

IN THE SUPERIOR RCC-DT - State of Arizona - County of Maricopa

State of Arizona vs. <b>JUSTIN WADE LUNSFORD</b> Defendant	FILE NUMBER (DT OF CRT)	No. <b>PF2008143908001</b> Release Order Arr Ret: MC S01F-4
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IT IS HEREBY ORDERED that the defendant be released as indicated and must comply with A. J. release conditions.

STANDARD CONDITIONS

- Evidentiary Hearing \_\_\_\_\_ at \_\_\_\_\_ AM /PM  
201 W. Jefferson, Courtroom # \_\_\_\_\_, Phoenix, AZ, 85003-2232, (602) 506-8575.
- Status Conference 7-22-08 at 8:30 AM  
101 W. Jefferson Street, East Court Building, 7th Floor, Phoenix, AZ, 85003-2232, (602) 506-0519.
- Preliminary Hearing 7-25-08 at 8:30 AM  
101 W. Jefferson Street, East Court Building, 7th Floor, Phoenix, AZ, 85003-2232, (602) 506-0519.

Defendant must (a) appear to answer and submit to all further orders and processes of the court having jurisdiction of the case; (b) refrain from committing any criminal offense; (c) diligently prosecute any appeal; (d) not leave the state without permission of the court. If defendant violates any conditions of release and is found in any other jurisdiction, defendant hereby knowingly and voluntarily waives extradition. Defendant must appear at all court proceedings in this case or release conditions can be revoked, a warrant will issue and proceedings may go forward in the absence of the defendant.

RELEASE TYPE

- Own Recognizance: The defendant is released and promises to appear in court as required.
- Supervised Release: The defendant is released on own recognizance, subject to the supervision restrictions and conditions of the Probation Services Agency, including:
  - Drug and alcohol monitoring which may include testing, evaluation and treatment as directed by PSA
  - Electronic monitoring program:
  - House arrest (remain in your residence at all times).
  - Curfew (must remain in your residence between hours set by Probation Services).
- Secured Appearance Bond: The defendant will deposit with the Clerk of the above court the total sum of \$ 6000.00 which includes all applicable surcharges.
- No Bond: The defendant is held without bond pursuant to Arizona Constitution Article 2, Section 22.
- Third-Party Custody: The defendant will be placed in the custody of: Name: \_\_\_\_\_ Address: \_\_\_\_\_

OTHER CONDITIONS AND RESTRICTIONS

- The defendant is not to return to the scene of the alleged crime.
- The defendant is not to initiate contact of any nature with the alleged victim(s) and/or complainant, including arresting officers.
- The defendant is not to possess any weapons or any drugs without a valid prescription.
- The defendant is not to drink alcoholic beverages, or drive without a valid driver's license.
- The defendant is to continue to reside at the present address or provide the court with proof of current local address.
- The defendant is to contact the probation/parole officer \_\_\_\_\_
- The defendant must submit to DNA testing within five (5) days of release from custody of the arresting agency. Failure to comply with this order will result in the defendant's release being revoked.
- Other \_\_\_\_\_

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions and all other conditions of my release checked above, and the consequences of violating this release order as listed below. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date 7/15/2008 / Booking # P440379

Address: \_\_\_\_\_  
City, State, Zip Cave Creek AZ Telephone: \_\_\_\_\_  
Signature: [Signature] Defendant

Jerry Bejartain  
Judge/Commissioner

CONSEQUENCES OF VIOLATION: THIS ORDER: If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

IN THE MCDOWELL MTN JP (SCOTTSDALE) COURT  
STATE OF ARIZONA, COUNTY OF MARICOPA

\*\*\*\*FINAL\*\*\*\*

RELEASE QUESTIONNAIRE

DEFENDANT'S NAME JUSTIN WADE LUNSFORD

DOB 1981-11-30 BOOKING NO. P440379

ALIAS(ES) \_\_\_\_\_

CASE NO. PP2008143908001

A. GENERAL INFORMATION

Charges

1 Cca. 13-1105 MURDER 1ST DEGREE FL

Offense Location: 5536 E. SEVEN PALMS DRIVE

Offense Date: 2008-07-08

Arrest Location: 35325 N. 51ST STREET

Date: 2008-07-14 Time: 19:00

B. PROBABLE CAUSE STATEMENT

1. Please summarize and include the facts which establish probable cause for the arrest:

SEE ATTACHED PROBABLE CAUSE STATEMENT

C. OTHER INFORMATION (Check if applicable)

1.  Defendant is presently on probation, parole or any other form of release involving other charges or convictions:  
Explain:

2. List any prior:  
Arrests?

Convictions?

F.T.A.'s?

3. Is there any indication the defendant is:

An Alcoholic?  An Addict?

Mentally disturbed?  Physically ill?

4.  Defendant is currently employed  
With whom

How long:

5. Where does the defendant currently reside? [REDACTED]

With whom FATHER

How long: 25 years \_\_\_\_\_ months \_\_\_\_\_ days

6. What facts indicate the defendant will flee if released?

Explain: NATURE OF CHARGES

7. What facts does the state have to oppose an unsecured release? Explain: NATURE OF CHARGES

D. CIRCUMSTANCES OF THE OFFENSE (Check if applicable)

1.  Firearm or other weapon was used  
Type: SHARPENED INSTRUMENT

Someone was injured by the defendant

Medical attention was necessary

Nature of injuries: DEATH

2.  Someone was threatened by the defendant  
Nature and extent of threats:

3. If property offense, value of property taken or damaged:

Property was recovered

4. Name(s) of co-defendant(s):

DEFENDANT'S NAME JUSTIN WADE LUNSFORD

DOB 1981-11-30 BOOKING NO. P440379

\*\*\*\*FINAL\*\*\*\*

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**E. CRIMES OF VIOLENCE**

1. Relationship of defendant to victim:

Victim(s) and defendant reside together

2. How was the situation brought to the attention of the police?

Victim  Third Party  Officer observed

3.  There are previous incidents involving these same parties  
Explain:

4. Is defendant currently the subject of:

An order of protection  Any other court order

Injunction against harassment

Explain:

**F. DOMESTIC VIOLENCE ISSUES (Check if applicable)**

Defendant's actions

Threats of homicide/suicide/bodily harm

Control/ownership/jealousy issues  Crime occurs in public

Prior history of DV  Kidnapping

Frequency/intensity of DV increasing  Depression

Access to or use of weapons  Stalking behavior

Violence against children/animals

Multiple violations of court orders

**G. CIRCUMSTANCES OF THE ARREST (Check if applicable)**

1. Did the defendant attempt to:

Avoid arrest  Resist arrest  Self Surrender

Explain:

2.  Defendant was armed when arrested  
Type:

3.  Evidence of the offense was found in the defendant's possession

Explain:

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

Yes  No  Unk

**H. DRUG OFFENSES**

1. If the defendant is considered to be a drug dealer, please state the supporting facts:

2. What quantities and types of illegal drugs are directly involved in the offense?

Drug field test completed

Defendant admission of drug type

Approximate monetary value: \$

3. Was any money seized?

Yes  No

Amount: \$

"If a fugitive arrest, a form IVA must also be completed"

I certify that the information presented is true to the best of my knowledge.

P. SMITH/1189

ARRESTING OFFICER/SERIAL NUMBER

AZ0070000/602-876-4812

ARREST AGENCY/DUTY PHONE NUMBER

2008-07-14

DATE

## Probable Cause Statement

Justin W. Lunsford 11/30/1981 MCSO DR# 2008-124409  
Detective P. Smith #1189

On Tuesday, July 08, 2008 at approximately 1944 hours, the Maricopa County Sheriff's Office received a 911 call in reference to a house fire. The caller stated he had been driving by the address of 5536 East Seven Palms Drive within the Town of Cave Creek, County of Maricopa, State of Arizona, and saw smoke coming from the residence. The Sheriff's Office 911 call center then dispatched Deputies to the address along with fire personnel.

Upon fire personnel arriving on scene, they found the home was engulfed in flames and they began to fight the fire. Per fire personnel, they informed the Sheriff's Office that the fire appeared to be mostly in the kitchen area. The fire department conducted a search of the home for any persons possibly still in the residence, and they located a female that was in a far back bedroom of the residence. The female was found on a bed under several layers of blankets and sheets. Upon removing the blankets and sheets the female was discovered, and a large amount of blood soak was observed on the mattress of the bed. This female was then dragged outside and placed on the driveway of the home. It should be noted this female was nude when the fire department found her. Upon getting the female onto the driveway trauma was observed to the neck area, and it was unknown if this trauma was caused by a knife, gun, or blunt force. Fire personnel also informed Deputies that there was not a large amount of fire damage to the room the female had been found in. Fire personnel told Deputies the damage consisted of smoke damage and water damage.

While the fire department was fighting the fire a citizen arrived in the area of the fire and made contact with Sheriff's Deputies on scene. This citizen informed Deputies that a female by the name of Mary Elizabeth Herman, known as Liz, lived at the residence. When Detectives conducted an area canvas they learned that a male subject

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by the name of [REDACTED] also lived at the residence along with his wife who is not identified, and a 2 year old child. [REDACTED] and his family were not at home. Neighbors also informed Detectives that Mary drives a white Chevy pickup truck, and this vehicle was not located at the home. It should be noted Detectives were later able to contact Allen, and confirmed he had not been to the residence since June 26, 2008. Detectives also determined through [REDACTED] that his wife and child have been and are currently in the state of [REDACTED].

Upon conducting a record check of the address via the Sheriff's Office Dispatch center, Detectives were informed that a vehicle fire had been reported to the Sheriff's Office on July 8, 2008 at approximately 1416 hours, at the intersection of Cave Creek Road and New River Road. Upon Deputies arrival at the location they found a white Chevy pickup truck on fire. When Detectives reviewed this incident they found the vehicle from this fire was owned by Mary Elizabeth Polgar. Further records checks showed that Mary Elizabeth Herman is Mary Elizabeth Polgar, and Polgar appears to be her married name.

Detectives spoke with the citizen who contacted the Sheriff's Office about this vehicle fire, and found the following. The citizen told Detectives he had observed a white male subject 6 foot tall, approximately 200 pounds with blond / reddish hair. The citizen also observed this unidentified subject standing at Mary's vehicle looking into the vehicle while the vehicle was smoking. The citizen then observed the subject get into a 1990's model Dodge pickup truck green and silver in color, and travel northbound on Cave Creek Road, and then conduct a u-turn and then travel southbound on Cave Creek Road.

Detectives processed the crime scene at 5536 East Seven Palms Drive and the Detectives found clothing which they believed Mary was wearing prior to her death. This clothing consisted of a gray button down shirt which was soaked in what appeared to be blood. The buttons on this shirt had been ripped off, and there were puncture wounds in the shirt which appeared to be consistent with the wounds that

Mary had on her body. A tan pair of shorts also had blood on them and a small pink T-shirt was also located and had what appeared to be blood on it. It should be noted when these items of clothing were located all of these items were turned inside out leading Detectives to believe these items of clothing had been removed from the victim after she received the wounds to her body because she was found nude. Detectives also located blood spatter along the bedroom walls leading Detectives to believe this homicide may have occurred within the master bedroom.

Detectives also found blood inside the master bathroom which is connected to the bedroom where Mary was originally located. The blood was located on the wall next to the shower, the shower door, and bathtub. This lead Detectives to believe that after the homicide the suspect may have taken a shower. Also inside the master bathroom Detectives noted a small trash can. Inside the trash can Detectives found a beer bottle, several used condoms, and several used diaphragms.

While processing the outside of the residence, Detectives found several tire tracks that appeared to have been recently made in the dirt in the front yard. A gas can was located near the front door leading into the kitchen area.

At autopsy, the Maricopa County Medical Examiner determined that Mary had died of multiple stab wounds. Mary had been nearly decapitated and had deep wounds around her groin area in addition to stab wounds on her head, neck, abdomen and back.

During this investigation Detectives were able to speak with several investigative leads and Determined that Mary had been last seen at a local Cave Creek bar. Mary was seen at this bar with several subjects one of which was identified as Justin Lunsford. Detectives were able to contact Justin and learned the following information.

Justin told Detectives that he was introduced to Mary on July 7, 2008 at the Hideaway

bar located in Cave Creek Arizona. Justin stated after being at the bar he left the bar with Mary (traveling in her pickup truck), and they traveled to the area of Central Avenue and Bell Road to purchase some drugs from a drug dealer that Justin knows. Justin told Detectives that while at the drug dealer's home, they stayed at the residence for one (1) to two (2) hours and used some of the drugs. After leaving the drug dealer's house, Justin stated they then traveled to the Chevron gas station located at Cave Creek and Carefree Highway to purchase some beer. Justin said they then went to Mary's residence (located at 5536 East Seven Palms Drive) and found that the back doors to the home were open and there were some vehicles parked on Seven Palms Drive.

Justin told Detectives Mary started freaking out and called her roommate [REDACTED] and told him about what she had found at the residence. Justin said Mary told [REDACTED] that nothing appeared to be missing and then they stayed at her residence. It should be noted Detectives did make contact with Allen Blauer and confirmed he did speak with Mary about her returning home and finding the doors to the residence open. [REDACTED] also informed Detectives he believed someone was with Mary but he didn't know who that person was.

When Justin was asked if he had sexual relations with Mary he stated yes. Justin also told Detectives the sex was unprotected. Justin then stated sometime prior to the sun coming up he left and asked Mary to drive him to a friends residence, who he identified as Sam, where he stated he fell asleep on the front porch area because Sam didn't answer the door. Justin told Detectives when he woke up he didn't know what time it was but the sun was up and he then walked to the Circle K located next door to the Hideaway Bar, and called another friend, identified as Gerald Coco, who he had come pick him up and give him a ride to his father's residence. It should be noted that Justin told Detectives that he initially arrived at the bar with his friend who he identified as Sam. Justin stated he got to Sam's house via his motorcycle and he left the motorcycle at Sam's. It should also be noted that when Detectives dropped Justin off at his father's residence they observed a 1990's model pickup truck green and

silver in color matching the description of the truck that was seen at Mary's vehicle as it was beginning to catch fire.

Detectives were able to subpoena Mary's cell phone records, and found that Mary's phone had attempted to make contact with Justin's cell phone number at 0300 hours, and 0519 hours. Detective know the cell phone number is Justin's based on the fact that during his interview he provided this phone number as his cellular telephone number. Detectives also noted several telephone calls to a . The phone number of was given to Detectives by Justin as being the telephone number of his drug connection that he bought drugs from while he was with Mary.

Detectives noted that Justin claimed that he had been with Mary all night but her phone records conflicted these statements. In addition, there were several telephone calls to the drug dealer, including the very last telephone call made from Mary's phone. Mary did not know the drug dealer prior to her first contact with him through Justin. There were also two other phone numbers called during the early morning hours on Tuesday, July 08, 2008. Detectives found that one number belonged to a subject identified as Zach Schaefer and the other one is still unknown.

Detectives located Gerald Coco who provided Detectives with further information. Gerald initially stated that he did pick Justin up from the Circle K store and that he spent the entire day of Tuesday, July 08, 2008 with him. Gerald told Detectives that Justin used his cell phone during the day, telling Gerald that he didn't have minutes left on his cell phone. Due to these statements, Detectives believed that the phone calls being made from Mary's cell phone were being made by Justin because the persons being contacted were not known to Mary prior to that evening. Gerald essentially told Detectives that Justin's account of his whereabouts with him were true.

Detectives then received a telephone call from Gerald shortly after concluding their first contact with him. Gerald stated that he wanted to speak with Detectives again

and requested that they come to his residence. Detectives responded to Gerald's house, where he agreed to speak further about Justin and the happenings of Tuesday, July 8, 2008.

Gerald stated that he had been called by Justin and Gerald went to the Circle K next to the Hide-A-Way bar, and picked Justin up. Gerald stated that after picking Justin up, he transported him to his father's residence where Justin got out of the vehicle and went inside the house and cleaned himself up. Gerald told Detectives he waited in his vehicle while Gerald was cleaning up.

Gerald told Detectives after Justin cleaned up, they went to a local bar, which he identified as Gallagher's restaurant /bar, where they began to drink some alcohol. Gerald told Detectives he could tell that something was on Justin's mind, and he continued to ask him what was going on. Justin then told Gerald that he had met a female at a bar in Cave Creek who he (Justin) identified as Mary. Justin said after meeting this female they drove to an apartment in the area of Bell Road and Central Avenue where they obtained some drugs from a subject who Justin identified as Freddie.

Gerald told Detectives Justin then informed him that while at this drug dealer's apartment the female caused the drug dealer to become suspicious of her because she was talking a lot and walking around the apartment. Justin then told Gerald they then returned to Mary's home where they found some cars on the street in front of the house, and the back door to the house was open. Justin told Gerald that this seemed to freak the female out, but he did go into the residence with her.

Gerald stated Justin told him after he had been at the residence for an unspecified amount of time, he was somewhere in the home he was struck by something and knocked out. Justin told Gerald when he woke up he was in a bathtub lying on ice bound with his hands in front of him, and the female was lying next to him with her throat slit. Justin stated he was covered in blood and he was able to break out

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of his restraints and took the female from the tub and put her somewhere but didn't tell Gerald where he put her down in the residence.

Gerald then changed his story saying that Justin told him that he went to his father's home and cleaned up first and then called him, and he picked Justin up from his father home. Justin then reversed his story and again stated he actually picked Justin up at a Circle K store. Justin told Gerald that he believed the drug dealers were framing him and he needed to get rid of the evidence. Justin also told Gerald he purchased some gasoline and set the female's vehicle on fire, and returned to the residence pouring gasoline onto the female and the house, and set the house on fire. Again Justin told Gerald he burned the truck and the house because he needed to get rid of the evidence because he was being framed.

Detectives were also able to contact a subject identified as Maxwell Piper who had been identified as having contact with Justin on Tuesday, July 8, 2008. This information was given to Detectives by Justin himself when he was initially interviewed by Detectives. In speaking with Detectives, Max said that Justin had come over to his residence three times on the day in question. Maxwell stated he first had contact with Justin when he got off from work sometime around 1700 hours. Maxwell said when Justin arrived he stated he needed to use his cell phone because he had "to take care of some business". Maxwell told Detectives he then went up and took a shower and when he came back down stairs Justin was not there.

Maxwell stated he then asked his roommate who was identified as Andrew Philips where Justin had gone to. Maxwell said that Andrew told him that Justin had been having a bad day and then Andrew went on to say that Justin had stopped by their house around 0730 hours and provided him with the following information. Andrew said Justin told him that he had been out in the desert in his vehicle and a female had been with some other subjects in her vehicle, and an altercation occurred. Andrew told Maxwell that Justin informed him that this female hit the ground, and Justin believed this female was dead, and he had to take care of her truck. Maxwell said

after this conversation with Andrew he kind of started to forget about the story and began to watch a movie with his roommate.

Maxwell said Justin then returned to his residence and began knocking and ringing the door bell. Maxwell said when he opened the door, Justin came inside and said that Freddie had been taken care of and the apartment complex where Freddie lived would not be getting a check from them anymore. Maxwell then asked Justin if he this had something to do with what happened in the desert and Justin said yes. Maxwell then told Detectives that Justin started to tell him that he had been out in the desert and there had been an altercation and this female had hit the ground. Justin then told Maxwell that he had gone to Freddie's house and put some work in and he had taken care of what had happened in the desert and there was no problem anymore. Maxwell said that he told Justin that Andrew had told him what had occurred and he didn't want to get involved with what had happened, and he asked Justin if he had hurt anyone. Justin told Maxwell that he had not hurt anyone and the problem had been taken care of and it was all good now. Maxwell stated Justin also had a friend with him and provided a physical description of a male subject that matched the physical description of Gerald.

Detectives then asked Maxwell if he would accompany them to make contact with Andrew and he agreed. Upon making contact with Andrew, Detectives asked Andrew what Justin had told him, and he stated that he had not seen Justin on Tuesday, July 8, 2008 and Justin had not told him anything about any crime that he may have committed. Andrew continued to tell Detectives he had not seen Justin and that Justin had not provided him with any information regarding what the Detectives were asking about. During the contact with Andrew, Maxwell informed him that he had told Detectives that he (Andrew) had seen Justin the day in question and Andrew continued to deny that he had seen Justin and that he had no information about Justin or what he may have done.

On July 14, 2008, at approximately 1900 hours, Justin Lunsford was taken into

07/15/2008 14:13

07/15/08 14:06

CRIMINAL COURT ADMINISTRATION → 66174

NO. 753 012

NO. 629 P011/011

custody without incident at his residence of [REDACTED] Cave Creek,  
Arizona.