

SUPERIOR COURT OF ARIZONA  
COUNTY OF MARICOPA

Clerk of the Superior Court  
\*\*\* Electronically Filed \*\*\*  
S. Comfort, Deputy  
8/28/2024 8:00:00 AM  
Filing ID 18408344

CR2023-008429-001 DT

HONORABLE LINDSEY G COATES

THE STATE OF ARIZONA )

V. )

MATTHEW MCCRAY

BAY HORN (001) )

CORWIN A TOWNSEND

DOB: 5/4/1989 )

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**SENTENCING ORDER**

Imprisonment/Supervised Probation

This is the time set for Sentencing hearing held on August 27, 2024 at 9:00 AM in the Central Court Building - 1204 for CR2023-008429-001 DT and Defendant BAY HORN.

Hearing Start: 09:31 AM

**Present in the courtroom,**

Attorney	McCray, Matthew
Defendant	Bay Horn
Defendant's Attorney	Corwin Townsend

A record of the proceedings is made digitally in lieu of a court reporter.

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following offense(s):

**Count 001**

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

§13-2310 FRAUDULENT SCHEMES/ARTIFICES, Felony 2

A.R.S. § 13-702

Date of Offense: 3/25/2023 to 4/17/2023

Non Dangerous - Non Repetitive

**Count 011**

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

§13-1819A2 ORG RETAIL THEFT-ARTIFICE, Felony4

A.R.S. § 13-702

Date of Offense: 4/17/2023

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED the Defendant is sentenced to a term of imprisonment and is committed to Department of Corrections/Arizona State Prison as follows:

**Count 011 - A less than Presumptive term of 2.25 years to begin on: 8/27/2024 with a presentence credit for 259 day(s) (time served).**

Community Supervision: Count(s) [011] - Waived pursuant to A.R.S. § 13-603(K), due to a term of probation in Count(s) [001].

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. § 13-901(B).

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail [cforesponse@mail.maricopa.gov](mailto:cforesponse@mail.maricopa.gov). The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

The Court will retain jurisdiction over restitution for Count 011. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives presence.

Restitution is to remain open for 60 Days.

IT IS ORDERED that restitution be paid jointly and severally.

LET THE RECORD REFLECT that a victim representative is present on behalf of TJX Companies.

Discussion is held regarding amendments to paragraph 2 in the Plea Agreement. Counsel for the State also conferred with the victim representative regarding the amendments. Upon agreement of the parties, the Court makes the necessary changes to the Plea Agreement, and such is filed with the Clerk of the Court this date.

FILED: Amended Plea Agreement

Community supervision is waived to allow Defendant to begin his supervised probation term for Count 1 in this same cause number upon his physical discharge from prison. IT IS ORDERED Defendant shall pay restitution for all economic loss to all victims.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED that a copy of the Order of Confinement together with all presentence reports, probation violation reports and medical and psychological reports that are not sealed in this case be remitted to the Arizona Department of Corrections.

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on Probation for:

**Count 001 - Supervised Probation for a term of 4 years upon release from prison pursuant to §13-603(k)**

IT IS ORDERED that the Defendant shall abide by all standard terms and conditions of probation including:

Condition: 15 Defendant shall pay restitution for all economic loss to all victims.

IT IS Probation for Count 1 shall begin upon Defendant's physical discharge from DOC for Count ORDERED: 11 in this same cause number.

IT IS ORDERED that the Defendant shall pay financial obligations through the Clerk of the Superior Court as directed.

	Total	Payment	Begin	Note
Other with surcharge	\$3580.00	\$10.00	To begin 1st day of the 4th month upon release	Anti-Racketeering Revolving Fund
Probation Svc Fee/Standard		\$65.00	To begin 1st day of the 4th month upon release	
Probation Assess.	\$20.00		To begin 1st day of the 4th month upon release	
Time Payment Fee	\$20.00		To begin 1st day of the 4th month upon release	
Criminal Penalty Assessment	\$13.00		To begin 1st day of the 4th month upon release	AZ Attorney General
Victim Rights Enforcement Assessment	\$2.00		To begin 1st day of the 4th month upon release	
Total Restitution Ordered**	\$11016.00	\$50.00	To begin 1st day of the 4th month upon release	
Interstate Compact App. Fee***	\$300.00		To begin 1st day of the 4th month upon release	
Victim Rights/Compensation Fund	\$9.00		To begin 1st day of the 4th month upon release	

The Court will retain jurisdiction over restitution for Count 001. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives presence.

Restitution is to remain open for 12 Months.

IT IS ORDERED that restitution be paid jointly and severally.

IT IS ORDERED that restitution be paid in the following amount(s) for Count 001:			
Pay To:	Amount:	Monthly Payment:	Pay Begin:
TJX Companies	\$11016.00	\$50.00	To begin 1st day of the 4th month upon release

IT IS FURTHER ORDERED that the Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant who is placed on probation and who does not already have a State Identification Number (SID) established in this matter be fingerprinted.

IT IS FURTHER ORDERED dismissing: Count(s): [002],[003],[004],[005],[006],[007],[008],[009],[010].

IT IS ORDERED dismissing allegation(s) as listed in paragraph 3 of the Plea Agreement.

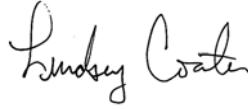
IT IS FURTHER ORDERED that the Defendant must submit to DNA testing for law enforcement identification purposes in accordance with ARS §13-610.

Defendant is advised that pursuant to ARS §13-805 that failure to maintain contact with the Adult Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

The Adult Probation Department has prepared a presentence investigation and recommendation to be filed under the case number.

Hearing Concludes: 10:06 AM



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DONE IN OPEN COURT 08/27/2024

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Hon. Lindsey G Coates  
Maricopa County Superior Court

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include the date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

Let the record reflect that the Defendant's right index fingerprint is attached to this sentencing order in open court.



Right Index finger

**ENDORSEMENT PAGE**

CASE NUMBER: CR2023-008429-001

SIGNATURE DATE: 8/27/2024

E-FILING ID #: 18408344

FILED DATE: 8/28/2024 8:00:00 AM

CORWIN A TOWNSEND

MATTHEW MCCRAY

AZ DOC

AZ DOC - INMATE TRUST ACCOUNTS

RFR

VICTIM WITNESS DIV-AG-CCC