

## PRESENTENCE REPORT - PART ONE

### STATEMENT OF OFFENSE:

Background: Around the end of February 2002, an acquaintance of the defendant brought him home to stay after the defendant was asked to leave his mother's residence. The acquaintance was the husband of one of two sisters and a cousin who lived in the same neighborhood. For about one month, the defendant stayed at all three womens' homes and had contact with their sons, the minor victims. The five victims range in age from nine to eleven years old.

Offense: The mother of one of the victims noted a burn mark on her son on March 29, 2002. When she asked him about the mark, he made allegations of sexual molestation by the defendant, so she called the Pima County Sheriff's Department (PCSD). Later that evening, forensic interviews were conducted with all five victims.

K [REDACTED] S [REDACTED] reported the defendant touched his penis and exposed his own penis. J [REDACTED] O [REDACTED] said he saw the defendant masturbate himself to the point of ejaculation, and he showed him magazines depicting naked, adult females. C [REDACTED] A [REDACTED] was anally penetrated by the defendant on March 27, 2002, as was his twin, C [REDACTED] A [REDACTED]. C [REDACTED] also was shown adult pornography, and, while the defendant showed him these images, he masturbated his own penis to the point of ejaculation. C [REDACTED] A [REDACTED] reported that, on March 27, 2002, the defendant performed oral sex on his younger brother, D [REDACTED] A [REDACTED], and had D [REDACTED] perform oral sex on him. D [REDACTED] A [REDACTED] also recalled the defendant had him perform mutual masturbation on March 27, 2002.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PIMA

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PATRICIA A. NOLAND  
CLERK, SUPERIOR COURT  
11-9-02  
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STATE OF ARIZONA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOSEPH DON ROSENBAUM, )  
 )  
Defendant. )

CAUSE NO. **CR 20021139**  
INDICTMENT  
BY DANA DEVL DEPUTY  
167-GJ-705

The grand jurors of the County of Pima, in the name of the State of Arizona, and by its authority accuse JOSEPH DON ROSENBAUM and charge that in Pima County:

**COUNT ONE: (PUBLIC SEXUAL INDECENCY TO A MINOR UNDER FIFTEEN, A CLASS FIVE FELONY)**

On or about the month of February, 2002 through the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed public sexual indecency to a minor by intentionally or knowingly committing an act of sexual contact by masturbating, while J [redacted] G [redacted], a minor under fifteen years of age was present, in violation of A.R.S. §§ 13-1403 (A), (1), (B) and (C), 13-603, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 38] [13-1403A1] [M]

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**COUNT TWO: (SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A CLASS TWO FELONY, A DANGEROUS CRIME AGAINST CHILDREN)**

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On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed sexual conduct with a minor, by intentionally or knowingly engaging in an act of sexual intercourse with C [redacted] A [redacted], a minor under the age of fifteen years, by penetrating the victim's anus with his penis, in violation of A.R.S. §§ 13-1405, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 43] [13-1405] [M] [C]

**COUNT THREE: (FURNISHING OBSCENE OR HARMFUL ITEMS TO MINORS, A CLASS FOUR FELONY)**

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM, with knowledge of the character of the item involved, recklessly furnished, presented, provided, made available, gave, lent, showed, advertised, distributed an item harmful to minors, to C [redacted] A [redacted] a minor under eighteen years of age, to wit: photographs of nude women including their genitals, in violation of A.R.S. §§ 13-3506 (A), 13-603, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804 and 13-811. [Field 2015] [13-3506A] [M]

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**COUNT FOUR: (PUBLIC SEXUAL INDECENCY TO A MINOR UNDER FIFTEEN, A CLASS FIVE FELONY)**

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed public sexual indecency to a minor by intentionally or knowingly committing an act of sexual contact by masturbating, while C. A. a minor under fifteen years of age was present, in violation of A.R.S. §§ 13-1403 (A), (1), (B) and (C), 13-603, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 38] [13-1403A1] [M]

**COUNT FIVE: (SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A CLASS TWO FELONY, & DANGEROUS CRIME AGAINST CHILDREN)**

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed sexual conduct with a minor, by intentionally or knowingly engaging in an act of sexual intercourse with C. A. a minor under the age of fifteen years, by penetrating the victim's anus with his penis, in violation of A.R.S. §§ 13-1405, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 43] [13-1405] [M] [C]

**COUNT SIX: (SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A CLASS TWO FELONY, & DANGEROUS CRIME AGAINST CHILDREN)**

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed sexual conduct with a minor, by intentionally or knowingly engaging in an act of oral sexual contact with D. A. a minor under the age of fifteen years, by inserting his penis into the victim's mouth, in violation of A.R.S. §§ 13-1405, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811, 13-812 and 13-902. [Field 432] [13-1405] [M] [C]

**COUNT SEVEN: (SEXUAL CONDUCT WITH A MINOR UNDER FIFTEEN, A CLASS TWO FELONY, & DANGEROUS CRIME AGAINST CHILDREN)**

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed sexual conduct with a minor, by intentionally or knowingly engaging in an act of oral sexual contact with D. A. a minor under the age of fifteen years, by placing his mouth on the victim's penis, in violation of A.R.S. §§ 13-1405, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811, 13-812 and 13-902. [Field 432] [13-1405] [M] [C]

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COUNT EIGHT: (MOLESTATION OF CHILD, A CLASS TWO FELONY, A DANGEROUS CRIME AGAINST CHILDREN)

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed molestation of a child by intentionally or knowingly engaging in sexual contact with D. A. a child under fifteen years of age, involving the genitals, by touching the victim's penis with his hand, in violation of A.R.S. §§ 13-1410, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 580] [M] [C]

COUNT NINE: (MOLESTATION OF CHILD, A CLASS TWO FELONY, A DANGEROUS CRIME AGAINST CHILDREN)

On or about the 27th day of March, 2002, JOSEPH DON ROSENBAUM committed molestation of a child by intentionally or knowingly engaging in sexual contact with D. A. a child under fifteen years of age, involving the genitals, by causing the victim to touch his penis, in violation of A.R.S. §§ 13-1410, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 580] [M] [C]

COUNT TEN: (MOLESTATION OF CHILD, A CLASS TWO FELONY, A DANGEROUS CRIME AGAINST CHILDREN)

On or about the month of March, 2002, JOSEPH DON ROSENBAUM committed molestation of a child by intentionally or knowingly engaging in sexual contact with K. S. a child under fifteen years of age, involving the genitals, by touching the victim's penis with his finger, in violation of A.R.S. §§ 13-1410, 13-603, 13-604.01, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 580] [M] [C]

COUNT ELEVEN: (INDECENT EXPOSURE TO A MINOR UNDER FIFTEEN, A CLASS SIX FELONY)

On or about the month of March, 2002, JOSEPH DON ROSENBAUM indecently exposed his genitals to K. S. a minor under the age of fifteen years, by showing the victim his penis, in violation of A.R.S. §§ 13-1402, 13-603, 13-701, 13-702, 13-702.02 (A) and (B), 13-801, 13-804, 13-811 and 13-902. [Field 36] [13-1402] [M]

PCSO 020329393

BARBARA LAMALL  
PIMA COUNTY ATTORNEYBy R. J. V. [Signature]Dated 4/9/02

A. J. [Signature]

[Signature]  
Foreperson of the Grand Jury