



STATE OF ARIZONA

OFFICE OF THE GOVERNOR

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JANET NAPOLITANO
GOVERNOR

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January 9, 2006

Honorable Ken Bennett
President, Arizona State Senate
1700 West Washington
Phoenix, Arizona 85007

Honorable Jim Weiers
Speaker, Arizona State House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Dear President Bennett and Speaker Weiers:

Pursuant to Arizona Revised Statutes § 31-446, enclosed please find a communication setting forth gubernatorial dispositions of reprieves, commutations and/or pardons by Governor Janet Napolitano for calendar year 2005.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mike Haener".

Mike Haener
Deputy Chief of Staff, Legislative Affairs

cc: Nicole Davis, Deputy General Counsel

Gubernatorial Dispositons of Commutations and Pardons

1/1/2005 thru 12/31/2005

<i>Name</i>	<i>Offense</i>	<i>Sentence</i>	<i>Date Sentenced</i>	<i>Second Sentence</i>	<i>Decision Date</i>	<i>Type</i>	<i>Reasons for Disposition</i>
Brisby, Tameka	Possession of Narcotic Drugs	5 years	11/19/2002	None	11/18/2005	Commutation	<ul style="list-style-type: none"> - Strong evidence of defendant's full rehabilitation - No opposition to reprieve, commutation or pardon
Divito, Ernest	Manslaughter	7 years	4/29/2002	None	6/10/2005	Commutation	<ul style="list-style-type: none"> - Victim supports clemency* - Significant community support - No opposition to reprieve, commutation or pardon
<p><i>* In the Victims' Bill of Rights, a victim is 'a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.' A.R.S. Const. Art. 2 § 2.1(c).</i></p>							
Foss, Kimberly	Third Degree Burglary	3 years	11/12/1981	None	1/20/2005	Pardon	<ul style="list-style-type: none"> - Strong evidence of defendant's full rehabilitation - No opposition to reprieve, commutation or pardon
Fuerst, Roland	Controlling Property of Another	1.5 years	3/13/1995	None	12/13/2005	Pardon	<ul style="list-style-type: none"> - No opposition to reprieve, commutation or pardon - Strong evidence of defendant's full rehabilitation
Holquin, Stacy	Manslaughter	14 years	8/24/1998	None	6/29/2005	Commutation	<ul style="list-style-type: none"> - Victim supports clemency* - Significant community support
<p><i>* In the Victims' Bill of Rights, a victim is 'a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.' A.R.S. Const. Art. 2 § 2.1(c).</i></p>							
Kolczak, Thaddeus	Aggravated Assault	5 years	9/ 1/2004	None	4/14/2005	Commutation	<ul style="list-style-type: none"> - Action Consistent with wishes of sentencing judge - Significant community support - Extenuating circumstances such as defendant's age or health

<i>Name</i>	<i>Offense</i>	<i>Sentence</i>	<i>Date Sentenced</i>	<i>Second Sentence</i>	<i>Decision Date</i>	<i>Type</i>	<i>Reasons for Disposition</i>
Layton, Michael	Aggravated Driving While Under the Influence of Intoxicating Liquor - Two Counts	2.5 years	11/ 3/2003	None	3/15/2005	Commutation	- Defendant in imminent danger of death DECEASED
McLafferty, Michael	Aggravated Driving Under the Influence of Intoxicating Liquor	5.5 years (CS to CR 99-1035)	11/22/2004	None	12/20/2005	Commutation	- Defendant in imminent danger of death
Sutherland, Gary	Depositing or Exploding Explosive with Intent to Injure Persons or Property	3 years probation	8/14/1969	None	3/10/2005	Pardon	- No opposition to reprieve, commutation or pardon - Strong evidence of defendant's full rehabilitation
Treadwell, William	Possession of Marijuana - Two Counts	2 years probation	11/ 2/1987	None	1/19/2005	Pardon	- Strong evidence of defendant's full rehabilitation - Significant community support - No opposition to reprieve, commutation or pardon
Wagner, Dale	Misconduct Involving Weapons	Ten years	11/17/1999	None	6/29/2005	Commutation	- Victim supports clemency* - Significant community support - No opposition to reprieve, commutation or pardon

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