

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

ALLIE WYANT CLERK
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IN AND FOR THE COUNTY OF COCONINO 17 NOV 20 PM 4:17

Mark R. Moran, Presiding Judge
Division 3
Date: November 20, 2017

FILED

Carla D. Baber, Judicial Assistant

THE STATE OF ARIZONA,)
)
 Plaintiff,)
)
 vs.)
)
 LAWRENCE JACOB SAMPSON-KAHN)
)
 Defendant.)

Case No. CR 2017-00840

UNDER-ADVISEMENT RULING

Re: Motion to Review Conditions of Release

The Court held a hearing on the motion on November 15, 2017. The Court took the matter under advisement. The Court makes the following findings pursuant to A.R.S. § 13-3967(B):

1. The family of the victim opposes release.
2. The Defendant is charged with one count of second degree murder, a class 1 felony and one count of underage consumption of alcohol, a class 2 misdemeanor. He is a co-defendant along with three other individuals who participated to varying degrees in assaulting the victim.
3. Not applicable.
4. The Public Safety Assessment (PSA) evaluated the Defendant at an elevated (“4”) risk to reoffend if released. This elevated risk factor means that the Defendant may be at risk to commit a new offense if released. That risk is one factor that must be weighed with all the other factors. This risk will be minimized by strict supervision of the Defendant by Pretrial Services and electronic monitoring.
5. Not applicable.
6. The weight of the evidence against the accused is strong. He was present with three other co-defendants in the hotel room where the victim, Jaron James, was assaulted and died while incapacitated due to his intoxicated state. The initial medical examiner’s report concluded that the victim died of “blunt force trauma” to his brain. The final report has not been disclosed. The Court finds that evidence is clear that the Defendant punched the victim in the face and with a

glancing blow to the victim's shoulder. Defendant's blow to the victim's face resulted in a broken nose for the victim.

7. The Defendant has strong family ties and is a citizen and resident of Flagstaff. His aunt lives in Flagstaff. His father lives on a ranch 25 miles outside of town near Sunset Crater. He is 18 years of age. He is not employed or in school. Defendant's father testified that Defendant can work with him beginning in January, 2018. He does not have the money to post a bond. Defendant has abused alcohol and drugs in the past and may have done so on the night of the alleged offense.
8. No drug tests were administered. But the Defendant was drinking alcohol at the time.
9. Not applicable.
10. Not applicable.
11. Defendant has resided in Flagstaff for the past three years.
12. The Defendant has a prior misdemeanor conviction for possession of drug paraphernalia.
13. The defendant has no failures to appear or failures to comply charges. The Public Safety Assessment evaluated defendant to be a low risk ("2") for failing to appear.

The Court concludes that the current bond is excessive and not necessary to secure the appearance of the Defendant. The Court grants the motion for release to the custody of Pre-Trial Services(PTS) at a level to be determined by PTS. The Defendant shall comply with the standard list of conditions of release contained in his contract with PTS. In addition, the Court orders the following conditions:

1. No direct or indirect contact with the family of the victim.
2. Defendant cannot consume any substance containing alcohol or ingest any illegal drug. Prescription drugs authorized by a doctor may be used pursuant to the doctor's orders, however, the Defendant must provide PTS with a copy of the prescription, and advise PTS if the prescription is refilled.
3. Defendant is subject to random urinalysis at his expense. A dirty U/A, missed or diluted U/A is a violation of his conditions of release.
4. Defendant shall be employed or seeking work, or in the alternative, attending an accredited school.
5. Defendant shall not possess or have access to any weapon or firearm.
6. Defendant shall live at an address approved by PTS and shall not move without the permission of PTS. Pretrial Services may evaluate which of the two family residences would be most suitable for Defendant's placement: with his Aunt at 3315 N. Steves Blvd., Flagstaff or at this father's ranch at Sunset Crater. (Note: Father is currently on parole.)

UNDER-ADVISEMENT RULING

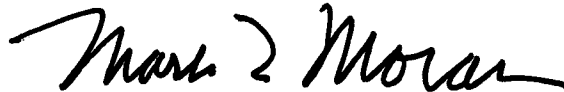
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7. Defendant shall comply with a curfew from 6:00 pm to 6:30 am every day of the week. Defendant shall not leave his approved residence after curfew, unless PTS gives him permission, or he is experiencing a medical emergency and must seek medical treatment.
8. Defendant cannot travel outside of Coconino County without the permission of PTS. Defendant cannot travel outside the State of Arizona without the permission of the court.
9. Defendant must personally appear for all court hearings.
10. Defendant and his place of residence are subject to search without warrant.
11. Defendant shall pay for an wear an electronic monitoring device (SCRAM) and pay for all costs associated with the device.

By accepting the supervision of PTS and the terms and conditions of release referenced herein, the Defendant acknowledges that if he violates any conditions of release, his release may be revoked immediately and without hearing if in the Court's judgment, he presents a danger to public safety or there exists good cause to believe that he may commit a new offense.



Hon. Mark R. Moran

cc: County Attorney (Barker)
Public Defender (Doughty)
Sheriff's Dept.
Judith Costello, Court Interpreter Services
Pretrial Services