

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

THE STATE OF ARIZONA,

-v-

STANLEY GRIFFIS,

Defendant.

Cause No. CR2007-00143

WAIVER OF PRELIMINARY HEARING
WITH PLEA AGREEMENT

DECLARATION by Defendant:

SAT I, STANLEY GRIFFIS hereby voluntarily waive my right to a preliminary hearing and understand that I will be held to answer to a Direct Complaint charging me with having committed the crimes of **COUNTS 1, 3: FRAUD SCHEMES AND ARTIFICES**, Class 2 Felonies, in violation of A.R.S. § 13-2310; **COUNT 2: THEFT**, class 2 Felony, in violation of A.R.S. § 13-1802(A)(1); **COUNT 4: FRAUD SCHEMES AND ARTIFICES**, Class 5 Felony, in violation of A.R.S. § 13-2311; **COUNT 5: FRAUDULENT PREPARATION OF TAX RETURN**, Class 5 Felony, in violation of A.R.S. § 42-1127(B)(2); **COUNT 6: THEFT**, Class 3 Felony, in violation of A.R.S. § 13-1802(A)(1).

These are *non*-dangerous, *non*-repetitive offenses under the criminal code.

SAT I understand and acknowledge that:

- A. I have the right to a preliminary hearing.
- B. I am represented by attorney LEE STEIN. Further, I know I have a right to an attorney for all further proceedings in this case. If I cannot afford one, then one will be appointed to represent me at preliminary hearing and for all purposes including trial, free of charge.
- C. I am giving up the right to confront and cross examine witnesses.
- D. I am giving up the right to present evidence in my behalf and I am giving up the right to have the magistrate determine if there is sufficient evidence against me to establish probable cause to hold me to answer in the Superior Court on the above stated charges, as well as the right to a dismissal of charges against me if the evidence is insufficient.

The State of Arizona and Defendant hereby agree to the following disposition of the case:

Plea: Defendant agrees to plead GUILTY to Counts 1, 2, 3, 4, 5, and 6 as charged.

COUNTS 1, 3: FRAUD SCHEMES AND ARTIFICES, Class 2 Felonies, in violation of A.R.S. § 13-2310; **COUNT 2: THEFT**, class 2 Felony, in violation of A.R.S. § 13-1802(A)(1); **COUNT 4: FRAUD SCHEMES AND ARTIFICES**, Class 5 Felony, in violation of A.R.S. § 13-2311; **COUNT 5: FRAUDULENT PREPARATION OF TAX RETURN**, Class 5 Felony, in violation of A.R.S. § 42-1127(B)(2); **COUNT 6: THEFT**, Class 3 Felony, in violation of A.R.S. § 13-1802(A)(1).

Terms: On the following understandings, terms and conditions:

1 1. The crimes in Counts 1, 2, and 3 carry a presumptive sentence of 5 years; a minimum sentence of 4 years (3 years if trial court makes exceptional circumstances finding); and a maximum sentence of 10 years (12.5 years if trial court makes exceptional circumstances finding). Probation is available on Counts 1, 2, and 3.

The crimes in Counts 4, and 5 carry a presumptive sentence of 1.5 years; a minimum sentence of .75 years (.5 years if trial court makes exceptional circumstances finding); and a maximum sentence of 2 years (2.5 years if trial court makes exceptional circumstances finding). Probation is available on Counts 4, and 5.

The crime in Count 6 carries a presumptive sentence of 3.5 years; a minimum sentence of 2.5 years (2 years if trial court makes exceptional circumstances finding); and a maximum sentence of 7 years (8.75 years if trial court makes exceptional circumstances finding). Probation is available on Counts 6.

2 2. The parties stipulate to the following additional terms:

a. No agreements as to sentencing for Counts 1, 2, 3, 4, 5, and 6.

b. Restitution in the amount of \$639,035.00, U.S. currency, shall be paid to:

1. Pinal County in the amount of \$601,991.00, U.S. currency, for funds improperly taken and investigative costs.

2. Arizona Department of Revenue in the amount of \$37,044.00, U.S. currency, for taxes owed.

c. The restitution of \$639,035.00, U.S. currency, shall be paid as follows:

\$275,000.00 at time of sentencing and the balance to be paid at a schedule to be determined by the Court.

- d. The State and Pinal County release Defendant and his wife from any and all claims of any nature that arise out of the events described in the Information and paragraph 3 of this agreement
- e. So long as Defendant is in compliance with the terms of this stipulation relating to restitution neither the State, Pinal County nor any other person or entity may seek to execute on the restitution lien created by A.R.S. § 13-806.
- f. A.R.S. § 13-2310(c) and 13-1802(f) do not apply as alleged in the Information.

EM 3. No charges are to be dismissed. The State agrees to file no other charges against Defendant regarding any non-violent crimes he may have committed that relate to: (1) his involvement with the Superstition Valley Transportation Project in Pinal County, Arizona (2) his involvement with his retirement from the Arizona State Retirement System (3) his involvement regarding the filing of his Arizona Tax returns for years 2002, 2003, 2004, and 2005 (4) his involvement regarding his reimbursement for expenses claimed from Pinal County. The State further agrees to file no other charges against Defendant or the Defendant's immediate family relating to any matters brought to the State's attention during its investigation.

EM 4. This plea agreement and the accompanying Direct Complaint and Information serve to charge the offenses to which Defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the State can file any charge supported by probable cause regarding Defendant.

EM 5. Defendant hereby waives his rights to a preliminary hearing or other probable cause determination on the charges to which he pleads. Defendant agrees that this agreement shall not be binding on the State should Defendant be charged with or commit a crime between the time of this agreement and the time for sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by Defendant and his attorney, to-wit: Defendant has no prior felony convictions and was not on probation or parole at the time of commission of these offenses.

If Defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence that is the same as or exceeds the stipulated sentence in the plea agreement.

EM 6. Unless this plea is rejected by the court or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he/she has made or raised, or could assert hereafter, to the court's entry of judgment against him/her and imposition of a sentence upon him/her consistent with this agreement. By entering this agreement, the defendant further waives and gives up the right to appeal.

EM 7. The parties hereto fully and completely understand and agree that by entering into a plea agreement, Defendant consents to judicial fact-finding by preponderance of the evidence

as to any aspect or enhancement of sentence, and that any sentence either stipulated to or recommended herein in Paragraph 2 is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding the sentencing, it must give both the State and the defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated. The defendant in such case waives and gives up his/her right to a probable cause determination on the original charges.

ELK 8. In the event that, for any reason, this plea is not effective, that it is rejected or withdrawn, no statement made by Mr. Griffis or his counsel related to the change of plea proceedings, may be used by the State at any time for any purpose including but not limited to direct evidence, impeachment evidence, rebuttal evidence or evidence in any proceeding other than this criminal case.

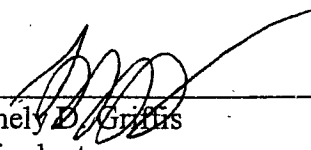
ELK 9. If the court decides to reject the plea agreement provisions regarding sentencing and neither the State nor the defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in Paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in Paragraph 1 and the applicable statutes.

ELK 10. I have read and understand all of the provisions, on all of the pages, of this agreement, and I have discussed the case and my constitutional rights with my lawyer. I understand that, by pleading guilty, I will be waiving and giving up my right to a determination of probable cause, to a trial by jury, to confront, cross-examine, and compel the attendance of witnesses, to present evidence in my behalf, my right to remain silent, my privilege against self-incrimination, presumption of innocence and right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph one, without limitation.

ELK 11. I understand that if I am not a citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that 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. My plea or admission of guilt could result in my deportation or removal, 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. I understand that I am not required to disclose my legal status in the United States to the court.

I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate I read and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement.

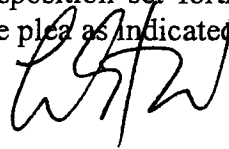
Date 31 Jan 07



Stanley D. Griffiths
Defendant

I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

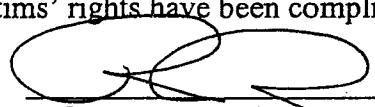
Date 1 | 31 | 07



Lee Stein
Defense Counsel

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice. Victims' rights have been complied with.

Date 1/31/07



RICHARD M. ROMLEY
Special Appointment
Deputy Pinal County Attorney
In and for the County of Pinal