIFIC CONDITIONS FOR HIS FULFILLMENT. IF THESE CONDITIONS ARE NOT MADE UNLITIGIOUS THEN RICK WILL TEND TO COPY AND FORGET THE IMPACT OF HIS CURRENT EXPERIENCE AND AGAIN BECOME OPPORTUNISTIC.

ONE OF THE ADVANTAGES OF SEEING RICK ON THREE SEPARATE OCCASIONS OVER A FEW MONTH TIME SPAN LIES IN HIS PRESENTING HIMSELF UNDER DIFFERENT CIRCUMSTANCES. ALTHOUGH RICK WAS EXTREMELY AMBIGUOUS TO THE POINT OF MISUNDERSTANDING QUESTIONS AND COMMENTS WHEN I FIRST SAW HIM IN JAIL AFTER HE WAS OUT OF JAIL HE CALMED DOWN CONSIDERABLY ALTHOUGH MARKLY DID NOT APPEAR TO LOSE HIS RESOLVE TO STAY OUT OF THERE AGAIN. I FEEL THAT THIS LAST RATHER PROLONGED JAIL SENTENCE INADVERTENTLY ACHIEVED THE GOALS OF THE ORIGINAL TEN DAY SENTENCE. THERE WERE TWO ASPECTS OF RICK'S BEHAVIOR WHICH PERSISTED THROUGHOUT THE MONTHS THAT I HAVE KNOWN HIM. THE FIRST IS HIS EXCITABILITY AND INTRACTABILITY WHEN HE IS ENGAGED IN CONVERSATION. THESE ARE TWO OF THE FOUR CARDINAL SYMPTOMS OF HYPERKINESIS A CONDITION FOR WHICH RICK WAS TREATED BY DOCTOR JEROME KAT, PEDIATRICIAN, IN JULY, 1955. THE ASSOCIATION OF THE HYPERKINETIC CHILD WITH THE CHILD WHO HAS AUDITORY OR VISUAL CHANNEL LEARNING DISABILITIES IS WELL KNOWN AND I FEEL THIS FURTHER SUBSTANTIATES THE LIKELIHOOD THAT THIS IS A PLAUSIBLE EARLIER DIAGNOSIS. MOST OF THE WORK IN THIS AREA HAS BEEN DONE SINCE 1970, HOWEVER, AND MORE EFFECTIVE MEDICINES TO CONTROL THIS CONDITION ARE NOW AVAILABLE FOR YOUNGSTERS. THAT WAS THE CASE WHEN RICK WAS A SMALL CHILD.

A SECOND ASPECT OF RICK'S BEHAVIOR WHICH HAS PERSISTED THROUGHOUT ALL OF HIS INTERVIEWS WITH ME WAS HIS INTENSE NEED TO PLEASE AND SEEK APPROVAL. I FEEL THAT THIS QUALITY COULD BE TURNED TO POSITIVE USE THROUGH ON-GOING CONTACTS BETWEEN RICK AND A VOLUNTEER PROBATION OFFICER. I THINK THAT THIS NEED ON HIS PART TO HAVE OTHERS LIKE WHAT HE IS AND IS DOING RELATES TO THE MORE LONG-STANDING FEELING THAT HE IS NOT CLOSELY IN TUNE WITH EVENTS THAT ARE HAPPENING AROUND HIM.

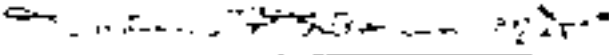
THERE ARE OTHER ASPECTS OF RICK'S BACKGROUND THAT HE TOUCHED ON IN THE COURSE OF HIS PSYCHIATRIC EVALUATION. THESE CONCERN HIS RELATIONSHIPS WITH ~~_____~~ THERE HAVE BEEN PROBLEMS AND DIFFICULTIES. THE FORMER RELATIONSHIP HAS BEEN MAIMED BY RICK'S NOT BEING ABLE TO MEET HIS PARENTS EXPECTATIONS PARTIALLY AT LEAST BECAUSE HE DID NOT ALWAYS UNDERSTAND THESE EXPECTATIONS AND THE LATTER RELATES TO MANY OF RICK'S FEELINGS OF LACK OF SELF-WORTH.

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RICHARD & AN ROSS
1046 VER. 20. 1975
CALL FOUR

I WOULD SAY THE PROGNOSIS FOR RICK IS FAIR IF HE IS ALLOWED TO ACHIEVE SOME SUCCESS IN A SEXUALLY APPROVED LIFE-STYLE. HE HAS ALREADY BEGUN ON THIS AND SEEMS TO BE GETTING SOME PSYCHOLOGICAL GRATIFICATION FROM WORKING FOR HIS UNCLE. THIS JOB ALLOWS HIM THE FREEDOM TO USE HIS "SALESMANSHIP ABILITIES" IN A CONSTRUCTIVE WAY TO SECURE MORE CUSTOMERS AND \$\$. I THINK A FINE SOLUTION TO THE PROBLEM OF MIXING RICK'S PSYCHOLOGICAL NEEDS FOR OBVIOUS SUCCESS AND APPROVAL WITH HIS NEED TO MAKE MONEY IN RELATIONSHIP TO THE AMOUNT OF EFFORT HE PUTS IN. DIAGNOSTICALLY, MY FEELING IS THAT RICK HAS HAD AN EARLY SPECIFIC HEARING DISABILITY WHICH HAS LEFT IT'S SCARS IN TERMS OF EXTREME ANXIETY.

REDACTED
TION WILL BE FOR PROBATION WITH RATHER STRICT LIMITATIONS AND CONDITIONS.


THOMAS P. O'BRIEN, M.D.

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Tom Wornick & Lane

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Attorneys at Law

101 West Jefferson
Phoenix, Arizona 85003

PHOENIX, ARIZONA 85003

March 30, 1976

Judge David J. Perry
Superior Court Building
Division 26
101 West Jefferson
Phoenix, Arizona 85003

Re: Sentencing of Ricky Allen Ross
CR 89445, Thursday, April 1, 1976

Dear Judge Perry:

My twenty-three year old client will come before you on Thursday, April 1, for sentencing on an open-end charge of conspiracy to commit grand theft, second degree. The defendant was arrested on the charge about eight months ago and entered a guilty plea in late November of last year. (Proceedings have been continued at our request to permit the Phoenix Police Department to make full use of him as a source of information concerning serious criminal conduct by others and to permit the defendant to be evaluated and treated by psychiatrists in both an in-custody setting and in a non-custodial, out-patient setting.)

The purpose of this mailing is to bring before the Court certain factors and arguments, if you will, that the defendant feels the Court will want to take into account in determining sentence. It seems desirable to bring these matters to the Court's attention prior to the brief pre-sentence hearing and the sentencing, set immediately afterward, so that the Court may have these matters in hand, and in mind, before the decision starts to take shape.

The circumstances of defendant's offense are sufficiently set forth in the probation report and will not be repeated here. Suffice it to say that Ross conspired with the co-defendant, Schroeder, to steal about \$50,000 worth of jewelry from the co-defendant's place of employment. The theft was accomplished, but both were arrested the day immediately following the offense. Both young men cooperated in recovering all of the merchandise involved. Following his arrest in late July of 1975 Ross spent more than six weeks in the Maricopa County Jail before being released on his own recognizance on September 12, 1975. The co-defendant was sentenced for the same offense by Judge Edward C. Rapp, on January 21, 1976, to a term of probation of two years, following which Judge Rapp transferred sentencing in the instant case after discovering that his

MAR 30 1976

From: *Warrick & Gans* 776 000440025
Attorneys at Law

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young son and the defendant's younger brother attended school together. (After sentencing in this Court, the defendant is scheduled to appear before Judge Marquardt, since he was on one year's probation, for his first offense, at the time the instant offense was committed.)

Attached to this letter are copies of medical and testing reports tracing the defendant's psychological and behavioral history from early childhood to the present date. While Dr. Thomas O'Brien, a psychiatrist, will explain the significance of this history to the present situation at Thursday's pre-sentence hearing, the reports clearly point out a hyperkinesis syndrome dating back to early childhood, a condition which accounts for some of Ricky's acting-out, both as a child and as an adult. Resulting, or at least associated learning disabilities have con-
duce negative and anti-social behavior. If the defendant's record of anti-social, or viral conduct, and even his earlier failure at probation, are not read against this clear background of serious physiological and emotional problems then one runs the very dangerous and costly risk of missing the forest for the trees.

Given these problems, and the other factors contained in the attached reports, one could have readily predicted defendant's failure to successfully serve the one-year's probation imposed by Judge Marquardt on April 3, 1975, for a burglary-related offense. Given the nature and extent of Ross' problems at that time, he was bound to get into serious trouble again since he was thrust back into the same milieu of people, peer standards and pressures without any intervention by a trained psychiatrist or psychologist who could help the defendant deal and cope with his own feelings and emotions. Unfortunately for Ross he was not made to serve any meaningful jail time as a result of his first conviction; nor did he have stable employment or family knowledge, understanding and support at the time he commenced service of the ill-fated probation under Judge Marquardt. (It is interesting to note, however, that defendant came very close to seeking the necessary psychiatric help, when he approached family friend Joy Carter, a professional social worker, for a referral to a mental health clinic in July, 1975. Regrettably, the instant offense and arrest intervened. (See Mrs. Carter's attached letter of March 17, 1976.)

Loam Warrick & Dunbar 6 0 10 4 4 10 2 11
Attorneys at Law

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However, perhaps the most important factor in defendant's earlier failure to benefit from probation and avoid further criminal conduct was the extremely negative influence upon defendant of his then attorney. According to the defendant and others his prior attorney was deeply involved in criminal conduct himself, including encouraging defendant to steal again to pay his fees for representing him in connection with the arrest for burglary. According to the defendant, whose statements have been verified by others and by a polygraph exam, defendant's criminal conduct along these lines did continue, the fruits of which were turned over to the attorney in question. (This matter, and related matters, are presently being investigated by the Phoenix Police Department and the County Attorney's Office for appropriate action.) This reference to the very negative influence of defendant's earlier counsel is not intended as an attempt to transfer blame to the attorney for the client's conduct. Rather, it is intended as an illustration of one of several factors which, in combination, made it virtually impossible for defendant to succeed at the earlier probation by avoiding further criminal conduct.

The instant offense followed in July of 1975, only three to four months into the year's probation. Between the time of his arrest in late July until the present date, about eleven months' time, a number of extremely important developments have occurred in defendant's life. When these developments are taken into account and given proper weight, it can be seen that the defendant stands a better than reasonable chance of success at closely supervised probation in the community setting, especially if the Court announces, but suspends, a definite term of imprisonment which the defendant will be required to serve if he should fail at probation a second time.

For one, the defendant spent over six weeks in the Maricopa County Jail following his arrest for the instant offense and prior to release from custody by Judge Marquardt on his own recognizance on September 12, 1975. The defendant will describe his own reactions to and attitudes towards incarceration at the pre-sentence hearing. Significantly, his first psychiatric evaluation by Dr. O'Brien occurred at the County Jail. The psychiatrist's analysis of the effects of this jail term upon defendant are set forth in his written report of November, 1975. In short, the doctor feels that the enforced jail stay had an important therapeutic effect upon the defendant.

Thomas W. Warrick & John G. ...
Attorneys at Law

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Secondly, and following his release from jail, psychiatric evaluation and therapy continued under both Dr. O'Brien and Dr. Santos, a resident in psychiatry at the Fillmore Mental Health Clinic at the Arizona State Hospital. (See Dr. Santos' letter report of March 25, 1976, attached hereto.) Both doctors' reports document in some detail the defendant's condition, including his problems and his progress. Although the reports speak for themselves in all respects, it is important to note that although both agree that his prognosis is "fair" both also strongly recommend strict probation with specific conditions including psychotherapy. Both recommend against any form of incarceration. Importantly, the defendant's therapy and counselling with Dr. Santos at the Fillmore Clinic will continue if permitted by the Court. Dr. Santos has informed the undersigned as recently as March 26 of his strong interest in the defendant and of his willingness to "take charge" of his case, to work hard with the defendant to make progress at therapy, and to work closely with the assigned probation officer to the end that closely supervised and strictly enforced probation will in fact occur.

Thirdly, and as the Court will be informed through conversations with Detectives Corey and Berry of the Phoenix Police Department, since his release from custody in September defendant has made a clean breast concerning his own prior criminal activity (mostly burglaries of model apartments or town houses) and has told the police of his entire knowledge of criminal activities on the parts of others, much of which the defendant was not involved in even though he had some knowledge of it. The police will describe to the Court the nature and extent of defendant's cooperation and the results of their investigations. In facing the truth about himself and those around him, defendant took a major step towards true and honest rehabilitation.

Next, and commencing the same month he was released from jail, defendant obtained a meaningful and stable job opportunity with A.R.A. Auto Salvage in Phoenix and presently holds the position of Sales Representative for that company and for Arrow Auto Parts. A current letter from his employer is attached, showing the defendant's progress and prospects. The importance of full time work and steady income to any probationer cannot be underestimated. Moreover, psychiatrist O'Brien discusses in his letter report the psychological benefits to Ricky of succeeding at his present job.

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Attorneys at Law

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To a young, un-married adult such as defendant, parental support is very important. Whereas his parents did not even know of his 1975 arrest, conviction and probation until after-the-fact, and where, prior to his arrest in this case, they had no knowledge that his unusual life style also included commission of numerous property crimes, the parents are now fully aware of their son's history of trouble, but remain very supportive of him in his attempts to improve himself to the point where all such future similar conduct can be avoided. The parents have paid the expenses of representation and of psychiatric evaluation and reporting by Dr. O'Brien, subject to being repaid by Ricky when he is capable of doing so. Whether a prospective probationer is fourteen years of age, or forty-four years of age, positive family support is an important ingredient for success.

Lastly, the defendant himself is firmly committed to avoiding a repetition of the kind of behavior that has twice brought him to court. He has also pledged to do the necessary, in the way of therapy, counselling and reporting, to make a success of a program of probation.

Nevertheless, and in spite of the above, Probation Officer Gaei Neugebauer recommended the maximum term of imprisonment in the Arizona State Prison for defendant in her January 14, 1976 probation report. With all due respect to Ms. Neugebauer, her report seems superficial and trite, more a product of emotion than solid investigation and sound reasoning. Her conclusion is a simple one: He's had his chance at probation and doesn't deserve another. The report is noticeably lacking in a number of important respects. For example, no attempt whatsoever was made to discuss the medical and psychiatric information delivered to her by counsel, even to discern a possible cause and effect relationship between defendant's history of acting-out while young and commission of anti-social acts in more recent years to his earlier physiological and psychological problems, all of which were clearly diagnosed in the reports in her possession. Nor is there any suggestion in her report of any contact with a number of very important people in defendant's life — the two psychiatrists who have evaluated him and conducted therapy during the past eight months, his employer and his parents. Indeed, the evidence at the pre-sentence hearing will show that she had no contact with these people prior to writing her report. The case is simply not as clear-cut as the probation report would have it. The real facts of this case do not require or justify further incarceration.

James Warrick to Perry 0 0 1 1 0 0 2 5
at 2:45 pm
Attorney at Law

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In contrast to the Probation Officer's position in this case, the police officers and prosecutor involved have no objections to probation for the defendant, so long as it is properly structured and strictly enforced.

For these reasons, and for still additional reasons which will become apparent to the Court at Thursday's pre-sentence hearing, the Court is respectfully urged to place the defendant upon a maximum term of probation, with strict and specific conditions regarding reporting, employment and continuous therapy after announcing and suspending a specific term of years of imprisonment in the Arizona State Prison, so that the defendant will know what is in store for him if he fails to take advantage of this opportunity, his really first meaningful opportunity to avoid criminal behavior and to live a more positive, law-abiding life.

Respectfully yours,

B. Michael Bern
B. Michael Bern

cc: Mrs.

cc: Judge Phillip B. Marquardt, Division 19
Carl Neugebauer, Probation Officer
Bicky Ross
Mr. and Mrs. Paul Ross