

STATE OF ARIZONA
vs.
FERNANDO HERNANDEZ RICHTER-001
SOPHIA LEEANN RICHTER-002

CR-20135144

MEDIA INFORMATION PACKET



Pima County Superior Court
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Media Information Packet

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1. Purpose and Basic Tenets

This document sets forth guidelines for reporters and media organizations covering and providing news reports about the trial in CR-2013-5144, State of Arizona vs. Fernando Hernandez Richter-001 and Sophia Leeann Richter-002. The court expects that concerns regarding any issues regarding media coverage will be addressed in an atmosphere of open communication between the court, the parties and media organizations. The terms and provisions of this media information packet may be altered at anytime to ensure and preserve the rights of the parties.

The goals of this media plan are:

- To maintain a professional atmosphere in the courthouse so that parties to the case may pursue justice in an orderly manner, preserving due process.
- To ensure that access and information needs of the public and the media are accommodated by the court to the fullest extent consistent with the needs of justice in this case.

Basic tenets of the plan:

- The accused has the right to a fair trial free from prejudice due to outside influences.
Constitution of the United States, Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.
- The media and the public have a right of access to our system of justice.
Constitution of the United States, Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.
- Other court proceedings must not be adversely impacted by ongoing proceedings in this matter.

2. Court Policies

- Arizona Supreme Court Rule 122 sets forth definitions of acceptable media activity as it relates to the reporting of court proceedings in the Arizona Superior Court in Pima County. (*Rule is attached.*)
- Arizona Superior Court in Pima County Administrative Order 2013-34 sets forth additional requirements on media representatives as they report on court proceedings at the courthouse.

(Policy is attached.) While Administrative Order 2013-34 prohibits the use of cameras and audio recorders in courthouse hallways it does not prevent media interviews conducted without cameras and audio recorders.

- All media representatives and their organizations are expected to be familiar with this plan in connection with CR-2013-5144, State of Arizona vs. Fernando Hernandez Richter-001 and Sophia Leeann Richter-002.

3. Summary of Charges:

Fernando Hernandez Richter-001 and Sophia Leeann Richter-002 are charged with three counts of kidnapping and three counts of child abuse, death or serious injury not likely. Fernando Richter is also charged with one count of aggravated assault. (*Indictment is attached.*)

Trial for Fernando Hernandez Richter-001 and Sophia Leeann Richter-002 is scheduled to begin with jury selection on Tuesday, November 10, 2015, 10:30 am. While jury selection is open to the public and the media, no cameras will be allowed to film the proceedings under provisions of Arizona Supreme Court Rule 122. Cameras will be allowed to film court proceedings starting with opening statements in the case.

4. Courtroom Television Camera:

- For the duration of this proceeding, the television pool camera will be positioned to the right of the courtroom in the gallery. Other members of the pool will be seated at the north end of the 4th floor hallway. Additionally, there will not be wireless microphones allowed in the courtroom, absent expressed approval to the contrary from Judge Tang. No filming may take place unless Judge Tang is on the bench. Filming shall stop when Judge Tang leaves the bench at any point during proceedings.
- The court will identify the television news outlets that have requested permission for a camera two business days in advance of the start of the trial.
- Judge Tang will rule on general requests regarding witnesses who may not be filmed during trial. Television pool camera operators or producers may be ordered to alter the appearance of certain witnesses or to refrain from the filming of other certain witnesses at any time during trial proceedings. The filming of a defendant is authorized during the trial except when he or she is engaged in conversations with members of his or her respective legal defense team. The filming of victims' representatives in the courtroom gallery shall not be allowed unless such victims give their expressed permission, *provided however, that there shall be no filming of any minors.* Finally, the court has ordered that there shall be no photographing of the jurors at any location, including the courthouse and outside the courthouse, until jurors are discharged.
- At no time will the camera be positioned to take and record readable pictures of any paperwork on counsel tables. At no time will the camera be positioned to take and record pictures of either

defendant entering and exiting the courtroom under escort from judicial security or being dressed at counsel tables for any session of the trial.

- Any violation of the television pool practices outlined above, during any of these proceedings, will be subject to sanctions at the discretion of Judge Tang.

5. Courtroom Still Cameras:

- For the duration of this trial, the pool still camera will be positioned alongside of the television pool camera when one is present. If there is no television pool camera, a still pool camera will be positioned to the left of the courtroom in the gallery. The still camera operator will be required to utilize sound reduction methods as outlined in Arizona Supreme Court Rule 122.
- At no time will the camera be positioned to take and record readable pictures of any paperwork on counsel tables. No photography may take place unless Judge Tang is on the bench. Photography shall stop when Judge Tang leaves the bench at any point during proceedings.
- Judge Tang will rule on general requests as to which witnesses may not be photographed during trial. Still pool camera operators or their editors may be directed to alter the appearance of certain witnesses or to refrain from the filming of other certain witnesses at any time during trial proceedings. The photographing of either defendant is authorized during the trial. The photographing of victim's representatives in the courtroom gallery shall not be allowed unless such victims give their expressed permission, *provided however, that there shall be no photographing of any minors*. Finally, the court has ordered that there shall be no photographing of the jurors at any location, including the courthouse and outside the courthouse, until jurors are discharged.
- Any violations of the still camera pool procedures outlined above, during any of these proceedings, will be subject to sanctions at the discretion of Judge Tang.

6. Trial transcripts:

Any media organizations desiring transcripts of court proceedings are required to contact the office of the Managing Court Reporter at 724-3114 to make arrangements for the purchase of transcripts.

7. Reserved Seating in the Courtroom:

Except during jury selection:

- Members of the defense and prosecution teams will have the first row of the gallery directly behind counsel tables reserved for their use.
- The next three rows in the gallery will be reserved for the defendant's family and victims, unless otherwise directed by the Court.

- If more members of the public want to observe the trial than seats available, the remainder of the seats in the gallery will be subject to assignment by admission to the courtroom on a first-come, first-served basis.

8. Electronic Equipment:

Electronic equipment such as cell phones (including camera phones), radios and pagers belonging to either representatives of media organizations or the public must be turned off or deactivated while inside the courtroom. Persons found to be in violation of this directive will be immediately excluded from the courtroom. Media representatives may use laptop computers while court is in session as long as the computers are set to operate in quiet mode. The court reserves the right to reconsider the use of laptop computers. If it is determined that the computers are a distraction in the courtroom, their use will be discontinued. (*see Rule 122.1*)

9. Courthouse Security:

All persons entering the courthouse are required to pass through electronic security devices and to submit any and all equipment for search at the discretion of security officers.

10. Arizona Supreme Court Rule 122

Effective January 1, 2014

Use of Recording Devices in a Courtroom

- Rules of the Supreme Court of Arizona (Refs & Annos)

XX. Miscellaneous Provisions

Rule 122. Use of Recording Devices in a Courtroom

(a) **Purpose.** This rule allows the use of recording devices in a courtroom, subject to specified requirements and limitations. A court must use reasonable means to inform the public of the provisions of this rule.

(b) **Definitions.** The following definitions apply in this rule. A term defined in the singular includes the plural.

(1) A "camera" is an electronic or mechanical device used to photograph, record, or broadcast still or moving images.

(2) A "courtroom" is an area of a "courthouse," which is defined in Rule 122.1, where a judge conducts a proceeding.

(3) "Cover" and "coverage" refer to a person's use of a recording device during a proceeding.

(4) A "judge" is a judicial officer in an appellate, superior, or limited jurisdiction court presiding over a proceeding.

(5) A "person" includes an individual and any organization except the court.

(6) A "personal audio recorder" is a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device.

(7) A "proceeding" is an event concerning a court case that takes place in a courtroom.

(8) A "recording device" is an electronic or mechanical apparatus and related equipment used to capture and store sound or images, or both, or from which a person can retrieve or broadcast sound or images. A camera, a smart phone, and an audio recorder are examples of recording devices.

(9) A "victim" has the same meaning as set out in Rule 39 of the Rules of Criminal Procedure.

(c) **Request to cover a proceeding.** Except as provided in paragraphs (h) and (i) of this rule, a person who wishes to use a recording device during a proceeding must submit a written or electronic request to cover the proceeding, as follows.

(1) **Requirements for submission of a request:** The person must submit the request to the judge who will conduct the proceeding, or to an office of the court authorized to receive requests under this rule. A person who submits a request to cover a proceeding has standing on the request, but the submission of a request does not confer upon that person the status of a party to the case.

(2) **Time limit for submission of a request:** A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

(A) If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date.

(B) If the proceeding is not a trial, a person must submit a request as soon as possible, and no less than forty-eight hours before the start of the proceeding.

(C) If the court schedules any proceeding on less than seventy-two hours notice, a person must file the request as soon as reasonably possible before the proceeding as not to delay or interfere with it.

(3) **Court action upon receiving a request:** The court will notify the parties of its receipt of a request for coverage. The judge will promptly hold a hearing if the judge intends to deny the request or a portion of the request, or if a party objects to a request.

(4) **Time for a party to object to a request:** A party waives an objection to a request for coverage of a proceeding if the party does not object to the request in writing or on the record no later than the start of the proceeding.

(5) **Time for a victim or witness to object to a request:** Victims or witnesses may object to coverage of their appearance or testimony at any time. The prosecutor's office is responsible for notifying victims and the prosecutor's witnesses of coverage, and their right to object to coverage, prior to the victims' appearances or the witnesses' testimony at the proceeding. Other parties who call witnesses to testify are responsible for notifying their witness of coverage, and the witness's right to object to coverage, prior to the witness's testimony.

(d) **Denial or limitation of coverage.** A properly submitted request for coverage should generally be approved, but a judge may deny or may limit the request as provided in this paragraph. A judge's decision on a coverage request, or on an objection to coverage, is reviewable only by special action.

(1) **Denial of coverage:** A judge on his or her own motion may deny a request for coverage, or may sustain a party's objection to coverage, only after making specific, on-the-record findings that there is a likelihood of harm arising from one or more of the following factors, and that the harm outweighs the benefit of coverage to the public:

(A) the impact of coverage upon the right of any party to a fair hearing or trial;

(B) the impact of coverage upon the right of privacy of any party, victim, or witness;

(C) the impact of coverage upon the safety and well-being of any party, victim, witness, or juror;

(D) the likelihood that coverage would distract participants or that coverage would disrupt or detract from the dignity of a proceeding;

(E) the adequacy of the physical facilities of the court;

(F) the timeliness of the request pursuant to paragraph (c)(2) of this rule;

(G) whether the person making the request is engaged in the dissemination of news to a broad community; and

(H) any other factor affecting the administration of justice.

(2) **Limitation of coverage:** Upon his or her own motion or upon the request of a party, victim, or witness, a judge may allow coverage as requested or may, after making specific, on-the-record findings based on the factors in paragraph (d)(1), impose limitations as follows:

- (A) order that no one may photograph, record, or broadcast a criminal defendant, a law enforcement officer, or a victim in the courtroom;
- (B) order that video coverage must effectively obscure the face and identity of that party, victim, or witness, or that there be only audio coverage of the testimony of a party, victim, or witness;
- (C) prohibit coverage of the testimony of that witness upon a determination that coverage would have a substantial adverse impact upon that witness or his or her testimony.

(e) **Manner of coverage.** The judge will preserve the dignity of the proceeding by designating the placement of equipment and personnel for photographing, recording, or broadcasting the proceeding, and all equipment and personnel will be restricted to the designated area. Recording devices may not be moved about the courtroom while court is in session. All persons and affiliated individuals engaged in the coverage must avoid conduct or dress that may disrupt or detract from the dignity of the proceeding. The judge may order a restriction or cessation of coverage during a proceeding in furtherance of the interests of justice.

(f) **Equipment.** A person must not install, move, or take recording equipment, other than a personal audio recorder, from the courtroom during a proceeding. A person must hide wiring as much as possible, and wiring must not cause an inconvenience or a hazard. A person may connect equipment used to provide coverage to an existing courtroom electronic system, if possible, but a person must not connect equipment to a court's digital recording system without the judge's express approval. A person must not bring flash devices, strobe lights, or other artificial lights of any kind into the courtroom. If a person wishes to use additional standard light fixtures or higher wattage light bulbs, additional microphones, or other modifications or improvements concerning lighting or sound, the person must submit this information in the request under paragraph (c). The judge may direct whatever modifications or improvements are deemed necessary, but the judge may not require use of public funds to make or to maintain any such modifications or improvements. Microphones, cameras, and other equipment used for coverage must be as unobtrusive as recording devices in general use in the community where the courtroom is located, and must not produce distracting sounds or otherwise disrupt the proceeding.

(g) **Number of recording devices; pooling.** A request submitted under paragraph (c) may ask the judge to approve audio coverage, video camera coverage, or coverage by still camera. The presumptive limits are one microphone and recording device for audio coverage, or one video camera and one still camera, but the judge conducting the proceeding has discretion to approve a person's request to use additional recording devices. If a judge approves requests by more than one person to cover a proceeding, those persons must pool their resources to limit recording devices in the courtroom to the number approved by the judge. Those persons have the responsibility to settle their own disputes, to facilitate pooling as necessary, and to implement procedures that meet the approval of the assigned judge prior to any coverage and without disruption to the court.

(h) **Personal audio recorders; required notice to the court.** A person may use a personal audio recorder during a proceeding, but the person must notify the judge or the judge's staff *prior* to using the device. A person who uses a personal audio recorder is not required to submit a request under paragraph (c) of this rule, but a person who wishes to record or broadcast the audio portion of a proceeding with a device that is not on the person must do so. The use of a personal audio recorder must not be obtrusive,

distracting, or otherwise prohibited, and use is subject to the prohibitions of paragraph (k) of this rule.

(i) **Approving use of a recording device for celebratory or ceremonial proceedings, or while court is not in session.** Notwithstanding other provisions of this rule, a person may verbally request, and a judge may verbally approve, use of a recording device in a courtroom to photograph or to record a celebratory or ceremonial proceeding. If a person wishes to use a recording device in any courtroom when that courtroom is not in session, prior to using the device, the person must obtain the express permission of the presiding judge of that jurisdiction or an office of the court authorized by the presiding judge to approve requests under this paragraph.

(j) **Recording not admissible as evidence.** No video, photograph, or audio reproduction of a judicial proceeding that is obtained pursuant to this rule may be used to modify or supplement the official court record of that proceeding, nor is it admissible at that or any subsequent proceeding unless it is offered for another purpose allowed under the Arizona Rules of Evidence.

(k) **Prohibitions.** A person is not permitted to photograph, record, or broadcast a proceeding in the following circumstances:

(1) **No use of recording devices while the judge is off the bench:** A person may use a recording device in a courtroom only when the judge is on the bench, and use of a recording device must terminate when the judge leaves the bench, except as provided in paragraph (i).

(2) **No jurors:** Cameras must be placed to avoid showing jurors in any manner. Audio recordings or broadcasts of jurors' statements or conversations are also prohibited, except that a juror may expressly consent to an interview after the jury has been discharged.

(3) **No attorney conferences:** Audio recordings or broadcasts of bench conferences between a judge and counsel, or off-the-record conferences between attorneys and their clients, or between attorneys, anywhere in the courthouse are prohibited.

(4) **No readable documents:** A person may not use a camera to take readable images of the contents of documents or other materials, whether in electronic or other form, that are located at counsel tables, the judge's bench, the work area of judicial staff, or the jury box.

(5) **No juvenile proceedings:** Photographing, recording, or broadcasting of juvenile court proceedings is only as allowed by Arizona law, or as provided in paragraph (i).

(l) **Other governing law.** A person whose request under paragraph (c) of this rule has been approved may photograph, record in, or broadcast from, locations in a courthouse other than a courtroom as provided in Supreme Court Rule 122.1. The law generally applicable to inclusion or exclusion of the press or the public at court proceedings or during the testimony of a particular witness applies to persons who submit a request or notice under this rule. Nothing in this rule alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

11. Supreme Court Rule 122.1

Effective January 1, 2014

Use of Portable Electronic Devices in a Courthouse

(a) **Purpose.** This rule specifies the permitted and prohibited uses of portable electronic devices in a courthouse. A court must use reasonable means to advise courthouse visitors of the provisions of this rule. A violation of this rule may be punishable as contempt.

(b) **Definitions.** The following definitions apply in this rule:

(1) A "*portable electronic device*" is a mobile device capable of electronically storing, accessing, or transmitting information. The term encompasses, among other things, a transportable computer of any size, including a tablet, a notebook, and a laptop; a smart phone, a cell phone, or other wireless phone; a camera and other audio or video recording devices; a personal digital assistant (PDA); other devices that provide internet access; and any similar items.

(2) A "*courthouse*" includes all areas within the exterior walls of a court building, or if the court does not occupy the entire building, that portion of the building used for the administration and operation of the court. A "*courthouse*" also includes areas outside a court building where a judge conducts an event concerning a court case.

(3) *Other definitions:* This rule incorporates other definitions found in Supreme Court Rule 122(b).

(c) **Photography and audio or video recording.** Photography, audio recording, and video recording in a courthouse are permitted, but the following restrictions apply:

(1) *In a courtroom:* In a courtroom, no one may use a portable electronic device to take photographs or for audio or video recording unless that use is allowed under Rule 122.

(2) *Outside a courtroom:* In areas of a courthouse other than courtrooms, no one may photograph or record an individual without that individual's express consent.

(3) *Local orders:* By local administrative order, a court may adopt further reasonable limits on photography and audio or video recording in a courthouse that are not inconsistent with this rule or with Rule 122.

(d) **Jurors and witnesses.** The following restrictions apply to use of portable electronic devices by jurors, including prospective jurors, and by witnesses.

(1) *Jurors:* Jurors must turn off their portable electronic devices while present in a courtroom and while present in a jury room during the jury's deliberations and discussions concerning a case. Jurors may use their devices for allowable purposes during breaks.

(2) *Witnesses:* A witness must silence any portable electronic device while in a courtroom, and may use a device while testifying only with permission of a judge.

(e) **Attorneys, parties, and members of the public.** The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public. Any allowed use of a portable electronic device under this paragraph is subject to the authority of a judge to terminate activity that is disruptive or distracting to a court proceeding, or that is otherwise contrary to the administration of justice.

(1) *Allowed uses:* Attorneys, parties, and members of the public may use a portable electronic device in a courtroom to retrieve or to store information, to access the Internet, and to send and receive text messages or information.

(2) *Prohibited uses:* A portable electronic device may not be used, without permission of the court, to make or to receive telephone calls or for other audible functions while court is in session, and attorneys, parties, and members of the public must silence portable electronic devices while in the courtroom.

(3) *Use of a personal audio recorder:* Attorneys, parties, and members of the public may use a personal audio recorder in a courtroom only as provided by Rule 122.

(f) Use of a portable electronic device outside a courtroom; limitations. Except as provided in paragraphs (c), (d) and (e) of this rule, a person may use a portable electronic device in a courthouse, subject to the authority of judges, Clerks of the Court, or court administrators to limit or terminate activity that is disruptive to court operations or that compromises courthouse security.

CREDIT(S) Added Aug. 28, 2013, effective Jan. 1, 2014. <Formerly Part XI. Redesignated as Part XII January 15, 2003, effective July 1, 2003.> 17A A. R. S. Sup. Ct. Rules, Rule 122.1, AZ ST S Ct Rule 122.1 Current with amendments received through 1/1/14 (C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works. END OF DOCUMENT © 2014 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

12. ADMINISTRATIVE ORDER NO. 2013-34

Use of Photography and Electronic Devices in the Courtroom

Rule 122 of the Arizona Rules of the Supreme Court governs the use of recording devices in court proceedings;

Rule 122.1 of the Arizona Rules of the Supreme Court governs the use of portable electronic devices in a courthouse and specifically provides that, by local administrative order, a court may adopt reasonable limitations on photography and audio or video recording in a courthouse that are not inconsistent with Rule 122.1 or Rule 122 of the Arizona Rules of the Supreme Court;

Consistent with the intent of these two rules, the court may make reasonable provisions to prevent interference with court employees and members of the public who are conducting business in a courthouse; to maintain the security of the court, employees and the public; and to secure the privacy of the jurors serving the court;

Now therefore it is ORDERED:

1. No person may use a recording device during a court proceeding or in a courtroom except in compliance with Rule 122.
2. Under the provisions of Rule 122.1, in areas of a courthouse other than courtrooms, no one may photograph or record an individual without that individual's express consent. Limited use of portable electronic devices by attorneys, parties and members of the public, other than witnesses or jurors, is permitted and personal audio recorders may be used in a court proceeding but only if the person using the device notifies the judge or the judge's staff prior to using the device, under Rule 122.1.
3. Except as otherwise provided in either Rule 122 or Rule 122.1, photography, audio recording or video recording are not permitted within a courthouse without the express written permission of the Presiding Judge of the Superior Court or the Presiding Judge of the Juvenile Court or their designees.
4. Except for juvenile court proceedings, requests for permission for electronic, video, or still photographic coverage of public judicial proceedings shall be made by filing the court's camera request form with the judicial officer presiding over the proceeding, with a copy to the court's community relations coordinator. Such requests shall be made no less than two business days before the proceeding sought to be covered. The assigned judge shall determine whether and under what conditions such coverage shall be permitted in accordance with Supreme Court Rule 122.

At juvenile court, electronic coverage of proceedings is not permitted except in adoption proceedings, and then only with the agreement of the parties to the proceeding and the court, pursuant to Rule 122.
5. In the Clerk of Court's offices, private parties may take photographs as permitted by the Clerk, so long as the provisions of SCR 122.1.C(2) are observed.
6. All persons wishing to use a recording device or portable electronic device of any type during court proceedings, in courtrooms or in any other area of the courthouse are expected to be familiar with Rules 122 and 122.1 of the Arizona Rules of the Supreme Court, copies of which will be made

available, upon request, on the first and ninth floors of the Superior Court building and at the information desk in the Juvenile Court Center.

7. Any use of portable electronic devices, photography, audio recording or video recording in a courthouse is subject to the authority of any judge, court administrator or court security officer to limit or terminate activity that may be disruptive to court operations, may affect the fair administration of justice or that may compromise courthouse security.
8. Any individual who uses or has used an electronic device to record activities or to take photographs or video without the express permission required by this order or in any manner except as permitted by either Rule 122 or Rule 122.1 will be required to delete the photographs or video or the recording, may be removed from the building and may be subject to sanctions by the court.

This Administrative Order shall be effective on January 1, 2014. This Administrative Order rescinds Administrative Order 1997-05 and any other conflicting administrative orders or policies of the Superior Court of Juvenile Court.

Dated:

s/ _____
Hon. KYLE A. BRYSON
Presiding Judge

13. **Indictment** (see attached)

Indictment

- COUNT ONE: KIDNAPPING, DOMESTIC VIOLENCE, A CLASS TWO FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER KIDNAPPED AALIYAH ALTAMIRANO, WITH THE INTENT TO INFLICT DEATH, PHYSICAL INJURY OR A SEXUAL OFFENSE ON HER, OR TO OTHERWISE AID IN THE COMMISSION OF A FELONY OR TO PLACE HER OR A THIRD PERSON IN REASONABLE APPREHENSION OF IMMINENT PHYSICAL INJURY TO HER OR TO A THIRD PERSON, IN VIOLATION OF A.R.S. § 13-1304 (A) (3) AND/OR (4) AND (B).
- COUNT TWO: KIDNAPPING, DOMESTIC VIOLENCE, A CLASS TWO FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER KIDNAPPED BRIANNA ALTAMIRANO, WITH THE INTENT TO INFLICT DEATH, PHYSICAL INJURY OR A SEXUAL OFFENSE ON HER, OR TO OTHERWISE AID IN THE COMMISSION OF A FELONY OR TO PLACE HER OR A THIRD PERSON IN REASONABLE APPREHENSION OF IMMINENT PHYSICAL INJURY TO HER OR TO A THIRD PERSON, IN VIOLATION OF A.R.S. § 13-1304 (A) (3) AND/OR (4) AND (B).
- COUNT THREE: KIDNAPPING, DOMESTIC VIOLENCE, A CLASS TWO FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER KIDNAPPED MARIAH PULIDO, WITH THE INTENT TO INFLICT DEATH, PHYSICAL INJURY OR A SEXUAL OFFENSE ON HER, OR TO OTHERWISE AID IN THE COMMISSION OF A FELONY OR TO PLACE HER OR A THIRD PERSON IN REASONABLE APPREHENSION OF IMMINENT PHYSICAL INJURY TO HER OR TO A THIRD PERSON. IN VIOLATION OF A.R.S. § 13-1304 (A) (3) AND/OR (4) AND (B).
- COUNT FOUR: AGGRAVATED ASSAULT, DEADLY WEAPON/DANGEROUS INSTRUMENT, DOMESTIC VIOLENCE, A CLASS THREE FELONY ON OR ABOUT THE 26TH DAY OF NOVEMBER, 2013, FERNANDO FIERNANDEZ RICHTER ASSAULTED AALIYAH ALTAMIRANO WITH A DEADLY WEAPON OR DANGEROUS INSTRUMENT, TO WIT: A KNIFE, IN VIOLATION OF A.R.S. § 13-1204 (A) (2), 13-3601.
- COUNT FIVE: AGGRAVATED ASSAULT, DEADLY WEAPON/DANGEROUS INSTRUMENT, DOMESTIC VIOLENCE, A CLASS THREE FELONY ON OR ABOUT THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER ASSAULTED BRIANNA ALTAMIRANO WITH A DEADLY WEAPON OR DANGEROUS INSTRUMENT, TO WIT: A KNIFE, IN VIOLATION OF A.R.S. § 13-1204(A)(2), 13-3601.
- COUNT SIX [OMITTED; COUNT WAS ORDERED SEVERED]
- COUNT SEVEN: CHILD ABUSE, A PERSON UNDER EIGHTEEN YEARS, NON-DEATH OR SERIOUS PHYSICAL INJURY NOT LIKELY, DOMESTIC VIOLENCE, A CLASS FOUR FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER, COMMITTED CHILD ABUSE UNDER CIRCUMSTANCES NOT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY BY INTENTIONALLY OR KNOWINGLY CAUSING PHYSICAL INJURY TO AALIYAH ALTAMIRANO OR, HAVING CARE OR CUSTODY OF AALIYAH ALTAMIRANO CAUSING OR PERMITTING THE PERSON OR HEALTH OF AALIYAH ALTAMIRANO TO BE INJURED OR, HAVING CARE OR CUSTODY OF AALIYAH ALTAMIRANO CAUSING OR PERMITTING AALIYAH ALTAMIRANO TO BE PLACED IN A SITUATION WHERE HIS/HER PERSON OR HEALTH WAS ENDANGERED, IN VIOLATION OF A.R.S. § 13-3623 (B) (1), 13-3601.
- COUNT EIGHT: CHILD ABUSE, A PERSON UNDER EIGHTEEN YEARS, NON-DEATH OR SERIOUS PHYSICAL INJURY NOT LIKELY, DOMESTIC VIOLENCE, A CLASS FOUR FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER, COMMITTED CHILD ABUSE UNDER CIRCUMSTANCES NOT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY BY INTENTIONALLY OR KNOWINGLY CAUSING PHYSICAL INJURY TO BRIANNA ALTAMIRANO OR, HAVING CARE OR CUSTODY OF BRIANNA ALTAMIRANO CAUSING OR PERMITTING THE PERSON OR HEALTH OF BRIANNA ALTAMIRANO TO BE INJURED OR, HAVING CARE OR CUSTODY OF BRIANNA ALTAMIRANO CAUSING OR PERMITTING BRIANNA ALTAMIRANO TO BE PLACED IN A SITUATION WHERE HIS/HER PERSON OR HEALTH WAS ENDANGERED, IN VIOLATION OF A.R.S. § 13-3623 (B) (1), 13-3601.
- COUNT NINE: CHILD ABUSE, A PERSON UNDER EIGHTEEN YEARS, NON-DEATH OR SERIOUS PHYSICAL INJURY NOT LIKELY, DOMESTIC VIOLENCE, A CLASS FOUR FELONY ON OR ABOUT THE 1ST DAY OF SEPTEMBER, 2013 THROUGH THE 26TH DAY OF NOVEMBER, 2013, FERNANDO HERNANDEZ RICHTER AND SOPHIA LEEANN RICHTER, COMMITTED CHILD ABUSE UNDER CIRCUMSTANCES NOT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY BY INTENTIONALLY OR KNOWINGLY CAUSING PHYSICAL INJURY TO MARIAH PULIDO OR, HAVING CARE OR CUSTODY OF MARIAH PUIJIDO CAUSING OR PERMITTING THE PERSON OR HEALTH OF MARIAH PULIDO TO BE INJURED OR, HAVING CARE OR CUSTODY OF MARIAH PULIDO CAUSING OR PERMITTING MARIAH PULIDO TO BE PLACED IN A SITUATION WHERE HIS/HER PERSON OR HEALTH WAS ENDANGERED, IN VIOLATION OF A.R.S. § 13-3623 (B) (1), 13-3601.

