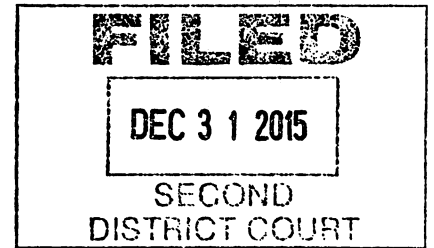


**STATE OF UTAH  
ADULT PROBATION AND PAROLE**

**PROTECTED  
PROGRESS/VIOLATION REPORT**



**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:** 12/29/2015

**OFFENDER #:** 50318

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

**ADDRESS:** UNKNOWN

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

**EMPLOYMENT:** UNKNOWN

**DEFENSE ATTY:** CLYDE MARKLEY  
ARRINGTON

**SUBJECT:** REQUEST FOR WARRANT AND OSC

**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 / 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) recoument 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. By having failed to pay any supervision fees for the months of May, August and November, 2015, without having been granted a waiver by the Department of Corrections, in violation of a standard condition of the Probation Agreement. PC-Defendant failed to make any payments in May, August, and November, 2015 towards his financial obligations.
2. By having failed to pay court fines for months of May, August and November, 2015, in reference to case #111701135, as ordered, in violation of a special condition of the Probation Agreement. PC-Defendant failed to make any payments in May, August, and November, 2015 towards his financial obligations.
3. By having failed to pay recoupment fee for the months of May, August and November, 2015, in violation of a special condition of the Probation Agreement. PC-Defendant failed to make any payments in May, August, and November, 2015 towards his financial obligations.
4. By having failed to pay restitution for the months of May, August and November, 2015, in reference to case #111701135, as ordered, in violation of a special condition of the Probation Agreement. PC-Defendant failed to make any payments in May, August, and November, 2015 towards his financial obligations.
5. By having failed to seek or maintain full-time employment or education, on or about 12/10/2015, in violation of a standard condition of the Probation Agreement. PC-AP&P received a report from ORS that the defendant no longer works at his listed employer known as GUNGOR CONSTRUCTION and he failed to notify AP&P or update his employment status. AP&P has been unable to confirm the veracity of this reported employer.
7. By having failed to complete a Mental Health Evaluation and/or recommended treatment, on or about 12/10/2015, in violation of a special condition of the Probation/Parole Agreement. PC-The defendant was directed to complete a substance abuse and mental health assessment in July, 2015. He failed to comply with this directive and has not submitted to a mental health or substance abuse evaluation.
8. By having failed to enter into, participate in or complete a program, counseling or treatment as directed, in violation of a special condition of the Probation Agreement. PC-The defendant was directed to complete a substance abuse and mental health assessment in July, 2015. He failed to comply with this directive and has not submitted to a mental health or substance abuse evaluation.
9. By having failed to establish and report an actual residence of record or changed his residence without permission, on or about 12/28/2015, in violation of a standard condition of the Probation Agreement. PC-AP&P conducted a home visit at the defendant's reported residence of record on 12/28/2015, and were informed by a family member the defendant does not actually stay at said residence.

**TREATMENT PROGRESS:**

Mr. Esquivel was directed to complete a substance abuse and mental health assessment in July, 2015. He failed to comply with this directive and has not submitted to a mental health or substance abuse evaluation.

**FINANCIAL SUMMARY:**

<b>Restitution Ordered:</b>	\$13,000.00	<b>Paid:</b>	\$379.25	<b>Balance:</b>	\$12,620.75
<b>Fines Ordered:</b>	\$819.91	<b>Paid:</b>	\$0.00	<b>Balance:</b>	\$819.91
<b>Fees Ordered:</b>	\$512.42	<b>Paid:</b>	\$0.00	<b>Balance:</b>	\$512.42

Ability / willingness to pay: Mr. Esquivel has a large amount of restitution owing. He 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 made minimal payments and has missed payments. It appears he is following through with his intentions.

**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, understood and signed his PA and did not indicate there would be any barriers to him complying with the Court's orders or his probation conditions.

He requested an Interstate Transfer to Colorado in October, 2014. He rescinded this request in January, 2015 and reported to AP&P he will be staying in Salt Lake City.

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. However, he could not provide any proof or paperwork to verify his claims.

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 and a mental health evaluation. To date, Mr. Esquivel has failed to follow this directive to obtain a substance abuse assessment and a mental health evaluation.

Mr. Esquivel 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. A recent field visit to that residence was conducted. Agents were informed by a family member the defendant does not actually stay at said residence. The family member did not know where Mr. Esquivel lives. Mr. Esquivel's whereabouts are unknown.

A review of Mr. Esquivel's payment history towards his financial obligations in this case revealed the defendant has a large amount of restitution owing. He 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 made minimal payments and failed to make payments in May, August, and November, 2015. It appears he is following through with his intentions to spite the Court, not take responsibility for his crimes, not make his victims whole and further victimize them.

A person's behavior reflects their thinking, values and beliefs about themselves, others, and the world around them. Mr. Esquivel demonstrates a disregard for the feelings of others and a reduced ability to experience guilty shame. He is superficially charming and has shown a disregard for rules. He victimizes others to satisfy his own needs and expresses rationalizations for law violations.

**RECOMMENDATION:**

AP&P respectfully requests the Court issue \$25,000 Cash Only Bench Warrant for the defendant's arrest for probation violations, and once apprehended, an Order to Show Cause Hearing for the defendant be scheduled at the Court's earliest convenience.

**OSC RECOMMENDATION:**

If the defendant is found in violation of his probation, AP&P respectfully recommends the defendant's probation be continued, but the defendant be ordered to serve a period of incarceration of 30 days in the Davis County Jail in accordance with JRI guidelines.

Jason Loertscher  
2015-12-29T04:47:19-07:00 *jlw*  
\_\_\_\_\_  
JASON LOERTSCHER, SUPERVISOR

*Roman Hentish /es/ 12292015*  
\_\_\_\_\_  
ROMAN HENTISH, SUPERVISING OFFICER

APPROVED AND ORDERED: *David M. [Signature]*  
DENIED: \_\_\_\_\_  
DATE: 12/31/15  
COMMENTS: \_\_\_\_\_  
RECEIVED AND ACKNOWLEDGED: \_\_\_\_\_

