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ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

APR 14 2009

Jimmie D. Hicks
Deputy County Attorney
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Attorney for Plaintiff

DR 20090070210-Mesa Police Department
DR 20090130274-Mesa Police Department
EAST MESA JUSTICE COURT

CA2009006123

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

COUNTY OF MARICOPA, RCC-Southeast

THE STATE OF ARIZONA)

Plaintiff,)

vs.)

ROBERT LEE GUENTHER)

Defendant)

CR2009 - 1 1 7 9 0 6 - 0 0 1 SE

) DIRECT COMPLAINT

) **COUNT 1: AGGRAVATED HARASSMENT, A**
) **CLASS 6 FELONY**

) **COUNT 2: AGGRAVATED HARASSMENT, A**
) **CLASS 6 FELONY**

The complainant herein personally appears and, being duly sworn, complains on information and belief against ROBERT LEE GUENTHER, charging that in Maricopa County, Arizona:

COUNT 1:

ROBERT LEE GUENTHER, on or about the 7th day of January, 2009, with intent to harass or with knowledge that he was harassing CHEYENNE MOUNTAIN AND AFFILATES, anonymously or otherwise, communicated or caused a communication with CHEYENNE MOUNTAIN AND AFFILATES by verbal, electronic, mechanical, telegraphic, telephonic, or written means in a manner that harassed or threatened, and a court had issued an order of protection or an injunction against harassment against ROBERT LEE GUENTHER and in favor of CHEYENNE MOUNTAIN AND AFFILATES and the order or injunction had been served and was still valid, in violation of A.R.S. §§ 13-2921.01, 13-2921, 13-701, 13-702, and 13-801.

COUNT 2:

ROBERT LEE GUENTHER, on or about the 12th day of January, 2009, with intent to harass or with knowledge that he was harassing CHEYENNE MOUNTAIN AND AFFILATES, anonymously or otherwise, communicated or caused a communication with CHEYENNE MOUNTAIN AND AFFILATES by verbal, electronic, mechanical, telegraphic, telephonic, or written means in a manner that harassed or threatened, and a court had issued an order of protection or an injunction against harassment against ROBERT LEE GUENTHER and in favor of CHEYENNE MOUNTAIN AND AFFILATES and the order or injunction had been served and was still valid, in violation of A.R.S. §§ 13-2921.01, 13-2921, 13-701, 13-702, and 13-801.

/s/ Wayne Stewart for
/s/ Jimmie D. Hicks
Deputy County Attorney

It is requested that a SUMMONS be issued.

It is requested that Defendant appear for fingerprints and photograph.

[Signature]
Complainant

Agency: Mesa Police Department

Subscribed and sworn upon information and belief this 13th day of March, 2009.

JH/sj/AO

COURT INFORMATION SHEET (CIS)

County Attorney Case Number: CA2009006123

Filing ID Number: CA2009006123-1-1

STATE v. ROBERT LEE GUENTHER

Defendant's Last **Summons**
Known Address: 20100 North 78th Street 1191
Scottsdale, Az 85255

Defendant's Unknown
Employer Address:

Defendant's
Attorney:

DEFENDANT'S DESCRIPTION:

Race: W Sex: M Hair: BRO Eyes: BRO Hgt: 509
Wgt: 160 DOB: 11/19/1947 Soc Sec #: Unknown

SID #: Unknown FBI #: 399196WA4 JMS Booking #: Unknown

FILING STATUS:

Direct Complaint CR #: _____ (Court Use Only)

Date Filed: _____

Court Designations: RCC-Southeast
Justice Court Precinct: EAST MESA JUSTICE COURT

CR2009 -1 17 9 0 6 - 0 0 1SE

ATTORNEY: Jimmie D. Hicks **Bar ID:** 003664

PRELIMINARY HEARING / GRAND JURY CHARGES:

COUNT 1: AGGRAVATED HARASSMENT, A CLASS 6 FELONY

COUNT 2: AGGRAVATED HARASSMENT, A CLASS 6 FELONY

<u>Count</u>	<u>ARS</u>	<u>ARS Literal</u>	<u>Date of Crime</u>
1	13-2921.01	13-2921.01A1	01/07/2009
2	13-2921.01	13-2921.01A1	01/12/2009

DEPARTMENTAL REPORTS:

20090070210-Mesa Police Department
20090130274-Mesa Police Department

EXTRADITE: AO

SUPERIOR COURT [Precinct _____] MARICOPA County, Arizona

STATE OF ARIZONA Plaintiff -vs- ROBERT LEE GUENTHER Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.] 20090130274 Booking No. _____

RELEASE QUESTIONNAIRE (To be completed by Law Enforcement)
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Alias(es) _____

(Check and explain where applicable)

GENERAL INFORMATION

Charges: AGGRAVATED HARASSMENT, 13-2921.01.A1, C6F

Offense Date: 01/12/09 Offense Time: 1610HRS

Location: 4140 E BASELINE RD #208, MESA

Arrest Date: Arr est Time:

Arrest Location:

A. PROBABLE CAUSE STATEMENT

- Summarize and include the facts which establish **probable cause** for the crime(s) charged. Certain felonies may be non-bondable and require facts which establish **proof evident or presumption great** for the crime(s) charged. These include (1) felonies involving a capital offense, sexual assault, sexual conduct with a minor who was under fifteen years of age, or molestation of a child who is under fifteen years of age, (2) any class 1, 2, 3, or 4 felony or any violation of § 28-1383 if the person has entered or remained in the United States illegally, and (3) felony offenses committed when the person charged is already admitted to bail on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest):

THE DEFENDANT VIOLATED THE LISTED INJUNCTION AGAINST WORKPLACE HARASSMENT ON 01/12/09, AT 1610HRS, BY CONTACTING THE VICTIM AND LEAVING A VOICEMAIL MESSAGE.

THE DEFENDANT WAS SERVED WITH THE LISTED INJUNCTION AGAINST WORKPLACE HARASSMENT ON 01/05/09, AT 1026HRS, AT 4140 E BASELINE ROAD #208 IN MESA. THE INJUNCTION STATES THAT THE DEFENDANT IS NOT TO HAVE ANY CONTACT WITH THE VICTIM, ITS AFFILIATES, OR PROTECTED PERSONS. THE ONLY WAY THE DEFENDANT CAN CONTACT THE VICTIM IS BY ATTORNEYS, LEGAL PROCESS OR COURT HEARINGS.

THE DEFENDANT IDENTIFIED HIMSELF BY FIRST AND LAST NAME ON THE MESSAGE AND SAID THAT HE HAS CALLED THE VICTIM OR ITS AFFILIATES ON THREE SEPARATE OCCASSIONS WITHOUT A RESPONSE FROM THEM. HE ALSO ADMITTED TO SENDING SEVERAL EMAILS TO THE VICTIM AND ITS AFFILIATES. THE

MESSAGES WAS RECORDED AND IT WAS PLACED INTO EVIDENCE.

THE DEFENDANT IS BEING CHARGED WITH AGGRAVATED HARASSMENT BECAUSE OF THE MULTIPLE VIOLATIONS OF THE INJUNCTION.

2. The person entered or remained in the United States illegally. Explain in detail (e.g., admission by the person, statements of co-defendants at the time of arrest, verification of illegal presence or proceeding establishing illegal presence): NONE
3. The crime(s) occurred while the person was admitted to bail on any separate felony. Provide information on the separate felony: NONE

C. OTHER INFORMATION

1. Defendant is presently on probation, parole or any other form of release involving other charges or convictions. Explain: NONE

Defendant's NAME: ROBERT LEE GUENTHER
DOB: BOOKING NO.: C ASE NO.: 20090130274

2. List any prior:
Arrests: _____

Convictions: _____

Failures to Appear (FTA): _____

Protective Orders: INJUNCTION AGAINST WORKPLACE HARASSMENT

3. There is an indication of:

- Alcohol Abuse Other Substance Abuse
 Mental Health Issues Physical Illness
 Developmental Disability
Explain: _____

4. Defendant is employed by: SELF
Address: 20100 N 78TH PL #1191, SCOTTSDALE, AZ
Phone: 480-629-4285
How long: N/A

5. Defendant resides at: 20100 N 78TH PL 1191, SCOTTSDALE, AZ
With Whom: N/A
How Long: N/A
Alternate address for court notification: _____

6. Facts to indicate defendant will flee if released: SERIOUSNESS OF OFFENSE

7. Reasons to oppose an unsecured release: SERIOUSNESS OF OFFENSE

D. CIRCUMSTANCES OF THE OFFENSE

1. Defendant used firearm or other weapon
Type: _____

2. Defendant injured someone.
Explain: _____

3. Medical attention was necessary
Nature of injuries: _____

4. Defendant threatened someone
Nature of threats: _____

5. If property offense
a. Value of property taken/damaged: _____
b. Property was recovered

Names of co-defendant(s), if any: _____

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: FORMER AFFILIATE

2. Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by Victim
 Third Party Officer observation

4. Previous incidents involving these same parties
Explain: MULTIPLE VIOLATIONS OF THE INJUNCTION AGAINST THE DEFENDANT

5. Defendant is currently the subject of:
 Order of Protection
 Injunction against Harassment
 Other court order: INJUNCTION AGAINST WORKPLACE HARASSMENT

6. Likelihood of inappropriate contact with victim(s)
Explain: DEFENDANT CONTINUES TO CONTACT THE VICTIM EVEN THOUGH THE INJUNCTION IS VALID

7. Victim(s) expressed an opinion on defendant's release.
Explain: N/A

Defendant's NAME: ROBERT LEE GUENTHER
DOB: BOOKING NO.: C ASE NO.: 20090130274

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- Access to or use of weapons
- Children/Vulnerable adults present
- Crime occurred in public
- Control/ownership/jealousy issues
- Depression
- Frequency/intensity of Domestic Violence increasing
- Kidnapping
- Potential for multiple violations of court orders
- Prior history of Domestic Violence
- Prior Protective Order
- Recent separations
- Stalking behavior
- Threats of homicide/suicide/bodily harm
- Violence against children, vulnerable adults or animals
Explain: _____

G. CIRCUMSTANCES OF ARREST

1. Did defendant attempt to:
 Avoid arrest Resist arrest Self Surrender
Explain: _____
2. Defendant was armed when arrested
Type of weapon: _____
3. Evidence of the offense was found in defendant's possession
Explain: _____
4. State whether defendant was under the influence of alcohol or drugs at the time of the offense
 Yes No Unknown
Type of substance: _____

I certify that the information presented is true to the best of my knowledge:

01/13/09 _____
Date

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: _____
2. State quantities and types of illegal drugs directly involved with offense _____
 - Methamphetamine was involved:
 - Drug field test was positive:
 - Defendant admission of drug type: _____
 - Approximate monetary value of drugs: _____
3. State evidence of illegal drug use _____
4. State whether money was seized
 Yes No
Amount: _____

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 *et seq.*)

S. TATREAU _____ /Mesa Police Dept./ 10948
Arresting Officer/Agency/ Serial No.
Duty Phone No. 480-644-2211 _____

STATE OF ARIZONA Plaintiff -vs- ROBERT LEE GUENTHER Defendant (FIRST, MI, LAST)

[CASE/COMPLAINT NO.] 20090070210 Booking No. _____
--

RELEASE QUESTIONNAIRE (To be completed by Law Enforcement)
--

Alias(es) _____

(Check and explain where applicable)

GENERAL INFORMATION

Charges: AGGRAVATED HARASSMENT, 13-2921.01.A1, C6F

Offense Date: 01/07/09 Offense Time: 0037HRS

Location: 4140 E BASELINE RD #208, MESA, AZ

Arrest Date: Arr est Time:

Arrest Location:

A. PROBABLE CAUSE STATEMENT

- Summarize and include the facts which establish **probable cause for the crime(s) charged**. Certain felonies may be non-bondable and require facts which establish **proof evident or presumption great** for the crime(s) charged. These include (1) felonies involving a capital offense, sexual assault, sexual conduct with a minor who was under fifteen years of age, or molestation of a child who is under fifteen years of age, (2) any class 1, 2, 3, or 4 felony or any violation of § 28-1383 if the person has entered or remained in the United States illegally, and (3) felony offenses committed when the person charged is already admitted to bail on a separate felony charge.

Explain the crime(s) in detail (e.g., arresting officer or other law enforcement officers witnessed offense, physical evidence directly connects defendant to offense, multiple eyewitnesses, defendant admissions, victim statements, nature of injuries, incriminating photographic, audio, visual, or computer evidence, defendant attempted to flee or resist arrest):

THE DEFENDANT VIOLATED THE LISTED INJUNCTION PROHIBITING WORKPLACE HARASSMENT ON 01/07/2009 BY CONTACTING THE PLAINTIFF THROUGH AN E-MAIL. THE ORDER WAS SERVED ON 01/05/09 AT 1026HRS AT 4140 E BASELINE RD #208. THE INJUNCTION STATES THAT THE DEFENDANT SHALL HAVE NO CONTACT WITH THE PLAINTIFF OR ANY OF ITS AFFILIATES EXCEPT THROUGH ATTORNEYS, LEGAL PROCESS OR COURT HEARINGS. THE DEFENDANT HAS VIOLATED THIS INJUNCTION APPROXIMATELY 3-5 TIMES SINCE IT WAS SERVED. DR# 20090070210, 20090080262, AND 20090060533. SINCE THE DEFENDANT HAS ALREADY VIOLATED THIS INJUNCTION APPROXIMATELY 3 DOCUMENTED TIMES AND HE CONTINUES TO VIOLATE THIS INJUNCTION HE IS BEING CHARGED WITH AGGRAVATED HARASSMENT.

- The person entered or remained in the United States illegally. Explain in detail (e.g., admission by the person, statements of co-defendants at the time of arrest, verification of illegal presence or proceeding establishing illegal presence): NONE
- The crime(s) occurred while the person was admitted to bail on any separate felony. Provide information on the separate felony: NONE

C. OTHER INFORMATION

- Defendant is presently on probation, parole or any other form of release involving other charges or convictions. Explain: NONE

Defendant's NAME: ROBERT LEE GUENTHER
DOB: 11/10/1947 BOOKING NO.: C ASE NO.: 20090070210

2. List any prior:
Arrests: _____

Convictions: _____

Failures to Appear (FTA): _____

Protective Orders: INJUNCTION PROHIBITING WORKPLACE HARASSMENT, SERVED ON 01/05/09 @1026HRS. HE HAS VIOLATED THIS ORDER SEVERAL TIMES.

3. There is an indication of:
 Alcohol Abuse Other Substance Abuse
 Mental Health Issues Physical Illness
 Developmental Disability
Explain: _____

4. Defendant is employed by: JAFFA PARTNERS MANAGEMENT CO., LLC
Address: UNKNOWN
Phone: 480-545-2235
How long: UNKNOWN

5. Defendant resides at: 20100 N. 78TH PL #1191, SCOTTSDALE, AZ
With Whom: UNKNOWN
How Long: UNKNOWN
Alternate address for court notification: N/A

6. Facts to indicate defendant will flee if released: SERIOUSNESS OF OFFENSE

7. Reasons to oppose an unsecured release: SERIOUSNESS OF OFFENSE

D. CIRCUMSTANCES OF THE OFFENSE

1. Defendant used firearm or other weapon
Type: _____

2. Defendant injured someone.
Explain: _____

3. Medical attention was necessary
Nature of injuries: _____

4. Defendant threatened someone
Nature of threats: _____

5. If property offense
a. Value of property taken/damaged: _____
b. Property was recovered

Names of co-defendant(s), if any: _____

E. CRIME(S) AGAINST PERSONS

1. Relationship of defendant to victim: FORMER AFFILIATE

2. Victim(s) and defendant reside together.

3. Law enforcement learned of the situation by Victim
 Third Party Officer observation

4. Previous incidents involving these same parties
Explain: SEVERAL VIOLATIONS OF THIS ORDER

5. Defendant is currently the subject of:
 Order of Protection
 Injunction against Harassment
 Other court order: INJUNCTION PROHIBITING WORKPLACE HARASSMENT

6. Likelihood of inappropriate contact with victim(s)
Explain: _____

7. Victim(s) expressed an opinion on defendant's release.
Explain: VCTIM FEARS THAT THE DEFENDANT WILL CAUSE HARM TO THEM

Defendant's NAME: ROBERT LEE GUENTHER
DOB: 11/10/1947 BOOKING NO.: C ASE NO.: 20090070210

F. DOMESTIC VIOLENCE DEFENDANT ISSUES

- Access to or use of weapons
- Children/Vulnerable adults present
- Crime occurred in public
- Control/ownership/jealousy issues
- Depression
- Frequency/intensity of Domestic Violence increasing
- Kidnapping
- Potential for multiple violations of court orders
- Prior history of Domestic Violence
- Prior Protective Order
- Recent separations
- Stalking behavior
- Threats of homicide/suicide/bodily harm
- Violence against children, vulnerable adults or animals
Explain: _____

G. CIRCUMSTANCES OF ARREST

1. Did defendant attempt to:
 Avoid arrest Resist arrest Self Surrender
Explain: _____
2. Defendant was armed when arrested
Type of weapon: _____
3. Evidence of the offense was found in defendant's possession
Explain: _____
4. State whether defendant was under the influence of alcohol or drugs at the time of the offense
 Yes No Unknown
Type of substance: _____

I certify that the information presented is true to the best of my knowledge:

01/07/09 _____
Date

H. DRUG OFFENSES

1. If the defendant is considered to be a drug dealer, state the supporting facts: _____
2. State quantities and types of illegal drugs directly involved with offense _____
 Methamphetamine was involved:
 Drug field test was positive:
 Defendant admission of drug type: _____
 Approximate monetary value of drugs: _____
3. State evidence of illegal drug use _____
4. State whether money was seized
 Yes No
Amount: _____

If this is a fugitive arrest, complete the affidavit as required by the Uniform Criminal Extradition Act (ARS § 13-3841 et seq.)

Pursuant to AO 2003-046, the oath has been administered pursuant to the law and required procedures. *ac*

S. TATREAU _____ /Mesa Police Dept./ 10948
Arresting Officer/Agency/ Serial No.
Duty Phone No. 480-644-2211 _____

D/C 509