# 2nd District- Farmington DAVIS COUNTY, STATE OF UTAH

STATE OF UTAH vs. ANDRES ESQUIVEL

CASE NUMBER 111701135 State Felony

## CHARGES

Charge 1 - 61-1-1 - SECURITIES FRAUD 2nd Degree Felony

Offense Date: March 01, 2008

Plea: March 21, 2012 Not Guilty

Disposition: August 19, 2014 Dismissed (w/o prej)

Charge 2 - 61-1-1 - SECURITIES FRAUD 3rd Degree Felony

Offense Date: March 01, 2008

Plea: August 19, 2014 Guilty

Disposition: August 19, 2014 Guilty

Charge 3 - 61-1-1 - SECURITIES FRAUD 3rd Degree Felony

Offense Date: March 01, 2008

Plea: August 19, 2014 Guilty

Disposition: August 19, 2014 Guilty

## CURRENT ASSIGNED JUDGE

DAVID CONNORS

## PARTIES

Defendant - ANDRES ESQUIVEL

Represented by: C MARKLEY ARRINGTON

Plaintiff - STATE OF UTAH

Represented by: GAGE H ARNOLD

Bondsman - SUN SURETY BAIL BONDS

# DEFENDANT INFORMATION

Defendant Name: ANDRES ESQUIVEL
Offense tracking number: 36717973
Date of Birth: September 08, 1970

Law Enforcement Agency: COMMERCE/BUSINESS RG

Prosecuting Agency: DAVIS COUNTY

## ACCOUNT SUMMARY

TOTAL REVENUE Amount Due: 1,024.85

Amount Paid: 164.98

Credit: 0.00

Balance:	859.87
BAIL/CASH BONDS Posted:	100.00
Forfeited:	100.00
Refunded:	0.00
Balance:	0.00
PAPER BOND TOTALS Posted:	10,000.00
Forfeited:	0.00
Exonerated:	10,000.00
Balance:	0.00
TRUST TOTALS Trust Due:	13,061.85
Amount Paid:	5,450.00
Credit:	0.00
Trust Balance Due:	7,611.85
Balance Payable:	600.00
REVENUE DETAIL - TYPE: FINE	
Amount Due:	800.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	800.00
REVENUE DETAIL - TYPE: COPY F	'EE
Amount Due:	0.25
Amount Paid:	0.25
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: AUDIO	TAPE COPY
Amount Due:	10.00
Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: POSTAG	E-COPIES
Amount Due:	1.56
Amount Paid:	1.56
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: AUDIO	TAPE COPY
Amount Due:	10.00
Amount Paid:	10.00

Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due:

10.00 Amount Paid:

Amount Credit: 0.00

> Balance: 0.00

REVENUE DETAIL - TYPE: POSTAGE-COPIES

1.56 Amount Due:

Amount Paid: 1.56

0.00 Amount Credit:

> Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00

Amount Paid: 10.00

0.00 Amount Credit:

> 0.00 Balance:

REVENUE DETAIL - TYPE: POSTAGE-COPIES

Amount Due: 1.56

Amount Paid: 1.56

Amount Credit: 0.00

Balance:

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

10.00 Amount Due:

10.00 Amount Paid:

0.00 Amount Credit:

> 0.00 Balance:

REVENUE DETAIL - TYPE: POSTAGE-COPIES

2.10 Amount Due:

Amount Paid: 2.10

Amount Credit: 0.00

Balance:

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

10.00 Amount Due:

10.00 Amount Paid:

Amount Credit: 0.00

> Balance: 0.00

REVENUE DETAIL - TYPE: COPY FEE

2.75 Amount Due:

Amount Paid: 2.75

Amount Credit: 0.00

Balance: 0.00 REVENUE DETAIL - TYPE: AUDIO TAPE COPY Amount Due: 10.00 Amount Paid: 10.00 Amount Credit: 0.00 Balance: REVENUE DETAIL - TYPE: AUDIO TAPE COPY 10.00 Amount Due: Amount Paid: 10.00 Amount Credit: 0.00 Balance: 0.00 REVENUE DETAIL - TYPE: POSTAGE-COPIES Amount Due: 2.10 Amount Paid: 2.10 Amount Credit: 0.00 Balance: 0.00 REVENUE DETAIL - TYPE: COPY FEE Amount Due: 0.50 Amount Paid: 0.50 Amount Credit: 0.00 Balance: REVENUE DETAIL - TYPE: AUDIO TAPE COPY 10.00 Amount Due: Amount Paid: 10.00 Amount Credit: 0.00 0.00 Balance: REVENUE DETAIL - TYPE: POSTAGE-COPIES 2.10 Amount Due: 2.10 Amount Paid: Amount Credit: 0.00 Balance: REVENUE DETAIL - TYPE: AUDIO TAPE COPY 10.00 Amount Due: 10.00 Amount Paid: Amount Credit: 0.00

REVENUE DETAIL - TYPE: COPY FEE

Amount Due: 0.50

0.00

Amount Paid: 0.50

Balance:

Amount Credit: 0.00

Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 20.00

Amount Paid: 20.00

Amount Credit: 0.00

Balance: 0.00

REVENUE DETAIL - TYPE: INTEREST

Amount Paid: 0.00

Amount Credit: 0.00

Balance: 59.87

Account Adjustments

Date Amount Reason

Apr 11, 2018 59.87 Interest Posted to Date

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00

Amended Amount Due: 0.00

Amount Paid: 0.00

Amount Credit: 0.00

Balance: 0.00

Account Adjustments

Date Amount Reason

Jan 18, 2017 -10.00 Voiding and starting over so a

payment can be taken.

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00

Amended Amount Due: 0.00

Amount Paid: 0.00

Amount Credit: 0.00

Balance: 0.00

Account Adjustments

Date Amount Reason

Jan 18, 2017 -10.00 Setup twice in error.

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00

Amount Paid: 10.00

Amount Credit: 0.00

Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00

Amended Amount Due: 0.00

Amount Paid: 0.00
Amount Credit: 0.00

Balance: 0.00

Account Adjustments

Date Amount Reason

Mar 08, 2017 -10.00 Webpayment will not work if there's a balance owing on this case. Clerk will get payment

another way.

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00

Amount Paid: 10.00

Amount Credit: 0.00

Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00

Amount Paid: 10.00

Amount Credit: 0.00

Balance: 0.00

BAIL/CASH BOND DETAIL - TYPE: BAIL

Posted By: ANDRES ESQUIVEL

Posted: 100.00
Forfeited: 100.00
Refunded: 0.00

Balance: 0.00

NONMONETARY BOND DETAIL - TYPE: Surety

Posted By: SUN SURETY BAIL BONDS (#005030)

Posted: 10,000.00
Forfeited: 0.00
Exonerated: 10,000.00

Balance: 0.00

TRUST DETAIL

Trust Description: Attorney Fees

Recipient: DAVIS COUNTY TREASURER

Amount Due: 500.00
Paid In: 0.00
Paid Out: 0.00

TRUST DETAIL

Trust Description: Interest Attrny Fees

Recipient: DAVIS COUNTY TREASURER

Amount Due: 37.42
Paid In: 0.00
Paid Out: 0.00

Account Adjustments

Date Amount Reason

Apr 11, 2018 37.42 Interest Posted to Date

TRUST DETAIL

Trust Description: Interest on Rstitutn

Recipient: RYION BUTCHER

Amount Due: 313.64

Paid In: 311.87

Paid Out: 303.37

Account Adjustments

Date Amount Reason

Apr 11, 2018 313.64 Interest Posted to Date

TRUST DETAIL

Trust Description: Interest on Rstitutn

Recipient: KYLE CLUFF

Amount Due: 368.26

Paid In: 366.18

Paid Out: 356.21

Account Adjustments

Date Amount Reason

Apr 11, 2018 368.26 Interest Posted to Date

TRUST DETAIL

Trust Description: Interest on Rstitutn

Recipient: CHRISTOPHER ENGELBRECHT

Amount Due: 122.53
Paid In: 121.83
Paid Out: 118.50

Account Adjustments

Date Amount Reason

Apr 11, 2018 122.53 Interest Posted to Date

TRUST DETAIL

Trust Description: Restitution

Recipient: CHRISTOPHER ENGELBRECHT

Amount Due: 1,785.22

Paid In: 708.32

Paid Out: 620.25

TRUST DETAIL

Trust Description: Restitution

Recipient: RYION BUTCHER

Amount Due: 4,569.35

Paid In: 1,812.96

Paid Out: 1,587.54

TRUST DETAIL

Trust Description: Restitution

Recipient: KYLE CLUFF

Amount Due: 5,365.43

Paid In: 2,128.84

Paid Out: 1,864.13

## **PROCEEDINGS**

07-19-11 Case filed

07-19-11 Filed: From an Information

07-19-11 Judge DAVID CONNORS assigned.

07-19-11 Filed: Information

07-19-11 Filed: Declaration For Warrant Of Arrest

07-19-11 Filed order: Warrant Of Arrest

Judge MICHAEL G ALLPHIN

Signed July 15, 2011

07-19-11 Warrant ordered on: July 19, 2011 Warrant Num: 985244280 Bail

Allowed

Bail amount: 10000.00

07-19-11 Warrant issued on: July 19, 2011 Warrant Num: 985244280 Bail

Allowed

Bail amount: 10000.00

Judge: MICHAEL G ALLPHIN

Issue reason: Declaration for Warrant of Arrest

07-27-11 INITIAL APPEARANCE scheduled on August 15, 2011 at 01:30 PM in

Central Calendar with Judge JUDGE.

08-01-11 INITIAL APPEARANCE rescheduled to August 03, 2011 at 01:30 PM

in Central Calendar with Judge JUDGE.

08-02-11 Warrant recalled on: August 02, 2011 Warrant num: 985244280

Recall reason: Bail or bond was posted

08-02-11 Fee Account created Total Due: 0.25

# CASE NUMBER 111701135 State Felony

08-02-11 COPY FEE Payment Received: 0.25

08-02-11 Filed: Recall Of Arrest Warrant

08-02-11 Filed: Undertaking Of Bail-Jefferson Co., CO

08-02-11 Filed: SUN SURETY BAIL BONDS 10000.00

08-02-11 Bond Account created Total Due: 10000.00

08-02-11 Bond Posted Non-Monetary Bond: 10,000.00

08-03-11 Minute Entry - Minutes for Initial Appearance

Judge: MICHAEL G ALLPHIN

PRESENT

Clerk: dianek

Prosecutor: MAJOR, STEVEN V

Defendant Present

Defendant's Attorney(s): RYAN J BUSHELL

Audio

Tape Number: 7-080311 Tape Count: 2:36-37

INITIAL APPEARANCE

A copy of the Information is given to the defendant.

Defendant waives reading of Information.

Advised of charges and penalties.

Defendant is retaining his own attorney.

ROLL CALL is scheduled.

Date: 08/24/2011 Time: 01:30 p.m.

Location: Central Calendar

800 West State Street

Farmington, UT 84025

Before Judge: ROTATION JUDGE

08-03-11 Filed: Notice of Hearing

08-05-11 ROLL CALL scheduled on August 24, 2011 at 01:30 PM in Central

Calendar with Judge JUDGE.

08-24-11 Minute Entry - Minutes for ROLL CALL

Judge: MICHAEL G ALLPHIN

PRESENT

Clerk: pamc

Prosecutor: NELSON, JASON C

Defendant Present

Defendant's Attorney(s): RONALD S FUJINO

Video

Tape Number: 7-08242011 Tape Count: 2:16-17

HEARING

Roll call is continued. The defendant will retain private counsel.

2ND ROLL CALL is scheduled.

Date: 09/21/2011 Time: 01:30 p.m.

Location: Central Calendar

800 West State Street

Farmington, UT 84025

Before Judge: ROTATION JUDGE

08-25-11 Filed: Court Notice for Roll Call

08-25-11 2ND ROLL CALL scheduled on September 21, 2011 at 01:30 PM in

Central Calendar with Judge JUDGE.

09-21-11 Minute Entry - Minutes for ROLL CALL

Judge: JOHN R MORRIS

PRESENT

Clerk: pamc

Prosecutor: MAJOR, STEVEN V

Defendant not present

Audio

Tape Number: 6-09212011 Tape Count: 2:29-32

HEARING

Mr. Majors states the defendant has called and is out of State. The Court finds that Defendant has failed to appear and will issue

a no bail bench warrant.

09-22-11 Notice - WARRANT for Case 111701135 ID 14041858

09-22-11 Warrant ordered on: September 22, 2011 Warrant Num: 985250576

No Bail

09-22-11 Warrant issued on: September 22, 2011 Warrant Num: 985250576 No

Judge: JOHN R MORRIS

Issue reason: Issue warrant on Failure to Appear

- 09-22-11 RBW/3RD ROLL CALL scheduled on September 28, 2011 at 01:30 PM in Central Calendar with Judge JUDGE.
- 09-23-11 RBW/3RD ROLL CALL rescheduled to September 30, 2011 at 01:30 PM in Central Calendar with Judge JUDGE.
- 09-26-11 Filed order: Arrest Warrant

Judge JOHN R MORRIS

Signed September 23, 2011

09-30-11 Warrant recalled on: September 30, 2011 Warrant num: 985250576

Recall reason: Defendant appeared before the Court

- 09-30-11 PRELIMINARY HEARING scheduled on October 26, 2011 at 02:30 PM in Central Calendar with Judge JUDGE.
- 09-30-11 Minute Entry Minutes for RBW/3RD ROLL CALL

Judge: DAVID CONNORS

PRESENT

Clerk: dianek

Prosecutor: JOHNSON, MATTHEW T

Defendant Present

Defendant's Attorney(s): RYAN J BUSHELL

Audio

Tape Number: 6-093011 Tape Count: 2:28-30

HEARING

Defendant wants to represent himself and demands a Preliminary Hearing. The warrant is ordered recalled.

PRELIMINARY HEARING is scheduled.

Date: 10/26/2011 Time: 02:30 p.m.

Location: Central Calendar

800 West State Street

Farmington, UT 84025

Before Judge: ROTATION JUDGE

# CASE NUMBER 111701135 State Felony

10-03-11 Filed: Hearing Notice

10-25-11 Filed: Amended Information

10-26-11 Minute Entry - Minutes for Preliminary Hearing

Judge: MICHAEL G ALLPHIN

PRESENT

Clerk: dianek

Prosecutor: SJOBERG, KATHI

Defendant Present Defendant pro se

Audio

Tape Number: 7-102611 Tape Count: 3:59-4:01

HEARING

Defendant conditionally waives his preliminary hearing and State consents to the waiver. The case is bound over. The amended information is provided to the defendant. He will be retaining private counsel.

FELONY ARRAIGNMENT is scheduled.

Date: 11/22/2011 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

- 10-26-11 FELONY ARRAIGNMENT scheduled on November 22, 2011 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 10-27-11 Filed: Hearing Notice
- 10-28-11 Filed order: Bind-Over Order

Judge MICHAEL G ALLPHIN Signed October 28, 2011

- 11-17-11 Filed: Faxed letter from Defendant
- 11-18-11 FELONY ARRAIGNMENT rescheduled to December 06, 2011 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 12-06-11 Minute Entry Minutes for Arraignment

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): HOLJE, MICHAEL T

Tape Number: 5-120611 Tape Count: 8.50-8.52

#### ARRATGNMENT

Defendant waives reading of Information.

Advised of rights and penalties.

Defendant is arraigned.

Defendant pleads not guilty. A pretrial conference is set for

1/17/2012 at 8:30 a.m.

PRETRIAL CONFERENCE is scheduled.

Date: 01/17/2012 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

12-08-11 Filed: Appearance Of Counsel

12-08-11 Filed: Request For Discovery

12-12-11 PRETRIAL CONFERENCE scheduled on January 17, 2012 at 08:34 AM in Courtroom 5 with Judge CONNORS.

01-17-12 REMANDED PRELIMINARY HRG scheduled on February 17, 2012 at 02:30 PM in Central Calendar with Judge JUDGE.

01-17-12 Filed: Hearing Notice

01-17-12 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): HOLJE, MICHAEL T

Audio

Tape Number: 5-011712 Tape Count: 10.12-10.14

#### HEARING

At the request of Mr. Holje, this matter is remanded back to the central arraignment calendar for a preliminary hearing. Counsel is to contact the central arraignment clerk.

02-06-12 REMANDED PRELIMINARY HRG scheduled on March 21, 2012 at 02:30 PM in Central Calendar with Judge JUDGE.

03-21-12 Minute Entry - Minutes for REMANDED PRELIMINARY HEARING

Judge: MICHAEL G ALLPHIN

PRESENT

Clerk: dianek

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): HOLJE, MICHAEL T

Audio

Tape Number: 7-032112 Tape Count: 3:12-5:55

# ARRAIGNMENT

Defendant waives reading of Information.

Advised of rights and penalties.

Defendant is arraigned.

HEARING

- 3:12-State invokes the exclusionary rule.
- 3:16-State's 1st witness, Kyle Cluff, is sworn and testifies.
- 3:30-State offers Exhibit's #1 & 3
- 3:31-Exhibit's received.
- 3:34-Defense cross examines witness.
- 3:56-State re-directs witness.
- 4:00-State 1st witness is excused.
- 4:01-State's 2nd witness, Christopher Paul Engelbrecht, is sworn and testifies.
  - 4:13-State moves to accept Exhibit #2; received.
- 4:25-Witness is excused. State's 3rd witness, Ryion Butcher, is sworn and testifies.
  - 4:36-State moves to accept Exhibit #4; received.

- 4:40-Defense cross examines witness.
- 4:57-Witness is excused.
- 4:58-State's 4th witness, Adam Sweet, is sworn and testifies.
- 5:03-Defense cross examines witness.
- 5:08-Witness is excused.
- 5:09-State's 5th witness, Thomas Brady, is sworn and testifes.
- 5:35-Defense cross examines witness.
- 5:43-Witness excused. Defense argues.
- 5:45-Based on the testimony of witnesses, the Court finds probable cause and the case is bound over.
- 5:49-Exhibits withdrawn. Counsel asks to waive appearance of defendant at arraignment.
  - 5:51-Court arraigns defendant.

## CASE BOUNDOVER

This case is bound over. An Arraignment hearing has been set on 4/24/2012 at 8:30 AM in courtroom 5 before Judge DAVID CONNORS.

- 03-21-12 ARRAIGNMENT scheduled on April 24, 2012 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 03-21-12 Note: Case Bound Over
- 03-21-12 FELONY ARRAIGNMENT Modified.

Reason: Correct calendar

- 03-21-12 PRETRIAL CONFERENCE scheduled on April 24, 2012 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 03-22-12 Filed: Hearing Notice
- 03-22-12 Note: Case Bound Over
- 03-27-12 Filed order: Bind-Over Order

Judge MICHAEL G ALLPHIN

Signed March 23, 2012

- 04-02-12 Fee Account created Total Due: 10.00 04-02-12 Fee Account created Total Due: 1.56
- 04-02-12 AUDIO TAPE COPY Payment Received: 10.00

Note: POSTAGE-COPIES

- 04-02-12 POSTAGE-COPIES Payment Received: 1.56
- 04-02-12 Note: CD copy request placed inbasket to be completed
- 04-02-12 Note: CD for hearing 3/21/12 completed and mailed to Darryl
- Printed: 04/11/18 11:47:23 Page 15

Acumen.

04-02-12 Fee Account created Total Due: 10.00

04-02-12 AUDIO TAPE COPY Payment Received: 10.00

04-02-12 Note: Tape rqst put in basket

04-05-12 Note: Called Allen Brady to let him know CD request is ready for pickup. No answer and no message could be left.

04-19-12 PRETRIAL CONFERENCE rescheduled to April 24, 2012 at 08:34 AM in Courtroom 5 with Judge CONNORS.

04-24-12 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): HOLJE, MICHAEL T

Audio

Tape Number: 5-042412 Tape Count: 9.07-9.09

**HEARING** 

At the request of defense counsel, this matter is continued to 6/19/2012 at 8:30 a.m.

2ND PTC is scheduled.

Date: 06/19/2012 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

04-25-12 2ND PTC scheduled on June 19, 2012 at 08:34 AM in Courtroom 5 with Judge CONNORS.

05-16-12 Filed: MotionTo Withdraw As Counsel

Filed by: HOLJE, MICHAEL T

05-16-12 Note: Order to DMC 5/29

06-07-12 Note: Per Judge Connors, INJA contacted Mr. Lyon/Prosecutor in regards to the Motion and Order to Withdraw as Counsel from defense counsel, Michael Holje. Mr. Lyon had no

objections to the motion. Order was sent to DMC.

06-08-12 Filed order: Order Granting Counsel's Motion to Withdraw

Judge DAVID CONNORS

Signed June 08, 2012

06-19-12 Fee Account created Total Due: 10.00

06-19-12 Fee Account created Total Due: 1.56

06-19-12 AUDIO TAPE COPY Payment Received: 10.00

Note: POSTAGE-COPIES

06-19-12 POSTAGE-COPIES Payment Received: 1.56

06-19-12 Minute Entry - Minutes for 2ND PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Audio

Tape Number: 5-061912 Tape Count: 8.51-8.56

**HEARING** 

There is no resolution. A 3-day jury trial is set for October 24, 25, and 26, 2012 at 8:30 a.m. A final pretrial conference is set for 8/14/2012 at 8:30 a.m.

Defendant indicates that he will represent himself. State has no objections.

JURY TRIAL is scheduled.

Date:

FINAL PTC.

Date: 08/14/2012 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

Date: 10/24/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/25/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/26/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

06-19-12 JURY TRIAL scheduled on October 24, 2012 at 08:30 AM in Courtroom 5 with Judge CONNORS.

06-19-12 JURY TRIAL scheduled on October 25, 2012 at 08:30 AM in Courtroom 5 with Judge CONNORS.

06-19-12 JURY TRIAL scheduled on October 26, 2012 at 08:30 AM in Courtroom 5 with Judge CONNORS.

06-22-12 Notice - NOTICE for Case 111701135 ID 14591486

JURY TRIAL is scheduled.

Date: 10/24/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/25/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/26/2012 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

DAVIS COUNTY JUDGES REQUIRE THAT COURTESY COPIES OF ALL MOTION-RELATED PLEADINGS ARE REQUIRED TO BE SUBMITTED TO THE ASSIGNED JUDGE, BY THE MOVING PARTY, A MINIMUM OF 7 BUSINESS DAYS PRIOR TO ANY MOTION HEARING.

06-22-12 FINAL PTC scheduled on August 14, 2012 at 08:34 AM in Courtroom 5 with Judge CONNORS.

06-25-12 Note: CD COPIED AND MAILED TO BRIAN DOUBLEDAY

07-17-12 Filed: Motion For Discovery And Supporting Memorandum

Filed by: STATE OF UTAH,

07-17-12 Filed order: Order For Discovery

Judge DAVID CONNORS

Signed July 17, 2012

07-21-12 Filed: TRANSCRIPT for Hearing of 03-21-2012

08-14-12 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-081412 Tape Count: 12.28 & 1.15

HEARING

The parties are unable to reach a resolution.

Defendant requests to proceed with the trial and will represent himself.

Mr. Lyon indicates he had advised the defendant the Right to Counsel and asks the Court to recite the defendant's rights to him. The Court advises the defendant of his Right to Counsel.

Defendant acknowledges his rights and waives his Right to Counsel. Defendant requests to proceed with the trial.

Based on the record, the jury trial scheduled for October 24, 25, and 26, 2012 at 8:30 a.m. will go forward.

TIME: 1:15 PM

This matter is recalled on the court's calendar.

Mr. Arrington indicates that the defendant has changed his mind and would like to be represented by counsel. Defendant is indigent and requests a public defender to represent him. Mr. Arrington requests the Court to appoint Mr.

Albright to represent the defendant.

State has no objections.

Under the circumstances, the Court grants the request and appoints Mr. Albright as public defender. Mr. Arrington will notify Mr. Albright.

A pretrial conference is set for 8/28/2012 at 8:30 a.m. The Court will leave the jury trial dates in place until Mr. Albright has had a chance to review the case.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints WILLIAM J ALBRIGHT to represent the defendant.

# Appointed Counsel:

Name: WILLIAM J ALBRIGHT

Address: 2612 S 450 E

City: BOUNTIFUL UT 84010

Phone: (801)991-0569

PRETRIAL CONFERENCE is scheduled.

Date: 08/28/2012 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

08-16-12 PRETRIAL CONFERENCE scheduled on August 28, 2012 at 08:54 AM in

Courtroom 5 with Judge CONNORS.

08-28-12 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-082812 Tape Count: 9.06-9.07

HEARING

At the request of defense counsel, this matter is continued to

9/18/2012 at 8:30 a.m.

2ND PTC is scheduled.

Date: 09/18/2012 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

09-04-12 2ND PTC scheduled on September 18, 2012 at 08:54 AM in

Courtroom 5 with Judge CONNORS.

09-18-12 Minute Entry - Minutes for 2ND PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-091812 Tape Count: 10.01-10.04

HEARING

Mr. Albright is still reviewing the case with the investigator. At the request of Mr. Albright, this matter is continued to 10/2/2012 at 8:30 a.m.

3RD PTC is scheduled.

Date: 10/02/2012 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

09-24-12 3RD PTC scheduled on October 02, 2012 at 08:54 AM in Courtroom

5 with Judge CONNORS.

10-02-12 Minute Entry - Minutes for 3RD PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-100212 Tape Count: 10.05-10.07

HEARING

The State has received additional discovery from Mr. Albright that need to be reviewed. Mr. Lyon requests to have the jury trial stricken. Mr. Albright has no objections.

Under the circumstances, the Court strikes the jury trial dates

and continues this matter to November 13, 2012 at 8:30 a.m.

4TH PTC is scheduled.

Date: 11/13/2012 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

10-03-12 JURY TRIAL Cancelled.

10-12-12 4TH PTC scheduled on November 13, 2012 at 08:54 AM in Courtroom

5 with Judge CONNORS.

11-13-12 Minute Entry - Minutes for 4TH PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-111312 Tape Count: 11.16-11.18

HEARING

There is no resolution. A 2-day Jury Trial is set for February 27 and 28, 2013 at 8:30 a.m. A final pretrial conference is set for January 15, 2013 at 8:30 a.m.

JURY TRIAL is scheduled.

Date:

FINAL PTC.

Date: 02/27/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 02/28/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date:

Date: 01/15/2013 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

11-13-12 FINAL PTC scheduled on January 15, 2013 at 08:54 AM in Courtroom 5 with Judge CONNORS.

11-28-12 JURY TRIAL scheduled on February 27, 2013 at 08:30 AM in Courtroom 5 with Judge CONNORS.

11-28-12 JURY TRIAL scheduled on February 28, 2013 at 08:30 AM in Courtroom 5 with Judge CONNORS.

11-28-12 Notice - NOTICE for Case 111701135 ID 14901206

JURY TRIAL is scheduled.

Date: 02/27/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

FINAL PTC.

Date: 02/28/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

# before Judge DAVID CONNORS

Date:

Date: 01/15/2013 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

DAVIS COUNTY JUDGES REQUIRE THAT COURTESY COPIES OF ALL MOTION-RELATED PLEADINGS ARE REQUIRED TO BE SUBMITTED TO THE ASSIGNED JUDGE, BY THE MOVING PARTY, A MINIMUM OF 7 BUSINESS DAYS PRIOR TO ANY MOTION HEARING.

01-15-13 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-011513 Tape Count: 9.33-9.34

HEARING

Parties have not reached a resolution. The jury trial currently set for 2/27 & 2/28 will go forward.

- 01-28-13 FINAL PTC scheduled on February 12, 2013 at 08:54 AM in Courtroom 5 with Judge CONNORS.
- 01-31-13 Filed: State's Motion To Continue Jury Trial Filed by: STATE OF UTAH,
- 02-06-13 Filed: Motion and Memorandum to Terminate Representation and Appoint New Counsel

Filed by: ESQUIVEL, ANDRES

02-12-13 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

## PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant not present

Defendant's Attorney(s): ALBRIGHT, WILLIAM J

Audio

Tape Number: 5-021213 Tape Count: 9.10-9.15

HEARING

Defendant is not present. Alan Brady, defendant's partner, is present on his behalf.

Mr. Albright requests to be withdrawn as public defender. State has no objections to terminating Mr. Albright and will allow a continuance, but requests a warrant be authorized and held until the next court date.

Under the circumstances, the Court grants Mr. Albright's request for withdrawal and continues the trial without date. A pretrial conference is set for 2/26/2013. Clerk will send notice.

PRETRIAL CONFERENCE is scheduled.

Date: 02/26/2013 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

02-19-13 Notice - NOTICE for Case 111701135 ID 15057907

PRETRIAL CONFERENCE is scheduled.

Date: 02/26/2013 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Failure to appear could result in a warrant for your arrest and fees imposed

02-19-13 PRETRIAL CONFERENCE scheduled on February 26, 2013 at 08:34 AM in Courtroom 5 with Judge CONNORS.

02-20-13 JURY TRIAL Cancelled.

02-26-13 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: guadalum

Prosecutor: LYON, NATHAN D

Defendant Present

Tape Number: 5/022613 Tape Count: 9:13-9:25

**HEARING** 

There is no resolution on this case. Defendant waives his right to counsel.

Defendant is to file a response to State's Motion by March 26, 2013.

A Jury Trial has been set for June 12-14, 2013. Final Pretrial on May 14, 2013.

FINAL PTC is scheduled.

Date: 05/14/2013 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

JURY TRIAL.

Date:
Date:

Date: 06/12/2013 Time: 08:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street

Farmington, UT 84025

before Judge DAVID CONNORS

Date: 06/13/2013 Time: 08:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

02-28-13 FINAL PTC scheduled on May 14, 2013 at 08:34 AM in Courtroom 5

with Judge CONNORS.

02-28-13 Notice - NOTICE for Case 111701135 ID 15076880

JURY TRIAL is scheduled.

Date:

Date: 06/12/2013 Time: 08:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 06/13/2013 Time: 08:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 06/14/2013 Time: 08:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

\_\_\_\_\_

PROPOSED JURY INSTRUCTIONS ARE TO BE FILED WITH THE COURT, AND COURTESY COPIES DELIVERED TO THE JUDGE'S ATTENTION IN THE LAYTON CLERK'S OFFICE, AT LEAST TWO WEEKS BEFORE TRIAL, TOGETHER WITH CURRENT EMAIL ADDRESSES AND TELEPHONE NUMBERS FOR ALL PARTIES.

- 02-28-13 JURY TRIAL scheduled on June 12, 2013 at 08:00 AM in Courtroom 5 with Judge CONNORS.
- 02-28-13 JURY TRIAL scheduled on June 13, 2013 at 08:00 AM in Courtroom 5 with Judge CONNORS.
- 02-28-13 JURY TRIAL scheduled on June 14, 2013 at 08:00 AM in Courtroom 5 with Judge CONNORS.
- 02-28-13 Fee Account created Total Due: 10.00
- 02-28-13 Fee Account created Total Due: 1.56
- 02-28-13 AUDIO TAPE COPY Payment Received: 10.00

Note: POSTAGE-COPIES

- 02-28-13 POSTAGE-COPIES Payment Received: 1.56
- 02-28-13 Note: Tape Rqst for Daryl Acumen in basket
- 03-05-13 Note: CD copied and mailed to Daryl Acumen.
- 04-09-13 Filed: States Motion to Compel Discovery Filed by: STATE OF UTAH,
- 04-10-13 Note: Emailed incourt clerk information about Motion to Compel
- 04-23-13 FINAL PTC rescheduled to May 07, 2013 at 08:34 AM in Courtroom 5 with Judge CONNORS.
- 05-07-13 JURY TRIAL Cancelled.
- 05-07-13 PTC scheduled on May 28, 2013 at 08:34 AM in Courtroom 5 with Judge CONNORS.
- 05-07-13 Minute Entry Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Audio

Tape Number: 5-050713 Tape Count: 9.39-9.46

**HEARING** 

The parties make statements. After discussion, the Court grants the State's Motion to Compel. The defendant is to respond within 2

weeks after the State files their motion. The Court orders the defendant to comply by May 21, 2013.

Mr. Lyon will prepare the order.

The Court strikes the jury trial and will not schedule another date until after the case is ready to proceed. A pretrial conference is set for 5/28/2013.

PTC is scheduled.

Date: 05/28/2013 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

05-10-13 Filed: Text Message documents filed by Defendant

 $\tt 05-28-13$  MOTION HEARING scheduled on July 10, 2013 at 09:00 AM in

Courtroom 5 with Judge CONNORS.

05-28-13 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Audio

Tape Number: 5-052813 Tape Count: 10.17-10.28

HEARING

There is still no resolution. A 3 day jury trial is set for October 16, 17, and 18, 2013 at 8:30 a.m. A Motion hearing is set for 7/10/2013 at 9:00 a.m.

The Court advises defendant of his right to counsel. Defendant indicates he will represent himself. Under the circumstances, the Court notes on the record that defendant intentionally and knowingly waives his right to counsel and will represent himself.

JURY TRIAL is scheduled.

Date:

MOTION HEARING is scheduled.

Date: 07/10/2013 Time: 09:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

is scheduled Date: 10/16/2013

Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/17/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/18/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

06-04-13 Note: Order Granting State's Motion to Compel Discovery to DMC

06-07-13 JURY TRIAL scheduled on October 16, 2013 at 08:30 AM in Courtroom 5 with Judge CONNORS.

06-07-13 JURY TRIAL scheduled on October 17, 2013 at 08:30 AM in Courtroom 5 with Judge CONNORS.

 $\tt 06-07-13$  JURY TRIAL scheduled on October 18, 2013 at 08:30 AM in

Courtroom 5 with Judge CONNORS.

# 06-07-13 Notice - NOTICE for Case 111701135 ID 15274827

JURY TRIAL is scheduled.

Date: 10/16/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

is scheduled Date: 10/17/2013

Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 10/18/2013 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

DAVIS COUNTY JUDGES REQUIRE THAT COURTESY COPIES OF ALL MOTION-RELATED PLEADINGS ARE REQUIRED TO BE SUBMITTED TO THE ASSIGNED JUDGE, BY THE MOVING PARTY, A MINIMUM OF 7 BUSINESS DAYS PRIOR TO ANY MOTION HEARING.

06-14-13 Filed: State's Motion In Limine

Filed by: STATE OF UTAH,

06-24-13 Filed order: Order Granting State's Motion to Compel

Judge DAVID CONNORS

Signed June 10, 2013

07-08-13 Note: Attempted to call ANDRES ESQUIVEL re: cert of mailing on motion/order. Did not answer at number left in CORIS

for ANDRES ESQUIVEL

07-08-13 Note: Motion/Order sent to Judge Connors clerk for review.

07-08-13 Filed: Motion for Discovery and Inspection of Evidence - Orders attached

Filed by: ESQUIVEL, ANDRES

07-08-13 Notice - NOTICE for Case 111701135 ID 15330594

MOTION HEARING.

Date: 08/07/2013 Time: 09:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

The reason for the change is Conflict in Judge Schedule
Failure to appear could result in a warrant for your arrest and
fees imposed

- 07-08-13 MOTION HEARING rescheduled to August 07, 2013 at 09:00 AM in Courtroom 5 with Judge CONNORS.
- 07-08-13 Note: Due to a conflict in the Court's calendar for 7/10, clerk tried to contact Mr. Esquivel to reschedule the hearing.

  Clerk was unable to reach him or was she able to leave him a voicemail.
- 07-08-13 Note: Clerk rescheduled the hearing with Mr. Lyon and will send notice to all parties.
- 07-17-13 Filed: Motion to Dismiss Order attached Filed by: ESQUIVEL, ANDRES
- 07-17-13 Note: Motion and Order to Dismiss to DMC for review.
- 08-07-13 PRETRIAL CONFERENCE scheduled on August 20, 2013 at 08:34 AM in Courtroom 5 with Judge CONNORS.
- 08-07-13 Minute Entry Minutes for INCOURT NOTE

Judge: DAVID CONNORS

PRESENT

Clerk: guadalum

Prosecutor: LYON, NATHAN D

Defendant Present

Audio

Tape Number: 5/080713 Tape Count: 9:37-10:01

HEARING

This is the time set for Motion in Limine Hearing.

The State discusses the Motion filed.

Mr. Esquivel responds.

The Court order Mr. Esquivel to submit a formal written request to the County Attorney's Office seeking Discovery outlining what it is that he's requesting by Friday August 9, 2013 and file a copy with the Court (Motion for Discovery).

If Mr. Esquivel intends to request the Court to appoint counsel, he would need to fill out an Affidavit and submit by Friday August 9, 2013.

If the State chooses to object to either submissions it would have to be filed before the next hearing.

A Hearing is set for August 20, 2013 @ 8:30.

The Court will take the Motion in Limine under advisement.

PRETRIAL CONFERENCE is scheduled.

Date: 08/20/2013 Time: 08:34 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

08-09-13 Note: CD copy request placed in basket to be completed

08-09-13 Fee Account created Total Due: 10.00 08-09-13 Fee Account created Total Due: 2.10

08-09-13 AUDIO TAPE COPY Payment Received: 10.00

Note: POSTAGE-COPIES

08-09-13 POSTAGE-COPIES Payment Received: 2.10

08-09-13 Filed: Financial Affidavit

08-13-13 Note: Mailed CD to Daryl Acumen

08-16-13 Fee Account created Total Due: 10.00 08-16-13 Fee Account created Total Due: 2.75

08-16-13 AUDIO TAPE COPY Payment Received: 10.00 08-16-13 COPY FEE Payment Received: 2.75

08-20-13 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: guadalum

Prosecutor: LYON, NATHAN D

Defendant Present

Audio

Tape Number: 5/082013 Tape Count: 10:02-10:15

HEARING

This is the time set for Pretrial Conference.

Defendant is sworn in and testifies regarding income verification. The Court tentatively appoints Mr. Albright as Defendant's Public Defender.

Pretrial will be continued to September 3, 2013 @ 8:30 a.m.

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 09/03/2013 Time: 08:54 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

08-20-13 Note: ALLAN BRADY - gave CD to him when he asked for it at window

08-21-13 PRETRIAL CONFERENCE scheduled on September 03, 2013 at 08:54 AM in Courtroom 5 with Judge CONNORS.

08-21-13 PRETRIAL CONFERENCE Modified.

08-21-13 FINAL PRETRIAL CONFERENCE scheduled on September 03, 2013 at 08:54 AM in Courtroom 5 with Judge CONNORS.

09-03-13 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-090313 Tape Count: 11.26-11.27

#### HEARING

At the request of defense counsel, this matter is continued to 9/17/2013.

2ND FINAL PTC is scheduled.

Date: 09/17/2013 Time: 08:44 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

09-10-13 2ND FINAL PTC scheduled on September 17, 2013 at 08:44 AM in

Courtroom 5 with Judge CONNORS.

09-17-13 Minute Entry - Minutes for 2ND FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-091713 Tape Count: 10.15-10.22

# **HEARING**

The parties are not ready for trial in October and request a continuance. Based on stipulation, the Court strikes the trial date and will reset it to 2/26/2013 through 2/28/2013 at 8:30 a.m. A final pretrial conference is set for 10/22/2013.

At the request of Mr. Arrington, the defendant is not to record any conversation between Mr. Arrington and the defendant, including the investigator, unless specific consent is given by them. Defendant is to adhere to the confidential priviledges.

JURY TRIAL is scheduled.

Date:

FINAL PTC is scheduled.

Date: 10/22/2013 Time: 08:44 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

is scheduled Date: 02/26/2014

Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 02/27/2014Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

Date: 02/28/2014 Time: 08:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

before Judge DAVID CONNORS

- 09-18-13 JURY TRIAL scheduled on February 26, 2014 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 09-18-13 JURY TRIAL scheduled on February 27, 2014 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 09-18-13 JURY TRIAL scheduled on February 28, 2014 at 08:30 AM in Courtroom 5 with Judge CONNORS.
- 09-18-13 Filed: Notice of JURY TRIAL
- 09-18-13 FINAL PTC scheduled on October 22, 2013 at 08:44 AM in

\_\_\_\_\_\_

Courtroom 5 with Judge CONNORS.

10-17-13 JURY TRIAL Cancelled.

10-22-13 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: MAJOR, STEVEN V

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-102213 Tape Count: 11.42-11.45

HEARING

At the request of defense counsel, this matter is continued to 1/7/2014 to allow the defendant to have a mental health evaluation completed to determine if defendant is competent to stand trial. The State will prepare the order.

The trial date will remain in place.

FINAL PTC.

Date: 01/07/2014Time: 08:44 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

10-28-13 FINAL PTC scheduled on January 07, 2014 at 08:44 AM in

Courtroom 5 with Judge CONNORS.

11-07-13 Filed order: Order For Competency Evaluation

Judge DAVID CONNORS

Signed November 05, 2013

01-02-14 Filed: Letter from John Malouf, Ph.D.

01-06-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Competency Evaluation Report

01-07-14 Minute Entry - Minutes for FINAL PTC

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-010714 Tape Count: 10.26-10.32

HEARING

Defendant needs to complete the second evaluation by Dr. Malouf. At the request of defense counsel, this matter is continued to 2/11/2014. The jury trial is stricken.

PRETRIAL CONFERENCE is scheduled.

Date: 02/11/2014 Time: 08:44 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

Defendant may be released on bail.

Hold defendant pending further order.

Court orders a No Bail hold.

Bail may be posted by cash bond or surety.

01-08-14 Filed order: Hold order

Clerk CUELLAR

Signed January 07, 2014

01-08-14 Fee Account created Total Due: 10.00

01-08-14 AUDIO TAPE COPY Payment Received: 10.00

01-08-14 PRETRIAL CONFERENCE scheduled on February 11, 2014 at 08:44 AM in Courtroom 5 with Judge CONNORS.

01-08-14 Note: ANDRES ESQUIVEL DEF Custody Location Bail

01-08-14 JURY TRIAL Cancelled.

01-09-14 Note: Called RYION KELLEY BUTCHER to pick up CD.

01-28-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Forensic Evaluation by John Malou

02-04-14 Note: Daryl Acumen requested a copy of recording. Placed

request in basket to be completed.

02-04-14 Fee Account created Total Due: 10.00

02-04-14 Fee Account created Total Due: 2.10

02-04-14 AUDIO TAPE COPY Payment Received: 10.00

Note: POSTAGE-COPIES

02-04-14 POSTAGE-COPIES Payment Received: 2.10

02-10-14 Note: Mailed CD Req of hearing on 1/7/14 to Daryl Acumen

02-11-14 Fee Account created Total Due: 0.50

02-11-14 COPY FEE Payment Received: 0.50

02-11-14 Minute Entry - Minutes for Pretrial Conference

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): GEORGE, JULIE

Audio

Tape Number: 5-021114 Tape Count: 10.01-10.17

#### **HEARING**

Mr. Lyon indicates the defendant is not competent to proceed and request to have the defendant be admitted to the State Hospital for treatment. Defense counsel concurs.

Under the circumstances, the Court grants the parties' request and orders the defendant to be sent to the State Hospital for treatment. All motions will be held in abeyance until the defendant is competent to proceed.

Defendant is instructed to give his documents to his attorney before filing it with the Court. A review on competency is held on 8/12/2014.

REVIEW ON COMPETENCY is scheduled.

Date: 08/12/2014 Time: 09:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

02-12-14 Filed: Copy of Motion to Dismiss that was filed on July 17,

2013 02-13-14 Fee Account created Total Due: 10.00 02-13-14 Fee Account created Total Due: 2.10 Payment Received: 02-13-14 AUDIO TAPE COPY 10.00 Note: POSTAGE-COPIES 02-13-14 POSTAGE-COPIES Payment Received: 2.10 02-13-14 REVIEW ON COMPETENCY scheduled on August 12, 2014 at 09:00 AM in Courtroom 5 with Judge CONNORS. 02-20-14 Note: Mailed CD req of hearing 2/11/14 to Daryl Acumen 03-04-14 Filed order: Order Of Commitment To Division Of Substance Abuse And Mental Health For Treatment To Restore To Competency Judge DAVID CONNORS Signed February 25, 2014 03-10-14 Filed: Letter from Defendant 03-17-14 Fee Account created Total Due: 10.00 03-17-14 AUDIO TAPE COPY Payment Received: 10.00 03-24-14 Note: Called Sindy to let her know she can pick up her CD Req of hearing 1/7/14 04-07-14 Filed: TRANSCRIPT for Hearing of 01-07-2014 04-08-14 Filed: Letter from Defendant 04-08-14 Filed: Letter from Defendant 04-08-14 Note: Letters from DEF to DMC. 04-10-14 Filed: Response from the Court 04-16-14 Note: Clerk received a call from DEF's spouse and family member asking why DEF was not transported to the Utah State Hospital yet. Clerk informed them that the prosecutor's office was advised by the jail that DEF is on the waiting list, but he is #20 on the lis 04-16-14 Note: t. Therefore, has not been transported to the State Hospital yet. 04-22-14 Filed: Letter from Defendant 04-22-14 Filed: Letter from Defendant 05-01-14 Note: Transcript of 1-7-14 hrg received in Bountiful sent to Farmington 05-09-14 Filed: Letter from DEF's spouse 05-19-14 Filed: TRANSCRIPT for Hearing of 02-11-2014 05-30-14 Note: Transcript from hearing 2-11-14 received in Bountiful. Sent it to Farmington. 08-07-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Competency Report Printed: 04/11/18 11:47:30 Page 41

08-12-14 Minute Entry - Minutes for REVIEW ON COMPETENCY

PRESENT

Clerk: leec

Prosecutor: HUNT, SUSAN L

Judge: DAVID CONNORS

Defendant not present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-081214 Tape Count: 8.42-8.44

**HEARING** 

Defendant wasn't transported from the State Hospital. At the request of the parties, this matter is continued to 8/19/2014. A transportation order will be prepared.

2ND REVIEW ON COMPETENCY is scheduled.

Date: 08/19/2014 Time: 09:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

08-13-14 Filed order: Transportation Order

Judge DAVID CONNORS

Signed August 12, 2014

- 08-14-14 2ND REVIEW ON COMPETENCY scheduled on August 19, 2014 at 09:00 AM in Courtroom 5 with Judge CONNORS.
- 08-14-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Victim Impact Statement
- 08-14-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Victim Impact Statement
- 08-14-14 Filed: Return of Electronic Notification
- 08-14-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Victim Impact Statement
- 08-14-14 Filed: Return of Electronic Notification
- 08-14-14 Filed: Return of Electronic Notification
- 08-19-14 Filed: Presentence/Probation Referral Form
- 08-19-14 Filed order: Hold Order

Clerk CUELLAR

\_\_\_\_\_\_

Signed August 19, 2014

08-19-14 Charge 1 Disposition is Dismissed

08-19-14 Charge 2 Disposition is Guilty

08-19-14 Charge 3 Disposition is Guilty

08-19-14 Minute Entry - Minutes for Change of Plea

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: LYON, NATHAN D

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-081914 Tape Count: 11.27&12.54

Court advises defendant of rights and penalties.

Defendant waives time for sentence.

A pre-sentence investigation was ordered.

The Judge orders Adult Probation and Parole to prepare a

Pre-sentence report.

Change of Plea Note

Defendant was deemed competent. Defendant pleads guilty to counts 2

& 3. Count 1 is dismissed. A Statement of Defendant is signed and

filed. Sentencing is set for 10/27/2014.

SENTENCING is scheduled.

Date: 10/07/2014 Time: 08:42 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street

Farmington, UT 84025

Before Judge: DAVID CONNORS

CUSTODY

The defendant is remanded to the custody of the Davis County Jail. Hold defendant pending further order.

Defendant is held without bail and may only be released after he completes the AP&P packet and interview with the AP&P agent. Bond

may be reinstated after completing these conditions.

08-19-14 Filed order: Statement of Defendant in Support of Guilty Plea and Certificate of Counsel

Judge DAVID CONNORS

Signed August 19, 2014

- 08-27-14 \*\*\*\* PROTECTED \*\*\*\* Filed: Discharge Order-Utah State Hospit
- 08-28-14 Filed: Affidavit Regarding Prisoner Transportation
- 08-29-14 SENTENCING scheduled on October 07, 2014 at 08:42 AM in Courtroom 5 with Judge CONNORS.
- 08-29-14 Note: ANDRES ESQUIVEL DEF Custody changed from Bail to Jail Custody location Davis County Jail
- 09-09-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Utah State Hospital Discharge Sum
- 10-02-14 Filed: Appearance of Counsel/Notice of Limited Appearance
- 10-02-14 Filed: Return of Electronic Notification
- 10-03-14 \*\*\*\* PROTECTED \*\*\*\* Filed: Pre Sentence Investigation Report
- 10-07-14 Minute Entry Minutes for SENTENCE, JUDGMENT, COMMITME

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: ORTEGA, CRISTINA P

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-100714 Tape Count: 10.49-10.54

#### SENTENCE PRISON

Based on the defendant's conviction of SECURITIES FRAUD a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of SECURITIES FRAUD a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

SENTENCE JAIL SUSPENDED NOTE

No additional jail time is ordered at this time.

SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

Sentence to run concurrent with each other.

SENTENCE FINE

Charge # 2 Fine: \$800.00

Suspended: \$0.00 Surcharge: \$381.08

Due: \$800.00

Charge # 3

Total Fine: \$800.00

Total Suspended: \$0

Total Surcharge: \$381.08
Total Principal Due: \$800.00

Plus Interest

Fine payments are to be made to Adult Probation and Parole.

SENTENCE FINE SUSPENDED NOTE

Restitution Amount: \$6000.00 Plus Interest

Pay in behalf of: KYLE CLUFF

Restitution Amount: \$5000.00 Pay in behalf of: RYION BUTCHER

Restitution Amount: \$2000.00

Pay in behalf of: CHRISTOPHER ENGELBRECHT

Attorney Fees Amount: \$500.00

Pay in behalf of: PUBLIC DEFENDER FEE DAVIS COUNTY ATTORNEY

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).

Probation is to be supervised by Adult Probation and Parole.

Defendant is to pay a fine of 800.00 which includes the surcharge.

Interest may increase the final amount due.

PROBATION CONDITIONS

CONDUCT: Commit no further violations of the law.

ALCOHOL: Do not use or possess alcoholic beverages or frequent

places where alcohol is the chief item for sale.

DRUGS: Do not use or possess controlled substance or be in the presence of those who use, possess or distribute controlled substances.

TESTING: Submit to body fluids testing for evidence of drug or alcohol use.

PROGRAM/TREATMENT: Enter, participate in and complete any program, counseling or treatment as directed by probation.

SEARCH CONSENT: Submit to search of person, premises or vehicle and seizure of any evidence without a search warrant at the request of police or probation officer, if they have reasonable cause.

EDUCATION/VOCATION: Participate in and complete any educational or vocational training as directed by probation.

AP&P CONDITIONS: Complete any other terms or conditions or probation as required by AP&P and sign a probation agreement.

DNA TESTING: Submit to DNA testing and pay statutory fee.

EVALUATION (DMC): Evaluation by Davis Behavioral Health, or similar AP&P approved agency, and successful completion of any program that they suggest.

OTHER: Mental health evaluation and any recommended treatment.

10-07-14 Filed order: Sentence Form

Judge DAVID CONNORS

Signed October 07, 2014

10-09-14 \*\*\*\* PRIVATE \*\*\*\* Filed: Restitution Request Addendum

10-15-14 Fee Account created Total Due: 0.50

10-15-14 COPY FEE Payment Received: 0.50

Note: 1.00 cash tendered. 0.50 change given.

-10,000.00

11-07-14 Judgment #1 Entered \$ 14300.00

10-20-14 Bond Exonerated

Creditor: STATE OF UTAH

Debtor: ANDRES ESQUIVEL

800.00 Fine and Surcharge

Debtor: ANDRES ESQUIVEL

Creditor: RYION KELLEY BUTCHER

5,000.00 Restitution

Debtor: ANDRES ESQUIVEL

Creditor: KYLE CLUFF

6,000.00 Restitution

Debtor: ANDRES ESQUIVEL

CASE NUMBER 111701135 State Felony Creditor: CHRISTOPHER ENGELBRECHT 2,000.00 Restitution ANDRES ESQUIVEL Creditor: PUBLIC DEFENDER FEE DAVIS COUNTY ATTORNEY 500.00 Public Defender Fee 14,300.00 Judgment Grand Total 11-07-14 Filed judgment: Minutes 10/7/2014: Sentence Judgment Commitment Judge DAVID CONNORS Signed October 27, 2014 07-15-15 Note: PVR to DMC. 07-20-15 Filed: Prob Progress/Violation Rep Judge DAVID CONNORS Signed July 20, 2015 12-31-15 Filed: Prob Progress/Violation Rep Judge DAVID CONNORS Signed December 31, 2015 12-31-15 Filed: Affidavit in Support of Order to Show Cause 12-31-15 Filed order: Order to Show Cause Judge DAVID CONNORS Signed December 31, 2015 12-31-15 Notice - WARRANT: ESQUIVEL, ANDRES - 111701135 12-31-15 Warrant ordered on: December 31, 2015 Warrant Num: 985426325 Cash Bail Only Bail amount: 25000.00 12-31-15 Warrant issued on: December 31, 2015 Warrant Num: 985426325 Cash Bail Only Bail amount: 25000.00 Judge: DAVID CONNORS Issue reason: The defendant failed to comply with the terms of probation as alleged in the Order to Show Cause. 01-14-16 Filed order: Arrest Warrant Judge DAVID CONNORS Signed January 07, 2016 02-09-16 OTSC (AP&P) scheduled on February 16, 2016 at 09:15 AM in Courtroom 5 with Judge CONNORS. 02-16-16 Warrant recalled on: February 16, 2016 Warrant num: 985426325

Recall reason: Court ordered recall

Page 47

02-16-16 Minute Entry - POST SENTENCING JUDGMENT/COMMITMENT

02-16-16 Filed: Recall Of Arrest Warrant

Printed: 04/11/18 11:47:30

Page 47 of 67

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: BOTT, J CRAIG

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Agency: Adult Probation and Parole

Audio

Tape Number: 5-021616 Tape Count: 11.38-11.42

The defendant denies the following numbered allegations as stated in the Affidavit and Order to Show Cause: All Allegations

Sentencing on the affidavit is set for 3/8/2016.

SENTENCING ON AFFIDAVIT is scheduled.

Date: 03/08/2016 Time: 09:15 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

CUSTODY

The defendant is remanded to the custody of the Davis County Jail. Defendant is released from jail on own recognizance.

02-19-16 SENTENCING ON AFFIDAVIT scheduled on March 08, 2016 at 09:15 AM in Courtroom 5 with Judge CONNORS.

02-19-16 Note: ANDRES ESQUIVEL DEF Custody changed from Jail to Own Recognizance Location changed from Davis County Jail

02-23-16 Filed order: Release Order

Clerk CUELLAR

Signed February 16, 2016

03-08-16 Minute Entry - SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-030816 Tape Count: 11.07-11.08

At the request of defense counsel, this matter is continued to 3/22/2016.

2ND SENTENCING ON AFFIDAVIT is scheduled.

Date: 03/22/2016 Time: 09:15 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

CUSTODY

The defendant is remanded to the custody of the Davis County Jail.

03-09-16 2ND SENTENCING ON AFFIDAVIT scheduled on March 22, 2016 at

09:15 AM in Courtroom 5 with Judge CONNORS.

03-22-16 Minute Entry - 2ND SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-032216 Tape Count: 12.05-12.16

Mr. Arrington updates the Court on the status of the case.

Parties discuss the affidavit in support of order to show cause.

At the request of defense counsel, this matter is continued to

4/19/2016. AP&P will either withdraw the affidavit or file a new affidavit.

3RD SENTENCING ON AFFIDAVIT is scheduled.

Date: 04/19/2016Time: 09:15 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

03-25-16 3RD SENTENCING ON AFFIDAVIT scheduled on April 19, 2016 at

09:15 AM in Courtroom 5 with Judge CONNORS.

04-19-16 Minute Entry - 3RD SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

Agency: Adult Probation and Parole

Audio

Tape Number: 5-041916 Tape Count: 10.10-10.14

At the request of defense counsel, this matter is continued to 5/10/2016. AP&P will file a new affidavit.

4TH SENTENCING ON AFFIDAVIT is scheduled.

Date: 05/10/2016 Time: 09:15 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

04-21-16 4TH SENTENCING ON AFFIDAVIT scheduled on May 10, 2016 at 09:15

AM in Courtroom 5 with Judge CONNORS.

04-28-16 Fee Account created Total Due: 20.00

04-28-16 AUDIO TAPE COPY Payment Received: 20.00

Note: recd 1 x 20

05-05-16 Note: CD's from hearing on 3/22/16 and 4/19/2016 ready for pick

up called Mr. Tullie

05-10-16 Minute Entry - 4TH SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Agency: Adult Probation and Parole

Tape Number: 5-051016 Tape Count: 10.52-10.59

At the request of defense counsel, this matter is continued to 6/7/2016.

5TH SENTENCING ON AFFIDAVIT is scheduled.

Date: 06/07/2016 Time: 09:15 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

05-11-16 5TH SENTENCING ON AFFIDAVIT scheduled on June 07, 2016 at 09:15

AM in Courtroom 5 with Judge CONNORS.

05-27-16 Filed: PV Report - UNSIGNED

05-27-16 Filed: Affidavit in Support of Order to Show Cause

05-27-16 Filed: Order to Show Cause - Unsigned

06-06-16 Filed: Prob Progress/Violation Rep

Judge DAVID CONNORS

Signed June 06, 2016

06-06-16 Filed: Affidavit in Support of Order to Show Cause

06-06-16 Filed order: Order to Show Cause

Judge DAVID CONNORS

Signed June 06, 2016

06-07-16 Minute Entry - 5TH SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: THOMSON, JEFFREY G

Defendant not present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Agency: Adult Probation and Parole

Audio

Tape Number: 5-060716 Tape Count: 10.35-10.38

Defendant's child is in the hospital and he is not present. At the request of defense counsel, this matter is continued to 6/14/2016.

06-09-16 6TH SENTENCING ON AFFIDAVIT scheduled on June 14, 2016 at 09:15

AM in Courtroom 5 with Judge CONNORS.

06-14-16 Minute Entry - 6TH SENTENCING ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: HART, NICHOLAS K

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Agency: Adult Probation and Parole

Audio

Tape Number: 5-061416 Tape Count: 11.22-11.28

An evidentiary on the affidavit is set for 7/12/2016 at 10:30 am.

EVIDENTIARY ON AFFIDAVIT is scheduled.

Date: 07/12/2016 Time: 10:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

06-28-16 EVIDENTIARY ON AFFIDAVIT scheduled on July 12, 2016 at 10:30 AM

in Courtroom 5 with Judge CONNORS.

07-12-16 Minute Entry - EVIDENTIARY HRG ON AFFIDAVIT

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-071216 Tape Count: 11.28-11.31

Mr. Arrington updates the Court on the status of the case. He indicates the defendant is complying with the terms of his probation conditions. The defendant did not make a payment in June, but indicates he is making a \$100.00 payment today. Under the circumstances, AP&P withdraws its affidavit at this time. The Court orders the defendant's probation to be converted from AP&P to court probation. Defendant will pay \$500.00 beginning 8/15/2016 and every month thereafter. A review hearing is set for 1/10/2017.

REVIEW HEARING is scheduled.

Date: 01/10/2017 Time: 09:00 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

07-20-16 REVIEW HEARING scheduled on January 10, 2017 at 09:00 AM in

Courtroom 5 with Judge CONNORS.

07-22-16 Filed order: EVIDENTIARY HRG ON AFFIDAVIT

Judge DAVID CONNORS

\_\_\_\_\_\_

Signed July 22, 2016

08-24-16 Bail Account created Total Due: 100.00

08-24-16 Bail Posted Payment Received: 100.00

Note: Mail Payment;

08-25-16 Fine Account created Total Due: 800.00

08-25-16 Minute Entry - MINUTES FOR SETTING UP A/R ONLY

Judge: DAVID CONNORS

Clerk: pattyd

#### SENTENCE PRISON

Based on the defendant's conviction of SECURITIES FRAUD a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of SECURITIES FRAUD a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

## SENTENCE FINE

Charge # 2 Fine: \$800.00

Suspended: \$0.00 Surcharge: \$381.08

Due: \$800.00

## Charge # 3

Total Fine: \$800.00

Total Suspended: \$0

Total Surcharge: \$381.08
Total Principal Due: \$800.00

Plus Interest

Fine payments are to be made to 2nd District Court-Farmington.

Pay fine to The Court. This can be paid online at:

www.utcourts.gov/epayments.

08-25-16 Trust Account created Total Due: 1785.22 08-25-16 Trust Account created Total Due: 5365.43

08-25-16	Trust Account created Total Due: 4569.35
08-25-16	Trust Account created Total Due: 500.00
08-25-16	Trust Account created Total Due: 122.53
08-25-16	Trust Account created Total Due: 368.26
08-25-16	Trust Account created Total Due: 313.64
08-25-16	Trust Account created Total Due: 37.42
08-25-16	Fee Account created Total Due: 59.87
08-25-16	Note: Added to payment schedule 1060116910
08-25-16	Note: CORIS would not allow payment schedule to be set for
	8/15/16 as ordered as it reflects payment was made (for
	copies).
08-25-16	**** PRIVATE **** Filed: OSDC Civil Judgment Audit Report
	Bail Forfeited -100.00
08-26-16	Interest on Rstitutn Forfeited: 15.23
08-26-16	Interest on Rstitutn Forfeited: 45.78
08-26-16	Interest on Rstitutn Forfeited: 38.99
09-22-16	Interest on Rstitutn Check # 44880 Trust Payout:
	45.78
09-22-16	Interest on Rstitutn Check # 44881 Trust Payout:
	38.99
09-23-16	Interest on Rstitutn Payment Received: 15.23
	Note: Mail Payment;
	Interest on Rstitutn Payment Received: 45.78
	Interest on Rstitutn Payment Received: 38.99
09-29-16	Interest on Rstitutn Check # 44902 Trust Payout:
	30.46
09-29-16	Interest on Rstitutn Check # 44903 Trust Payout:
	45.78
09-29-16	Interest on Rstitutn Check # 44904 Trust Payout:
	38.99
11-02-16	Interest on Rstitutn Void of trust payout: -38.99
11 00 16	Note: Check Returned
11-02-16	Interest on Rstitutn Void of trust payout: -38.99
11 00 15	Note: Check Returned
	Filed: Debt Collection Letter 2:Case 111701135
11-02-16	Note: Verified new address per phone conversation with Ryion
11 04 10	Butcher.
11-04-16	Interest on Rstitutn Payment Received: 7.62
Drintodi	Note: Mail Payment;
bringed:	04/11/18 11:47:32 Page 55

11-04-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		22.89
11-04-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		19.49
11-14-16	Filed: Ad	dres	s Update	& Pa	yment	Record	s from	Defenda	ınt
11-15-16	Interest 22.89	on R	stitutn	Check	#	45256	Trust	Payout:	
11-15-16	Interest 97.47	on R	stitutn	Check	#	45257	Trust	Payout:	
11-22-16	Interest 7.62	on R	stitutn	Check	#	45295	Trust	Payout:	
12-01-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		15.23
	Note	e: Ma	il Payme	ent;					
12-01-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		45.78
12-01-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		38.99
12-05-16	Interest 15.23	on R	stitutn	Check	#	45353	Trust	Payout:	
12-05-16	Interest 45.78	on R	stitutn	Check	#	45354	Trust	Payout:	
12-05-16	Interest 38.99	on R	stitutn	Check	#	45355	Trust	Payout:	
12-29-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		15.23
12-29-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		45.78
12-29-16	Interest	on R	stitutn	Pa	ayment	Recei	ved:		38.99
01-10-17	Minute Er	ntry ·	- REVIEW	HEAR!	ING				
	Judge:	DAVI	D CONNOR	2S					
	PRESENT								
(	Clerk:	leec							
:	Prosecutor	: WES	STMORELA	AND, R	ICK T				
]	Defendant not present								
]	Defendant'	s At	torney(s	s): AR	RINGTO	ON, CM.	ARKLEY		
	Audio								
	rape Numbe	r:	5-011	017	Tape	Count:	11 02-	-11.04	
	Tape manube	- <u>-</u> -	3 011		IGPC	courre.	11.02	01	

The Defendant is not present and is \$1550 past due on his financial obligations. The Court orders a \$5000 cash only bench warrant for

Printed: 04/11/18 11:47:33 Page 56

his failure to appear.

#### WARRANT

Failure to Appear.

Cash only.

The defendant must appear.

Serve the warrant anytime.

01-10-17 Interest on Rstitutn Check # 45450 Trust Payout:

45.78

01-10-17 Interest on Rstitutn Check # 45451 Trust Payout:

38.99

01-11-17 Warrant ordered on: January 11, 2017 Warrant Num: 985485070

Cash Bail Only

Bail amount: 5000.00

01-11-17 Notice - WARRANT: ESQUIVEL, ANDRES Case 111701135

01-11-17 VOL RBW REVIEW HEARING scheduled on January 17, 2017 at 09:30

AM in Courtroom 5 with Judge CONNORS.

01-11-17 Filed order: WARRANT ISSUED For Case 111701135

Judge DAVID CONNORS

Signed January 11, 2017

01-11-17 Warrant issued on: January 11, 2017 Warrant Num: 985485070 Cash

Bail Only

Bail amount: 5000.00

Judge: DAVID CONNORS

Issue reason: Failed to appear for scheduled hearing

01-12-17 Interest on Rstitutn Check # 45479 Trust Payout:

15.23

01-17-17 Filed order: WARRANT RECALLED For Case 111701135

Judge DAVID CONNORS

Signed January 17, 2017

01-17-17 Warrant recalled on: January 17, 2017 Warrant num: 985485070

Recall reason: Defendant appeared before the Court

01-17-17 Minute Entry - VOL RBW REVIEW HEARING

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: THOMSON, JEFFREY G

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-011717 Tape Count: 9.33-9.37

Mr. Arrington updates the Court on the status of the case. He indicates the defendant has been making \$100 payments. Defendant asks a 30-45 day continuance, anticipating that the full amount will be paid off. Mr. Westmoreland responds. Mr. Arrington makes further statements. Under the circumstances, the Court continues this matter to 2/28/2017. The warrant is recalled.

REVIEW HEARING is scheduled.

Date: 02/28/2017 Time: 09:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

01-17-17 Fee Account created Total Due: 10.00 01-18-17 Fee Account created Total Due: 10.00 01-18-17 AUDIO TAPE COPY Account Adjustment Total Due:

0.00

01-18-17 AUDIO TAPE COPY Account Adjustment Total Due: 0.00

Reason: Setup twice in error.

01-18-17 Fee Account created Total Due: 10.00

01-18-17 AUDIO TAPE COPY Payment Received: 10.00

01-18-17 AUDIO TAPE COPY Account Adjustment Total Due: 0.00

Reason: Voiding and starting over so a payment can be taken.

01-18-17 Note: CD REQ FOR HRG 1/10/17 EMAILED TO DARYL@THEFLAG.US

01-18-17 Note: CD REQ FOR HRG 1/17/17 EMAILED TO DARYL ACUMEN

01-19-17 Interest on Rstitutn Payment Received: 15.22

Note: Mail Payment;

01-19-17 Interest on Rstitutn Payment Received: 45.78

01-19-17 Interest on Rstitutn Payment Received: 39.00

01-26-17 Interest on Rstitutn Check # 45607 Trust Payout:

15.22

01-26-17 Interest on Rstitutn Check # 45608 Trust Payout:

45.78

01-26-17 Interest on Rstitutn Check # 45609 Trust Payout:

39.00

01-31-17 REVIEW HEARING scheduled on February 28, 2017 at 09:30 AM in

Courtroom 5 with Judge CONNORS.

02-28-17 Restitution Payment Received: 68.78

02-28-17 Restitution 206.72 Payment Received:

02-28-17 Restitution Payment Received: 176.04

02-28-17 Interest on Rstitutn Payment Received: 7.38

02-28-17 Interest on Rstitutn Payment Received: 22.19

02-28-17 Interest on Rstitutn Payment Received: 18.89

02-28-17 Restitution Payment Received: 45.70

02-28-17 Restitution Payment Received: 137.34

116.96

02-28-17 Restitution Payment Received:

02-28-17 Minute Entry - REVIEW HEARING

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: THOMSON, JEFFREY G

Defendant Present

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-022817 Tape Count: 9.07-9.10

Mr. Arrington updates the Court on the status of the defendant's payments. He indicates the defendant made a \$300 last month and a \$500 payment today. Mr. Arrington states that the defendant is clean on his UA's and is compliant. Under the circumstances, the Court sets this matter for further review on 9/26/2017. At the defendant's request, the Court will modify the defendant's payment schedule due to his new job.

#### SCHEDULED TIMEPAY

The following cases are on timepay 111701135.

The defendant is to pay \$500.00 monthly on the 24th.

The number of payments scheduled is 25 plus a final payment of \$195.87.

The first payment is due on 03/24/2017 the final payment of \$195.87 is due on 04/24/2019. The final payment may vary based on interest.

#### REVIEW HEARING.

Date: 09/26/2017 Time: 09:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

03-03-17 Fee Account created Total Due: 10.00

03-08-17 REVIEW HEARING scheduled on September 26, 2017 at 09:30 AM in Courtroom 5 with Judge CONNORS.

03-08-17 Note: Added to payment schedule 1060116910

03-08-17 AUDIO TAPE COPY Account Adjustment Total Due:

Reason: Webpayment will not work if there's a balance owing on this case. Clerk will get payment another way.

03-08-17 Interest on Rstitutn Check # 45888 Trust Payout:

22.19

03-17-17 Interest on Rstitutn Check # 45922 Trust Payout:

18.89

03-23-17 Restitution Check # 45955 Trust Payout: 114.48 03-23-17 Restitution Check # 45956 Trust Payout: 344.06

03-23-17 Restitution Check # 45957 Trust Payout: 293.00

03-23-17 Interest on Rstitutn Check # 45955 Trust Payout:

7.38

03-29-17 Restitution Payment Received: 73.33

Note: Mail Payment;

03-29-17 Restitution Payment Received: 220.40
03-29-17 Restitution Payment Received: 187.70
03-29-17 Interest on Restitutin Payment Received: 2.83
03-29-17 Interest on Restitutin Payment Received: 8.50
03-29-17 Interest on Restitutin Payment Received: 7.24

4-05-17	Interest on 7.24	Rstitutn	Check #	46052 T	rust	Payout:
4-20-17	Restitution	Check #	46126	Trust Payo	ut:	73.33
-20-17	Restitution	Check #	46127	Trust Payo	ut:	220.40
-20-17	Restitution	Check #	46128	Trust Payo	ut:	187.70
20-17	Interest on 2.83	Rstitutn	Check #	46126 T	rust	Payout:
20-17	Interest on 8.50	Rstitutn	Check #	46127 T	rust	Payout:
-26-17	Restitution		Paym	ent Receive	d:	73.55
	Note: N	Mail Payme	ent;			
-26-17	Restitution		Paym	ent Receive	d:	221.06
26-17	Restitution		Paym	ent Receive	d:	188.26
26-17	Interest on	Rstitutn	Paym	ent Receive	d:	2.61
-26-17	Interest on	Rstitutn	Paym	ent Receive	d:	7.84
-26-17	Interest on	Rstitutn	Paym	ent Receive	d:	6.68
-18-17	Restitution	Check #	46261	Trust Payo	ut:	73.55
-18-17	Restitution	Check #	46262	Trust Payo	ut:	221.06
-18-17	Restitution	Check #	46263	Trust Payo	ut:	188.26
-18-17	Interest on 2.61	Rstitutn	Check #	46261 T	rust	Payout:
-18-17	Interest on 7.84	Rstitutn	Check #	46262 T	rust	Payout:
-18-17	Interest on 6.68	Rstitutn	Check #	46263 T	rust	Payout:
-31-17	Restitution		Paym	ent Receive	d:	73.05
	Note: N	Mail Payme	ent;			
31-17	Restitution		Paym	ent Receive	d:	219.53
31-17	Restitution		Paym	ent Receive	d:	186.97
31-17	Interest on	Rstitutn	Paym	ent Receive	d:	3.12
-31-17	Interest on	Rstitutn	Paym	ent Receive	d:	9.36
-31-17	Interest on	Rstitutn	Paym	ent Receive	d:	7.97
-07-17	Interest on 9.36	Rstitutn	Check #	46299 T	rust	Payout:
-30-17	Restitution	Check #	46498	Trust Payo	ut:	73.05
30-17	Restitution	Check #	46499	Trust Payo	ut:	219.53
-30-17	Interest on 3.12	Rstitutn	Check #	46498 T	rust	Payout:
-30-17	Restitution	Check #	46500	Trust Payo	ut:	186.97
inted:	04/11/18 11	:47:34	Pa	ge 61		

06-30-17	Interest on Rstitutn 7.97	Check # 46500 Trust	Payout:	
06-30-17		Payment Received:	73.62	
	Note: Mail Payme			
06-30-17	_	Payment Received:	221.27	
		Payment Received:		
		Filed: Trust Check No. 4		0
		46671 Trust Payout:		
		Check # 46671 Trust		
	2.54	,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
07-26-17	Restitution Check #	46672 Trust Payout:	221.27	
07-26-17	Restitution Check #	46673 Trust Payout:	188.44	
07-26-17	Interest on Rstitutn	Check # 46672 Trust	Payout:	
	7.63			
07-26-17	Interest on Rstitutn	Check # 46673 Trust	Payout:	
	6.50			
08-09-17	Restitution	Payment Received:	72.95	
	Note: Mail Payme	ent;		
08-09-17	Restitution	Payment Received:	219.24	
08-09-17	Restitution	Payment Received:	186.71	
08-09-17	Interest on Rstitutn	Payment Received:	3.21	
08-09-17	Interest on Rstitutn	Payment Received:	9.66	
08-09-17	Interest on Rstitutn	Payment Received:	8.23	
08-18-17	Interest on Rstitutn	Check # 46776 Trust	Payout:	
	9.66			
08-18-17	Interest on Rstitutn	Check # 46777 Trust	Payout:	
	8.23			
09-08-17	Restitution Check #	46909 Trust Payout:	72.95	
09-08-17	Restitution Check #	46910 Trust Payout:	219.24	
09-08-17	Restitution Check #	46911 Trust Payout:	186.71	
09-08-17	Interest on Rstitutn	Check # 46909 Trust	Payout:	
	3.21			
09-08-17	Restitution	Payment Received:	73.88	
	Note: Mail Payme	ent;		
09-08-17	Restitution	Payment Received:	222.04	
09-08-17	Restitution	Payment Received:	189.09	
Printed:	04/11/18 11:47:34	Page 62		

09-08-17 Interest on Rstitutn Payment Received: 2.28

09-08-17 Interest on Rstitutn Payment Received: 6.86

09-08-17 Interest on Rstitutn Payment Received: 5.85

09-18-17 Interest on Rstitutn Check # 46972 Trust Payout:

6.86

09-18-17 Interest on Rstitutn Check # 46973 Trust Payout:

5.85

09-21-17 Filed: Substitution of Counsel

09-21-17 Filed: Return of Electronic Notification

09-26-17 Minute Entry - REVIEW HEARING

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: WESTMORELAND, RICK T

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-092617 Tape Count: 9.31-9.36

Mr. Arrington updates the Court on the status of the defendant's payments. He indicates the defendant is doing well and asks that the Court allow the defendant a temporary reduction of payments for a couple of months due to his daughter's medical issue.

Mr. Westmoreland makes his objections and expresses his concerns.

Under the circumstances, the Court will allow a 2 payment reduction in the amount of \$250.00 for the months of September and October, 2017, without a violation of his probation. After October 2017, the defendant's payments will resume at \$500.00 per month. Defendant will pay \$250.00 immediately. A review hearing is set for 3/27/2018 at 9:30 AM.

## REVIEW HEARING.

Date: 03/27/2018 Time: 09:30 a.m.

Location: Courtroom 5

Judicial Complex

800 West State Street Farmington, UT 84025

Before Judge: DAVID CONNORS

#### CUSTODY

The defendant is not in custody.

09-26-17	Restitution	Payment Received:	36.79					
09-26-17	Restitution	Payment Received:	110.56					
09-26-17	Restitution	Payment Received:	94.16					
09-26-17	Interest on Rstitutn	Payment Received:	1.29					
09-26-17	Interest on Rstitutn	Payment Received:	3.89					
09-26-17	Interest on Rstitutn	Payment Received:	3.31					
09-27-17	Fee Account created	Total Due: 10.00	)					
09-27-17	AUDIO TAPE COPY	Payment Received:	10.00					
10-02-17 Note: Audio from hearings 2/28 and 9/26 emailed to								
daryl@utahgop.org								
10-03-17	REVIEW HEARING scheduled	on March 27, 2018 at 09:3	30 AM in					
Courtroom 5 with Judge CONNORS.								
10-03-17	Restitution Check # 4	7103 Trust Payout:	73.88					
10-03-17	Restitution Check # 4	7104 Trust Payout:	222.04					
10-03-17	Restitution Check # 4	7105 Trust Payout:	189.09					
10-03-17	Interest on Rstitutn Che	ck # 47103 Trust Payou	ıt:					

10-04-17 Filed order: REVIEW HEARING

Judge DAVID CONNORS

Signed October 04, 2017

- 11-15-17 Note: DEF's address was updated over the phone with DEF's wife.
- 11-21-17 Restitution Check # 47277 Trust Payout: 110.56
- 11-21-17 Interest on Rstitutn Check # 47277 Trust Payout:

3.89

2.28

- 11-21-17 Restitution Check # 47278 Trust Payout: 94.16
- 11-21-17 Interest on Rstitutn Check # 47278 Trust Payout:

3.31

- 11-21-17 Restitution Check # 47312 Trust Payout: 36.79
- 11-21-17 Interest on Rstitutn Check # 47312 Trust Payout:

1.29

Printed: 04/11/18 11:47:34

11-24-17 Filed: Violation, No Warrant Ref Case 111701135 12-04-17 Note: Def called. Has been unable to make payments since September because ORS is garnishing 50% of his check. Cannot make payments. Was instructed to contact judge if seeking different order to pay. Was told that account could go to OSDC at 90 days 12-04-17 Note: and was advised of review in March. 02-05-18 Filed: Violation, No Warrant Ref Case 111701135 02-09-18 Restitution Payment Received: 28.60 Note: Mail Payment; 02-09-18 Restitution Payment Received: 85.97 02-09-18 Restitution Payment Received: 73.21 02-09-18 Interest on Rstitutn Payment Received: 9.48 02-09-18 Interest on Rstitutn Payment Received: 28.49 02-09-18 Interest on Rstitutn Payment Received: 02-12-18 REVIEW HEARING rescheduled to April 03, 2018 at 09:30 AM in Courtroom 5 with Judge CONNORS. 02-12-18 Filed: Notice for Case 111701135 FS: Judge DAVID CONNORS 02-12-18 Interest on Rstitutn Check # 47751 Trust Payout: 28.49 02-12-18 Interest on Rstitutn Check # 47752 Trust Payout: 24.25 02-28-18 Restitution Payment Received: 44.40 02-28-18 Restitution Payment Received: 133.46 02-28-18 Restitution Payment Received: 113.65 02-28-18 Interest on Rstitutn 1.30 Payment Received: 02-28-18 Interest on Rstitutn Payment Received: 3.88 02-28-18 Interest on Rstitutn Payment Received: 3.31 03-05-18 Restitution Check # 47858 Trust Payout: 28.60 03-05-18 Restitution Check # 47859 Trust Payout: 85.97 03-05-18 Restitution Check # 47860 Trust Payout: 73.21 03-05-18 Interest on Rstitutn Check # 47858 Trust Payout: 9.48 03-28-18 Filed: Substitution of Counsel 03-28-18 Filed: Return of Electronic Notification 03-31-18 Restitution Payment Received: 43.67 03-31-18 Restitution Payment Received: 131.25 111.77 03-31-18 Restitution Payment Received: 03-31-18 Interest on Rstitutn Payment Received: 2.03

Page 65

03-31-18 Interest on Rstitutn Payment Received: 6.09
03-31-18 Interest on Rstitutn Payment Received: 5.19

04-03-18 Minute Entry - REVIEW HEARING

Judge: DAVID CONNORS

PRESENT

Clerk: leec

Prosecutor: NELSON, JASON C

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): ARRINGTON, C MARKLEY

Audio

Tape Number: 5-040318 Tape Count: 9.20-9.33

Mr. Arrington updates the Court on the status of the defendant's payments.

The clerk informs the parties that the defendant is \$2400 past due on his financial obligation.

Mr. Nelson makes statements and reads a Facebook post that was made by the defendant. Mr. Nelson asks that the Court order the defendant to submit his tax returns, W-2 forms, and a financial declaration.

Defendant makes statements to the Court and addresses Mr. Nelson's allegations.

Under the circumtances, the Court will follow the prosecution's recommendations. The Court requires the defendant to submit the following documents: a financial affidavit regarding the defendant's financial condition, to be supported by tax returns, W-2 forms, 1099, or whatever form of documentation the defendant receives with regards to the defendant's income. The Court requires the defendant to pay the \$500/month towards his financial obligation that was previously agreed to by the defendant. A review hearing is 6/5/2018 at 9:30 AM. The Court wants a plan from the defendant of how he intends to completely pay off the restitution. If the defendant is unable to pay it off within a reasonable time

frame, the Court will terminate it as unsuccessful and remand the financial obligation to the Office of State Debt Collection. The Court extends the defendant's probation until June 5, 2018.

#### REVIEW HEARING.

Date: 06/05/2018 Time: 09:30 a.m.

Location: Courtroom 5

JUDICIAL COMPLEX

800 WEST STATE STREET FARMINGTON, UT 84025

Before Judge: DAVID CONNORS

CUSTODY

The defendant is not in custody.

04-05-18 REVIEW HEARING scheduled on June 05, 2018 at 09:30 AM in

Courtroom 5 with Judge CONNORS.

04-09-18 Filed order: REVIEW HEARING

Judge DAVID CONNORS

Signed April 09, 2018

04-11-18 Fee Account created Total Due: 10.00

04-11-18 AUDIO TAPE COPY Payment Received: 10.00

Printed: 04/11/18 11:47:35 Page 67 (last)