



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. BRAD ALAN BOWSHER
CR-10-0019-PR**

PARTIES:

Petitioner: Brad Bowsheer

Respondent: State of Arizona

FACTS:

Petitioner Bowsheer was charged in two unrelated indictments, with distinct victims and events. In case # CR-20071229, the state charged him with two counts each of fraudulent scheme and artifice and theft by control and one count of aggravated identity theft. In case # CR-20074297, the state charged him with one count each of fraudulent scheme and artifice and theft by control and three counts of forgery. He pled guilty in one plea agreement – to resolve both cases – to one amended count of theft by control in each case, agreeing also in each case also to pay restitution to the victims.

The trial court sentenced Bowsheer to four years' probation in each case, to be served consecutively, a six-month jail term as a condition of probation, and restitution of \$46,000. He petitioned for post-conviction relief, which the trial court denied. The court of appeals concluded the trial court had authority to impose consecutive terms of probation and did not abuse its discretion in denying relief.

ISSUE: Where a defendant is found guilty in two indictments alleging two separate crimes, is a trial court authorized by statute to suspend sentences in both cases but require probationary terms to be run consecutively?

DEFINITIONS:

Probation: A time period in which a person convicted of a crime is responsible to follow a list of rules and is accountable to a probation officer. Probation aims to keep less violent offenders integrated in their community as long as they follow the rules. If the probation officer thinks a probationer has seriously or repeatedly violated the rules, the probation officer may formally ask the court to send the person to serve the rest of the term in prison.

Suspended sentence: A prison term that is delayed to allow a probationer to succeed on probation. Each day successfully served in the suspended sentence lessens the term, until completion in the community or, if probation is revoked, in prison.

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