

SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA

Clerk of the Superior Court
*** Electronically Filed ***
C. Tolliver, Deputy
5/2/2025 8:00:00 AM
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CR2021-142720-001 SE

HONORABLE TODD F LANG

THE STATE OF ARIZONA

V.

BERNITA CLARK

GABRIEL PAUL HORCASITAS (001)

JASON D LAMM

DOB: 3/28/1971

SENTENCING ORDER

Imprisonment

This is the time set for Sentencing hearing held on May 01, 2025 at 9:00 AM in the Central Court Building - 803 for CR2021-142720-001 SE and Defendant GABRIEL PAUL HORCASITAS.

Hearing Start: 09:34 AM

Present in the courtroom,

Attorney	Clark, Bernita
Defendant	Gabriel Horcasitas
Retained Counsel	Jason Lamm
State's Attorney	William Babb

A record of the proceedings is recorded by Court Reporter, LORI REINHARDT.

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

Count 002

The Defendant was found guilty after a trial by jury.
§13-1103A1 MANSLAUGHTER-RECKLESS, Felony 2
A.R.S. § 13-702
Date of Offense: 11/13/2021
Dangerous - Non Repetitive (pursuant to 13-704(A))

Count 005

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.
§13-1201A ENDANGERMENT, Felony 6
A.R.S. § 13-702
Date of Offense: 11/13/2021
Dangerous - Non Repetitive (pursuant to 13-704(A))

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 002 - A Presumptive term of 10.5 years to begin on: 5/1/2025 with a presentence credit for 54 day(s) (time served).

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

	Total	Payment	Begin	Note
Time Payment Fee	\$20.00		To be determined	
Probation Assess.	\$20.00		To be determined	
Criminal Penalty Assessment	\$13.00		To be determined	CHANDLER PD
Victim Rights Enforcement Assessment	\$2.00		To be determined	
Victim Rights/Compensation Fund	\$9.00		To be determined	

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 005 - A Presumptive term of 2.25 years to begin on: 5/1/2025 with a presentence credit for 54 day(s) (time served).

Community Supervision: Count(s) [002],[005] imposed pursuant to A.R.S. § 13-603(I).

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. 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.

IT IS ORDERED that the imprisonment in CR2021142720-001 (Count - 005) is concurrent with CR2021142720-001 (Count - 002)

The Court will retain jurisdiction over restitution for Count 002. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives presence.
Restitution is to remain open for 4 Years.

The Court will retain jurisdiction over restitution for Count 005. No hearing is set at this time. In the event a restitution hearing is set, Defendant does not waive presence.
Restitution is to remain open for 4 Years.

LET THE RECORD REFLECT Victim's Attorney, Jessica Gattuso, is present in the courtroom.

IT IS FURTHER ORDERED the Defendant Not Guilty By Court Count(s) [006]
IT IS FURTHER ORDERED the Defendant Not Guilty By Jury Count(s) [001],[003],[004]

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.

IT IS ORDERED granting a lifetime injunction pursuant to A.R.S. §13-719 against Defendant as to Victim (s).

IT IS FURTHER ORDERED that Defendant was served with the lifetime injunction here in open court.

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.

Start End

09:34:14 AM 11:22:52 AM

11:35:21 AM 12:30:09 PM

Hearing Concludes: 12:30 PM



DONE IN OPEN COURT 05/01/2025

Hon. Todd F Lang
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: CR2021-142720-001

SIGNATURE DATE: 5/1/2025

E-FILING ID #: 19773200

FILED DATE: 5/2/2025 8:00:00 AM

BERNITA CLARK

JASON D LAMM

JESSICA ANN GATTUSO

AZ DOC

RFR