



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF POLICY DEVELOPMENT AND RESEARCH

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NOTE: As discussed, Neighborhood Networks
info follows.

- (1) Fact Sheet
- (2) Frequently asked questions
- (3) Sites as of 2/97 (I lied there are 100)
- (4) Clips (a) Virginia Beach (b) New Orleans
- (5) VP Hammer Award

187. Probation revocation, sentences

In probation revocation proceeding, sentence imposed on defendant of imprisonment for not less than ten nor more than 21 years for the original conviction of robbery with a prior conviction was not excessive. *State v. Mendibles* (App.1981) 129 Ariz. 124, 629 P.2d 91.

188. Resentencing

Conduct of trial court when, after sentencing defendant in absentia as a "dangerous" offender and determining in a postconviction proceeding that an allegation of "dangerousness" had not been submitted to jury, it resented defendant on charge of second-degree murder, a repetitive class two felony, to the maximum term of 21 years did not amount to a violation of due process because the defendant was sentenced originally to less than the maximum term where the trial court reiterated the factors which it had originally considered when it imposed the original sentence and expressed its belief that the resentence was the appropriate punishment for the particular crime and the particular offender. *State v. Williams* (App.1984) 141 Ariz. 127, 685 P.2d 764.

§ 13-604.01. Dangerous crimes against children; sentences; definitions

A. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving second degree murder, sexual assault, taking a child for the purpose of prostitution, child prostitution or sexual conduct with a minor or involving or using minors in drug offenses shall be sentenced to a presumptive term of imprisonment for twenty years. If the convicted person has been previously convicted of one predicate felony the person shall be sentenced to a presumptive term of imprisonment for thirty years.

B. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving aggravated assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, child abuse or kidnapping shall be sentenced to a presumptive term of imprisonment for seventeen years. If the convicted person has been previously convicted of one predicate felony the person shall be sentenced to a presumptive term of imprisonment for twenty-eight years.

C. Except as otherwise provided in this section, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of a dangerous crime against children in the first degree involving sexual abuse shall be sentenced to a presumptive term of imprisonment for

189. Review, sentences

Penalty imposed by trial court upon conviction will not be reduced unless it clearly appears that sentence imposed is excessive, resulting in an abuse of trial court's discretion. *State v. Jerousek* (1979) 121 Ariz. 420, 590 P.2d 1366.

In reviewing propriety of trial judge's discretion in imposing sentence, supreme court must look to general character of both party convicted and offense charged. *Id.*

Where, at first trial, state alleged two prior convictions but offered no proof, allowing state to prove prior convictions at third trial was a violation of fundamental fairness in that it penalized defendant for seeking a new trial, so that even though issue was not timely raised at trial, as no objection was made until time set for sentencing, issue could be considered on appeal of conviction pursuant to third trial. *State v. Corrales* (1976) 26 Ariz.App. 344, 548 P.2d 437.

The Court of Appeals, did not have appellate jurisdiction in prosecution charging burglary in the first degree with a statement of prior conviction since offense was punishable under habitual criminal statute by imprisonment for not less than 10 years nor more than life. *State v. Cuzick* (1967) 5 Ariz.App. 498, 428 P.2d 443.

ten years. If the predicate felony imprisonment for

D. The presumption may be provisions of §

E. A person's degree pursuant of sentence, prohibition on any subsection A or

F. A person in the first degree felonies shall be suspension or furlough or release authorized by fewer than thirty

G. Notwithstanding eighteen years convicted of a dangerous crime of a class 3 felony imprisonment for ten years up to five years is sentenced to from confinement one-half the sentence

H. Section 1 convictions.

I. In addition section and notwithstanding convicted of a supervised on the court or the of the person's children in the ment imposed order that the person release from confinement and paroles department

J. The sentence against children sentence imposed

K. In this section