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11 **IN THE SUPERIOR COURT, THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF COCONINO**

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 TIMOTHY MAX DURAN,

17 Defendant.

Superior Court CR2019-00338

**ALLEGATION OF AGGRAVATING
FACTORS**

(Hon. Dan Slayton, Div. 2)

18 The State of Arizona hereby alleges the following aggravating factor pursuant to A.R.S.

19 §13-701(D):

- 20 1. The infliction of serious physical injury to the victim in addition to those injuries that caused
21 her death (Count 1)(A.R.S. § 13-701(D)(1));
- 22 2. Possession and use of dangerous instruments during the commission of the offense, to wit:
23 a screwdriver and a carving fork. (Counts 1 and 5)(A.R.S. § 13-701(D)(2));
- 24 3. The deceased victim's immediate family, and the surviving victims suffered emotional and
25 financial harm (A.R.S. § 13-701(D)(13));
- 26 4. The victim of the offense (Count 6) was over 65 years of age (A.R.S. § 13-701(D)(9));
5. The offense was committed in the presence of a child, and any of the circumstances
exist that are set forth in A.R.S. 13-3601, subsection A (A.R.S. § 13-701(D)(18));

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2. Any other factor relevant to the defendant's character or background or to the nature or circumstances of the crime (A.R.S. § 13-701(D)(27)), including:

a. The defendant broke into the home prior to the offense, knowing he was not supposed to be there, and was there in violation of an Order of Protection of which he was aware.

b. The defendant has two prior felony convictions, neither qualifying for enhancement as historical prior felony convictions.

RESPECTFULLY SUBMITTED this 20th day of September, 2021.

WILLIAM P. RING
COCONINO COUNTY ATTORNEY

By /s/ Bryan Shea
Bryan Shea
Deputy County Attorney

COPY of the foregoing
mailed/delivered this
20th day of September, 2021,
to:

Hon. Dan Slayton
Division 2
Coconino County Courthouse
Flagstaff, AZ 86001

Greg Parzych, Esq.
Attorney for Defendant

By: /s/Trevon Ferguson