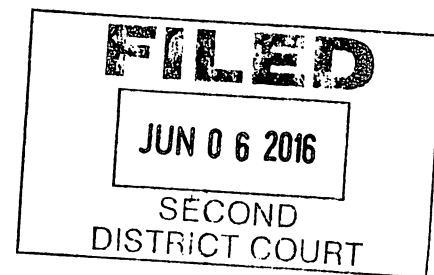


STATE OF UTAH  
ADULT PROBATION AND PAROLE

PROTECTED  
PROGRESS/VIOLATION REPORT  
UPDATED: 05/24/2016



**TO:** SECOND DISTRICT - FARMINGTON,  
Farmington, Davis County, Utah

**REGARDING:** ESQUIVEL, ANDRES

**ATTN:** JUDGE DAVID M. CONNORS

**CASE NO.:** 111701135

**FROM:** Salt Lake A.P.& P.

**OFFENSE:** 1 Ct(s) SECURITIES FRAUD, THIRD  
DEGREE FELONY

**DATE:** 05/24/2016

**OFFENDER #:** 50318

**PROBATION DATE:** 10/07/2014

**ADDRESS:** UNKNOWN

**LEGISLATIVE DATE:** 10/06/2017

**EMPLOYMENT:** UNKNOWN

**DEFENSE ATTY:** CLYDE MARKLEY  
ARRINGTON

**SUBJECT:** OFFENDER IS NON-COMPLIANT

**LSI ASSESSMENT CATEGORY:** MODERATE

**SUPERVISION CONDITIONS:**

On 10/01/2015, ANDRES ESQUIVEL was placed on probation with standard conditions and the following special conditions:

1. Do not consume or possess alcoholic beverages or frequent places where alcohol is chief item of sale.
2. Complete any other terms or conditions of probation as required by Adult Probation and Parole, and sign a probation agreement.
3. Successfully complete educational and/or vocational training or other training as directed.
4. Obtain an evaluation by Davis Behavioral Health or similar AP&P approved agency, and successfully complete any program they suggest.
5. Pay fines and fees in the amount of \$800.00 plus interest, as directed by AP&P.
6. Complete a Mental Health Evaluation and recommended treatment.
7. Enter, participate in, and complete any program, counseling or treatment as directed.
8. Pay (LDA) recoupment fee of \$500.00 plus interest.
9. Pay restitution in the amount of \$6,000.00 plus interest, in behalf of Kyle Cuff; \$5,000.00 plus interest, in behalf of Ryion Butcher; and \$2,000.00 plus interest, in behalf of Christopher Engelbrecht, as directed by Adult Probation and Parole.

**CURRENT VIOLATIONS:**

1. Mr. Esquivel failed to report as directed on 05/13/2016, in violation of a standard condition of the Probation Agreement. PC-Defendant called AP&P on 05/10/2016, and scheduled an appointment to report to his probation agent on 05/12/2016. He failed to report as agreed. Defendant called again on 05/13/2016, and agreed to report that day since he missed his scheduled appointment the previous day. Defendant failed to report again and has not contacted or been cooperative with AP&P in any regard. Defendant refuses to report as required to maintain accountability and comply with his probation agreement.
2. Mr. Esquivel failed to report as directed on 04/07/2016, in violation of a standard condition of the Probation Agreement. PC-Defendant failed to report to his agent at the Salt Lake City office this date to maintain proper accountability. Defendant refused to report as directed and is non-compliant and unaccountable.
3. Mr. Esquivel failed to report as directed on 03/29/2016, in violation of a standard condition of the Probation Agreement. PC-Defendant met with his probation agent at court on 03/22/2016, and was instructed to report to his agent at the Salt Lake City office on 03/29/2016. Defendant failed to report as directed.

**FINANCIAL SUMMARY:**

<b>Restitution Ordered:</b>	\$13,000.00	<b>Paid:</b>	\$1590.00	<b>Balance:</b>	\$12,313.49
<b>Fines Ordered:</b>	\$827.01	<b>Paid:</b>	\$0.00	<b>Balance:</b>	\$827.01
<b>Fees Ordered:</b>	\$516.82	<b>Paid:</b>	\$0.00	<b>Balance:</b>	\$516.85

Ability / willingness to pay: Mr. Esquivel has a large amount of restitution owing - \$13,657.35. He previously stated to AP&P he does not agree with his judgment and sentence and wants to drag his repayments out as long as he can. He has missed some payments but has paid consistently in January, March, April and May, 2016.

**PROBATION OVERVIEW:**

On 10/07/2014, Mr. Esquivel was granted the privilege of 36 months probation supervised by AP&P. He reported to AP&P on 10/24/2014, and reviewed his Probation Agreement (PA). He read, indicated he understood, and signed his Probation Agreement. He did not indicate there would be any barriers to him complying with the Court's orders or his probation conditions.

On 03/02/2015, Mr. Esquivel was sent to AP&P's Treatment and Resource Center (TRC) to obtain substance abuse and mental health assessments. He was referred to Clinical Consultants to obtain his assessments and was directed to do so within 14 days.

By 04/09/2015, the TRC had not received any information indicating the offender completed the assessment at Clinical Consultants as directed.

On 06/02/2015, Mr. Esquivel reported to AP&P he completed his evaluations at Clinical Consultants

On 07/07/2015, Mr. Esquivel reported to AP&P as directed and was drug tested. His test results were positive for THC. Mr. Esquivel stated he was taking cannabis oils. He was instructed to stop taking said oils and was directed to obtain a substance abuse assessment. Mr. Esquivel did not follow through with this directive to obtain a substance abuse assessment.

Mr. Esquivel was also instructed to attend AP&P's employment resources classes in July, 2015. He attended one workshop but failed to complete the follow-up class as instructed.

A review of Mr. Esquivel's living situation showed he reported he lives at his parent's residence in Kearns, Utah. Multiple home visits to that residence were conducted to verify his reported residence. Mr. Esquivel has never been found at this residence. Agents were informed by a family member the defendant does not actually stay at this residence.

Mr. Esquivel was taken into custody on 02/01/2016, on an outstanding warrant. He was released from custody by the court on 02/16/2016. Mr. Esquivel was instructed to report to AP&P to maintain compliance and update his residence and contact information. He failed to do so as indicated under "Current Violations" in this report.

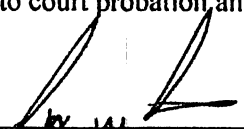
A person's behavior reflects their thinking, values and beliefs about themselves, others, and the world around them. Mr. Esquivel seems to demonstrate a disregard for good order and accountability. He appears superficially charming and has shown a certain contempt for AP&P by not cooperating as directed. He expresses rationalizations for violations. AP&P cannot effectively supervise Mr. Esquivel if he chooses not to cooperate with this agency as agreed.

**RECOMMENDATION:**


An OSC Hearing is set for 06/07/2016, before Your Honor.

**OSC RECOMMENDATION:**

If the defendant is found in violation of his probation, AP&P respectfully recommends the defendant's probation be transferred to court probation and AP&P's interests be closed.

  
\_\_\_\_\_  
JASON LOERTSCHER, SUPERVISOR

*Roman Hentish /es/ 05242016*  
\_\_\_\_\_  
ROMAN HENTISH, SUPERVISING OFFICER

APPROVED AND ORDERED:   
DENIED: \_\_\_\_\_  
DATE: 6/6/16  
COMMENTS: \_\_\_\_\_  
RECEIVED AND ACKNOWLEDGED: \_\_\_\_\_

