

Paul T. Moxley (#2342)  
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*Former Attorneys of Record for Gregory Kent Howell*

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**BEFORE THE DIVISION OF SECURITIES  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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**IN THE MATTER OF:**

**GREGORY KENT HOWELL**

**Respondent.**

**MOTION TO WITHDRAW AS COUNSEL  
OF RECORD FOR GREGORY KENT  
HOWELL**

**Docket No. SD-08-0002**

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The undersigned former counsel of record hereby notify the Division that Paul T. Moxley and the law firm Parsons Kinghorn Harris (collectively, "PKH") previously have filed a motion to withdraw as counsel for respondent Gregory Kent Howell ("Howell"), and the Third District Court in and for Salt Lake County, State of Utah previously granted this motion to withdraw in the matter styled *State of Utah v. Gregory K. Howell* (Case No. 071909389). A copy of the docket from this case—including entries for the March 13, 2009 motion to withdraw and minute entry granting the motion—is attached as Exhibit A. Since that time, PKH has had no contact

with Mr. Howell. It is PKH's understanding that after the court granted the motion to withdraw, Mr. Howell was represented in that case by John T. Walsh, whose contact information is as follows:

John T. Walsh  
3191 S. Valley St., #240  
Salt Lake City, Utah 84109  
Telephone: (801) 467-9700  
Email: johnwalshlaw@gmail.com

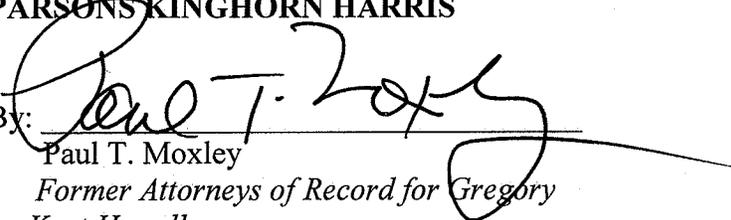
PKH further is informed that Mr. Howell's current mailing address is as follows:

Gregory Howell, #4535  
Sanpete County Jail  
P.O. Box 130  
Manti, Utah 84642

WHEREFORE, PKH respectfully requests the Division to enter an Order confirming that PKH previously has withdrawn as attorneys of record for Gregory Kent Howell. In the alternative, PKH requests the Division to enter an Order authorizing PKH to withdraw as attorneys of record for Gregory Kent Howell to the extent the Division concludes any further withdrawal is necessary.

DATED this 5th day of March, 2013.

**PARSONS KINGHORN HARRIS**

By: 

Paul T. Moxley

*Former Attorneys of Record for Gregory  
Kent Howell*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of March, 2013, I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR GREGORY KENT HOWELL**

to:

Administrative Court Clerk  
c/o Julie Price  
Utah Division of Securities  
160 East 300 South, 2nd Floor  
Box 146760  
Salt Lake City, Utah 84114-6760

D. Scott Davis  
Assistant Attorney General  
Utah Division of Securities  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, Utah 84114-0872

Keith Woodwell  
Director, Utah Division of Securities  
Utah Division of Securities  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, Utah 84114-0872

Gregory Howell, #4535  
Sanpete County Jail  
P.O. Box 130  
Manti, Utah 84642

John T. Walsh  
3191 S. Valley St., #240  
Salt Lake City, Utah 84109

Dated this 5th day of March, 2013.



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# Exhibit A

3RD DISTRICT COURT - SALT LAKE  
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH ATTORNEY GENERAL vs. GREGORY K HOWELL

CASE NUMBER 071909389 State Felony

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CHARGES

Charge 1 - 76-6-404.5 - WRONGFUL APPROPRIATION 2nd Degree  
Felony (amended) to Class B Misdemeanor  
Offense Date: September 05, 2006  
Plea: April 27, 2012 Guilty  
Disposition: April 27, 2012 Guilty

Charge 2 - 61-1-1 - SECURITIES FRAUD 2nd Degree Felony  
Offense Date: September 05, 2006  
Plea: July 11, 2008 Not Guilty  
Disposition: January 14, 2010 Not Guilty

CURRENT ASSIGNED JUDGE  
JUDITH S ATHERTON

PARTIES

Defendant - GREGORY K HOWELL  
Represented by: JOHN F WAHLQUIST

Plaintiff - STATE OF UTAH ATTORNEY GENERAL  
Represented by: CHE ARGUELLO

DEFENDANT INFORMATION

Defendant Name: GREGORY K HOWELL  
Offense tracking number: 30384085  
Date of Birth: July 12, 1972  
Jail Booking Number: 0733892  
Law Enforcement Agency: ATTORNEY GENERAL  
LEA Case Number:  
Prosecuting Agency: ATTORNEY GENERAL  
Agency Case Number:  
Sheriff Office Number: 312298

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	10.00
	Amount Paid:	10.00
	Credit:	0.00
	Balance:	0.00

TRUST TOTALS Trust Due: 100,365.92

Amount Paid: 0.00  
Credit: 0.00  
Trust Balance Due: 100,365.92  
Balance Payable: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00  
Amount Paid: 10.00  
Amount Credit: 0.00  
Balance: 0.00

TRUST DETAIL

Trust Description: Interest on Rstitutn  
Recipient: DAVID CHRISTIANSEN  
Amount Due: 365.92  
Paid In: 0.00  
Paid Out: 0.00

Account Adjustments

Date	Amount	Reason
Jun 29, 2012	365.92	Interest Posted to Date

TRUST DETAIL

Trust Description: Restitution  
Recipient: DAVID CHRISTIANSEN  
Amount Due: 100,000.00  
Paid In: 0.00  
Paid Out: 0.00

CASE NOTE

Attorney General

PROCEEDINGS

12-20-07 Case filed  
12-20-07 Filed: From an Information  
12-20-07 Filed: Information  
12-20-07 Judge JUDITH S ATHERTON assigned.  
12-20-07 Note: Case filed by Diana Parrish - Attorney General/Warrant activated.  
12-20-07 Warrant ordered on: December 20, 2007 Warrant Num: 981206793  
Bail Allowed  
Bail amount: 25000.00  
12-20-07 Warrant issued on: December 20, 2007 Warrant Num: 981206793  
Bail Allowed  
Bail amount: 25000.00  
Judge: STEPHEN L HENRIOD

Issue reason: Based on the probable cause statement.

12-27-07 INITIAL APPEARANCE-SURRENDER scheduled on December 31, 2007 at

09:00 AM in Arraignment - S31 with Judge ARRAIGNMENT.

12-27-07 Note: Amber from PTS phoned for surrender date.

12-28-07 Note: Neal Gunnarson Assistant Attorney General notified.

12-31-07 ROLL CALL scheduled on January 17, 2008 at 02:00 PM in To Be

Determined with Judge QUINN.

12-31-07 Minute Entry - Minutes for Arraignment

Judge: L A DEVER

PRESENT

Clerk: rhondam

Prosecutor: GUNNARSON, E NEAL

Defendant

Audio

Tape Number: CD 106 Tape Count: 9:15

ARRAIGNMENT

A copy of the Information is given to the defendant.

The Information is read.

HEARING

Pretrial Service Release is granted. Defendant to be booked and released.

Defendant to notify attorney of court date.

ROLL CALL is scheduled.

Date: 01/24/2008

Time: 02:00 p.m.

Location: To Be Determined

Third District Court

450 South State

Salt Lake City, UT 84111

Before Judge: GLENN K. IWASAKI

12-31-07 ROLL CALL rescheduled on January 24, 2008 at 02:00 PM

Reason: Conflict in attorney schedule.

12-31-07 Note: ARRAIGNMENT minutes modified.

12-31-07 ROLL CALL scheduled on January 24, 2008 at 02:00 PM in To Be

Determined with Judge IWASAKI.

12-31-07 ROLL CALL Cancelled.

12-31-07 Note: ARRAIGNMENT minutes modified.

12-31-07 Filed order: Order for supervised release to pretrial services.

Judge L A DEVER

Signed December 31, 2007

12-31-07 Warrant recalled on: December 31, 2007 Warrant num: 981206793

Recall reason: Warrant recalled because defendant was booked.

12-31-07 Note: Bail remain PTS

01-04-08 Filed: Supervised release agreement.

01-24-08 RESOLUTION HEARING scheduled on March 06, 2008 at 02:00 PM in  
To Be Determined with Judge BARRETT.

01-24-08 Minute Entry - Minutes for Roll Call

Judge: GLENN K. IWASAKI

PRESENT

Clerk: terryb

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): MR. MOXLEY

Video

Tape Number: 01/24/2008 Tape Count: 3.08

HEARING

TAPE: 01/24/2008 COUNT: 3.08

C/O Case set for Resolution hearing.

Defendant appeared out of custody.

RESOLUTION HEARING is scheduled.

Date: 03/06/2008

Time: 02:00 p.m.

Location: To Be Determined

Third District Court

450 South State

Salt Lake City, UT 84111

Before Judge: WILLIAM W BARRETT

03-06-08 Minute Entry - Minutes for Resolution Hearing

Judge: WILLIAM W BARRETT

PRESENT

Clerk: terryb

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): PAUL MOXLEY

Video

Tape Count: 3.00

HEARING

COUNT: 3.00

Court Orders Case set for Preliminary Hearing

PRELIMINARY HEARING is scheduled.

Date: 04/22/2008

Time: 09:00 a.m.

Location: Fourth Floor - W48

Before Judge: MEDLEY, TYRONE E

03-06-08 Preliminary Hearing scheduled on April 22, 2008 at 09:00 AM in

Fourth Floor - W48 with Judge MEDLEY.

04-07-08 Filed: Stipulated Motion for Continuance

Filed by: GUNNARSON, E NEAL  
04-09-08 Filed order: Order Granting Motion for Continuance  
Judge TYRONE E MEDLEY  
Signed April 09, 2008  
04-21-08 Preliminary Hearing scheduled on June 12, 2008 at 09:00 AM in  
Fourth Floor - N41 with Judge FAUST.  
04-21-08 Preliminary Hearing Cancelled scheduled for: 4/22/2008  
Reason: Correct Calendar  
04-21-08 Filed: Notice of Preliminary Hearing  
06-09-08 PRELIMINARY HEARING rescheduled on June 12, 2008 at 09:00 AM  
Reason: Correct Calendar.  
06-12-08 ARRAIGNMENT scheduled on July 11, 2008 at 09:00 AM in Fourth  
Floor - S45 with Judge ATHERTON.  
06-12-08 Note: Case Bound Over  
06-12-08 Minute Entry - Minutes for INCOURT NOTE  
Judge: VERNICE TREASE  
PRESENT  
Clerk: micheldeb  
Prosecutor: GUNNARSON, E NEAL  
Defendant  
Defendant's Attorney(s): KIMBERLEY L HANSEN

Video

Tape Number: 6/12/08 Tape Count: 9:39

CASE BOUNDOVER

Defendant waived preliminary hearing, State consenting thereto.  
This case is bound over. An Arraignment hearing has been set on  
7/11/2008 at 9:00 AM in courtroom S45 before Judge JUDITH S.  
ATHERTON.

07-11-08 DISPOSITION scheduled on August 01, 2008 at 09:00 AM in Fourth  
Floor - S45 with Judge ATHERTON.  
07-11-08 Minute Entry - Minutes for Arraignment  
Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: shantec  
Prosecutor: GUNNARSON, E NEAL  
Defendant  
Defendant's Attorney(s): PAUL T MOXLEY

Video

Tape Count: 10.07.40

ARRAIGNMENT

The Information is read.  
Defendant is arraigned.  
DISPOSITION is scheduled.

Date: 08/01/2008

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

07-11-08 DISPOSITION scheduled on August 01, 2008 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

08-01-08 Minute Entry - Minutes for DISPOSITION

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): PAUL T MOXLEY

Video

Tape Count: 10.08.40

HEARING

COUNT: 10.08.40

Defendant is requesting a jury trial. Case continued to the following date:

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 11/14/2008

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 11/18/2008

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 11/19/2008

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 11/20/2008

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

08-01-08 FINAL PRETRIAL CONFERENCE scheduled on November 14, 2008 at  
09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

08-01-08 3 DAY JURY TRIAL scheduled on November 18, 2008 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-01-08 3 DAY JURY TRIAL scheduled on November 19, 2008 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-01-08 3 DAY JURY TRIAL scheduled on November 20, 2008 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

11-14-08 Minute Entry - PRETRIAL CONFERENCE continued

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: BARLOW, CHARLENE

Defendant

Video

Tape Count: 9.23.25

CONTINUANCE

Whose Motion:

The Defendant.

Reason for continuance:

Defendant's request

The motion is granted.

3 DAY JURY TRIAL is scheduled.

Date: 01/13/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 01/14/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 01/15/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

11-14-08 FINAL PRETRIAL CONFERENCE Continued.

Reason: ATD requested continuance.

11-14-08 FINAL PRETRIAL CONFERENCE scheduled on January 09, 2009 at  
09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

11-14-08 3 DAY JURY TRIAL scheduled on January 13, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

11-14-08 3 DAY JURY TRIAL scheduled on January 14, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

11-14-08 3 DAY JURY TRIAL scheduled on January 15, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

11-14-08 3 DAY JURY TRIAL Cancelled.

Reason: Bumped by a high priority case.

12-09-08 Filed: States Notice of Intent to Present Expert Witness

Testimony at Trial

01-09-09 Minute Entry - Minutes for FINAL PRETRIAL CONFERENCE

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: sunshinb

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): PAUL T MOXLEY

Video

Tape Count: 9:26:10

HEARING

COUNT: 9:26:10

Another jury trial is going forward. Defendant waives any speedy  
trial issues. Case continued to the following date:

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 04/03/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 04/07/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 04/08/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 04/09/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

01-09-09 FINAL PRETRIAL CONFERENCE scheduled on April 03, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-09-09 3 DAY JURY TRIAL scheduled on April 07, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-09-09 3 DAY JURY TRIAL scheduled on April 08, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-09-09 3 DAY JURY TRIAL scheduled on April 09, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-09-09 3 DAY JURY TRIAL Cancelled.

Reason: Bumped by a high priority case.

02-24-09 Filed: Motion to Withdraw as Counsel for Defendant

03-05-09 MOTION TO WITHDRAW COUNSEL scheduled on March 13, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-13-09 Filed order: Affidavit of Indigency (DENIED)

Judge JUDITH S ATHERTON

Signed March 13, 2009

03-13-09 Filed order: Order Granting Motion to Withdraw as Counsel for Defendant

Judge JUDITH S ATHERTON

Signed March 13, 2009

03-13-09 Note: minutes modified.

03-13-09 Minute Entry - Minutes for MOTION TO WITHDRAW COUNSEL

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: sunshinb

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): PAUL T MOXLEY

Tape Number: S 45 Tape Count: 9:28:55

#### HEARING

TAPE: S 45 COUNT: 9:28:55

Mr. Moxley's Motion to Withdraw as Counsel is granted. Defendant does not qualify for the appointment of counsel. Defendant states he will be ready to go to trial as scheduled.

03-27-09 Filed: Appearance of Counsel

04-03-09 3 DAY JURY TRIAL Cancelled.

04-03-09 Minute Entry - PRETRIAL CONFERENCE continued

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45 Tape Count: 9.41.51

#### CONTINUANCE

Whose Motion:

The Defendant's counsel JOHN WALSH.

Reason for continuance:

Counsel is not ready to proceed.

Case continued to the following date:

The motion is granted.

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 06/12/2009

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-03-09 FINAL PRETRIAL CONFERENCE Continued.

04-03-09 FINAL PRETRIAL CONFERENCE scheduled on June 12, 2009 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

04-03-09 2 DAY JURY TRIAL scheduled on June 16, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.  
04-03-09 2 DAY JURY TRIAL scheduled on June 17, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.  
04-03-09 Filed: First Amended Criminal Information  
04-03-09 Charge 61-1-1 Sev F2 was amended to 76-6-404.5 Sev MB  
04-03-09 Charge 76-6-404 Sev F2 was amended to 61-1-1 Sev F2  
04-03-09 Charge 61-1-1 Sev F2 was removed.  
04-03-09 Charge 76-6-404 Sev F2 was removed.  
04-03-09 Charge 61-1-1 Sev F2 was removed.  
04-03-09 Charge 76-6-404 Sev F2 was removed.  
04-03-09 Charge 61-1-1 Sev F2 was removed.  
04-03-09 Charge 76-6-404 Sev F2 was removed.  
04-03-09 Charge 76-10-1601 Sev F2 was removed.  
04-30-09 FINAL PRETRIAL CONFERENCE scheduled on June 15, 2009 at 09:00  
AM in Fourth Floor - S45 with Judge ATHERTON.  
06-15-09 Minute Entry - Minutes for FINAL PRETRIAL CONFERENCE  
Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: sunshinb  
Prosecutor: GUNNARSON, E NEAL  
Defendant  
Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45 9:01:51 Tape Count: 9:03:32

HEARING

TAPE: S45 9:01:51 COUNT: 9:03:32

Counsel is ready to proceed with the jury trial however there is  
another jury trial going forward. The clerk will call counsel and  
let them know and schedule a scheduling conference.

06-15-09 2 DAY JURY TRIAL Cancelled.  
06-16-09 SCHEDULING CONF scheduled on July 10, 2009 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.  
06-22-09 Filed: Motion to Sever  
Filed by: HOWELL, GREGORY K  
06-22-09 Filed: Memorandum in Support Motion to Sever  
06-26-09 Filed: Motion to Dismiss  
Filed by: HOWELL, GREGORY K  
06-26-09 Filed: Memorandum in Support of Motion to Dismiss  
06-26-09 Filed: Motion to Dismiss  
Filed by: HOWELL, GREGORY K  
06-26-09 Filed: Memorandum in Support of Motion to Dismiss  
06-29-09 Filed: Plaintiffs Response to Defendants Motion to Sever  
07-07-09 Filed: Notice to Submit and Request for Oral Argument  
07-07-09 Filed: Reply Memorandum In Support of Motion Motion to Sever  
07-09-09 Filed: Plaintiffs Response to Defendants Motion to Dismiss

Counts One and Two

07-10-09 Minute Entry - Minutes for SCHEDULING CONFERENCE

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: sunshinb

Prosecutor: GUNNARSON, E NEAL

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45 10:19:00 Tape Count: 10:20:57

HEARING

TAPE: S45 10:19:00 COUNT: 10:20:57

Defendant has filed Motions and is requesting a hearing on the Motions. Case continued to the following date:

ORAL ARGUMENTS ON MOTION is scheduled.

Date: 08/21/2009

Time: 02:00 p.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

07-10-09 ORAL ARGUMENTS ON MOTION scheduled on August 21, 2009 at 02:00

PM in Fourth Floor - S45 with Judge ATHERTON.

08-21-09 Minute Entry - Minutes for ORAL ARGUMENTS ON MOTION

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45-2.17.18 Tape Count: 3.20

HEARING

TAPE: S45-2.17.18 COUNT: 3.20

Oral arguments on motion to dismiss. Motion to dismiss is denied.

Oral arguments on Motion to sever. Motion to sever is denied. Ms.

Barlow to file an order consistent with today's rulings. Case

continued to the following date:

FINAL PRETRIAL is scheduled.

Date: 01/08/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 01/12/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 01/13/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 01/14/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

08-21-09 FINAL PRETRIAL scheduled on January 08, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-21-09 3 DAY JURY TRIAL scheduled on January 12, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-21-09 3 DAY JURY TRIAL scheduled on January 13, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-21-09 3 DAY JURY TRIAL scheduled on January 14, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-23-09 Filed order: Order  
Judge JUDITH S ATHERTON  
Signed September 22, 2009

01-08-10 Minute Entry - Minutes for Pretrial Conference

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: s45 Tape Count: 9:37-9:40.25

HEARING

Counsel is ready to go forward with trial. Stipulated jury instructions, and voir dire to be submitted to the court by 01/11/2010 by noon.

01-11-10 Note: PRETRIAL CONFERENCE minutes modified.

01-11-10 Filed: Plaintiff's proposed voir dire questions for the jury panel

01-11-10 Filed: plaintiff's proposed jury instructions

01-11-10 Filed: plaintiff's proposed voir dire questions for the jury panel

01-12-10 Minute Entry - Minutes for Jury Trial

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: s45 Tape Count: 9:22-4:53

TRIAL

Jury Panel is seated and sworn. Information is read. Voir Dire is conducted. Jury is selected and sworn. Preliminary instructions are read. Opening statements.

State calls first witness Michael Hines, sworn in and testifies.

Direct and Cross. Court recess

COUNT: 2:04

Cross examination of Mr. Hines continues. Redirect

COUNT: 2:17

State calls 2nd witness Heather Woll, sworn and testifies. Witness Identifies the defendant. State offers exhibits one through nine all are received, with no objection from the defense

COUNT: 3:07

Cross examination. Defense exhibits four through six are offered and received with no objection from the state. Redirect

COUNT: 4:09

State calls third witness David Christiansen, sworn in and testifies. State offers exhibits ten through fifteen, with no objection from the defense exhibits are received. Cross examination. Redirect. Jurors are excused and court recesses for the day

01-13-10 Minute Entry - Minutes for DAY 2 - JURY TRIAL

Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: shantec  
Prosecutor: BARLOW, CHARLENE  
Defendant  
Defendant's Attorney(s): WALSH, JOHN

Audio  
Tape Number: S45-9.06 Tape Count: 3.40

TRIAL

COUNT: 9.10

Jury returns. Diana Parrish is sworn in and testifies. States exhibits 16-25 are offered and admitted. Cross-examination. Defendants exhibit 1 and 2 are offered and admitted. Court breaks. 3:35 Jury is excused until 1/14/10 at 9:30am. 11:14 Cross-examination continues. Re-direct. 11:32 State rests. 11:32 Ralph Johnstrude is sworn in and testifies. Cross-examination. 11:44 Greg Howell is sworn in and testifies. 12:06 Jury is excused for lunch. Defendants Motion to Dismiss is denied. Jury instructions are discussed. 1:21 Jury returns. Robert Ferencak is sworn in and testifies over a live internet feed. Cross-examination. 1:34 Gregory Howell returns to the stand and is advised he is still under oath. Cross-examination. 2:40 Recess. 3:25 Gregory Howell returns to the stand a third time for Re-direct and is advised he is still under oath. Re-cross. 3:35 Jury is excused until 9:30 am 1/14/10.

01-14-10 Minute Entry - Minutes for DAY 3 - JURY TRIAL

Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: shantec  
Prosecutor: BARLOW, CHARLENE  
Defendant  
Defendant's Attorney(s): WALSH, JOHN

Video  
Tape Number: S45

TRIAL

COUNT: 9:41

Jurors are seated and instructions are read.

COUNT: 10:05

Closing statements

COUNT: 11:58

Balif is sworn and jury is released for deliberation

COUNT: 5:12

Court returns and re seats the jury. The jury has reached a verdict as to count two. Defendant is found not guilty. No verdict is reached as to count one. Jury is excused.

COUNT: 5:24

Court finds there is a mistrial in terms of count one. This matter is set for scheduling conference  
SCHEDULING CONF is scheduled.

Date: 01/15/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

01-14-10 Charge 2 Disposition is Not Guilty

01-14-10 SCHEDULING CONF scheduled on January 15, 2010 at 09:00 AM in

Fourth Floor - S45 with Judge ATHERTON.

01-14-10 Note: DAY 3 - JURY TRIAL minutes modified.

01-14-10 Filed: Jury Instructions

01-14-10 Filed: Verdict

01-14-10 Filed: Jury List

01-14-10 Filed: Exhibit list

01-15-10 STATUS scheduled on January 29, 2010 at 09:00 AM in Fourth

Floor - S45 with Judge ATHERTON.

01-15-10 Minute Entry - Minutes for Pretrial Conference

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: s45 Tape Count: 9:50-9:52

HEARING

Counsel request for this case to trail defendants other case  
STATUS is scheduled.

Date: 01/29/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

01-26-10 Fee Account created Total Due: 10.00

01-26-10 AUDIO TAPE COPY Payment Received: 10.00

Note: 20.00 cash tendered. 10.00 change given.

01-29-10 Minute Entry - Minutes for SCHEDULING CONFERENCE

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: lynnettm

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

HEARING

Motion to cont was granted and motion to sever needs to be filed.  
Motions to be filed by 2/19, opposition by 3/5 and set for oral  
argument

JURY TRIAL is scheduled.

Date: 06/01/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

JURY TRIAL.

Date: 06/02/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

JURY TRIAL.

Date: 06/03/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

PRETRIAL CONFERENCE.

Date: 05/28/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

ORAL ARGUMENT.

Date: 04/09/2010

Time: 02:00 p.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

01-29-10 JURY TRIAL scheduled on June 01, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-29-10 JURY TRIAL scheduled on June 02, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-29-10 JURY TRIAL scheduled on June 03, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-29-10 PRETRIAL CONFERENCE scheduled on May 28, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

01-29-10 ORAL ARGUMENT scheduled on April 09, 2010 at 02:00 PM in Fourth Floor - S45 with Judge ATHERTON.

03-02-10 PRETRIAL CONFERENCE rescheduled on July 09, 2010 at 09:00 AM  
Reason: Stipulation of counsel.

03-02-10 JURY TRIAL scheduled on July 13, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-02-10 JURY TRIAL scheduled on July 14, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-02-10 JURY TRIAL scheduled on July 15, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-02-10 PRETRIAL CONFERENCE scheduled on July 09, 2010 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-02-10 JURY TRIAL Cancelled.

Reason: Correct Calendar

03-02-10 PRETRIAL CONFERENCE Cancelled.

Reason: Correct Calendar

04-09-10 Minute Entry - Minutes for ORAL ARGUMENT

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: s45 Tape Count: 2:31-

HEARING

This case is trailing defendant other case.  
SET TO TRAIL OTHER CASE is scheduled.

Date: 06/11/2010

Time: 02:00 p.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-15-10 SET TO TRAIL OTHER CASE scheduled on June 11, 2010 at 02:00 PM  
in Fourth Floor - S45 with Judge ATHERTON.

06-11-10 SCHEDULING CONF scheduled on July 30, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

06-11-10 Minute Entry - Minutes for Law and Motion

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: s45 Tape Count: 2:27-

HEARING

Counsel and defendant present in regards to a motion that is filed  
in another case. This matter to be set for scheduling to trail  
other case.

SCHEDULING CONF is scheduled.

Date: 07/30/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

07-09-10 PRETRIAL CONFERENCE Cancelled.

07-09-10 JURY TRIAL Cancelled.

07-30-10 Minute Entry - Minutes for SCHEDULING CONFERENCE

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45-10.55 Tape Count: 10.57

HEARING

TAPE: S45-10.55 COUNT: 10.57

Case continued to the following date:

ORAL ARGUMENT is scheduled.

Date: 08/24/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

07-30-10 ORAL ARGUMENT scheduled on August 24, 2010 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-24-10 Minute Entry - Minutes for ORAL ARGUMENT

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: BARLOW, CHARLENE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45-9.22.46 Tape Count: 9.59

HEARING

TAPE: S45-9.22.46 COUNT: 9.59

Arguments are heard, Court takes matter under advisement. Case  
continued to the following date:

STATUS CONFERENCE is scheduled.

Date: 09/17/2010

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

08-24-10 STATUS CONFERENCE scheduled on September 17, 2010 at 09:00 AM  
in Fourth Floor - S45 with Judge ATHERTON.

09-17-10 Minute Entry - Minutes for STATUS CONFERENCE

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: BARLOW, CHARLENE

Defendant not present

Defendant's Attorney(s): WALSH, JOHN

Video

Tape Number: S45-10.27 Tape Count: 10.29

HEARING

TAPE: S45-10.27 COUNT: 10.29

Case is trailing case 091902210. Case continued to the following date:

STATUS CONFERENCE.

Date: 03/18/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

09-17-10 STATUS CONFERENCE scheduled on March 18, 2011 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

03-18-11 Minute Entry - LAW & MOTION HEARING continued

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: MACANAS, JANISE K

Defendant

Defendant's Attorney(s): WALSH, JOHN

Audio

Tape Number: S45-10.16 Tape Count: 10.19

CONTINUANCE

Whose Motion:

The Stipulation of counsel.

Conflict with co-defendants schedule.

The motion is granted.

FINAL PRETRIAL is scheduled.

Date: 08/26/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 08/30/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 08/31/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

3 DAY JURY TRIAL.

Date: 09/01/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

03-18-11 3 DAY JURY TRIAL scheduled on August 30, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

03-18-11 3 DAY JURY TRIAL scheduled on August 31, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

03-18-11 3 DAY JURY TRIAL scheduled on September 01, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

03-18-11 DISPOSITION Continued.

Reason: Bumped by a high priority case.

03-18-11 FINAL PRETRIAL scheduled on August 26, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-15-11 Filed: TRANSCRIPT for Hearing of 01-13-2010

08-16-11 Filed: Transcript - Jury Trial 01/13/2010 Day 2 of a 3 day  
trial - Judge Atherton - Carolyn Erickson, CSR (Only received  
1 transcript)

08-18-11 STATUS (COUNSEL REQUEST) scheduled on August 19, 2011 at 09:00  
AM in Fourth Floor - S45 with Judge ATHERTON.

08-19-11 SCHEDULING CONF continued to September 09, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-19-11 Minute Entry - Minutes for LAW & MOTION HEARING continu

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Sheriff Office#: 312298

Audio

Tape Number: S45-11.29 Tape Count: 11.44

CONTINUANCE

Whose Motion:

The Stipulation of counsel.

Defendant waives speedy trial issues. Case is set for a scheduling conf. Parties agree to December 5-8 as a firm setting for trial. Court will make arrangements to secure a firm setting. (Counsel will be present at 11am on 9/9/11)

The motion is granted.

SCHEDULING CONF is scheduled.

Date: 09/09/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

4 DAY JURY TRIAL.

Date: 12/05/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

4 DAY JURY TRIAL.

Date: 12/06/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

4 DAY JURY TRIAL.

Date: 12/07/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

4 DAY JURY TRIAL.

Date: 12/08/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

08-19-11 4 DAY JURY TRIAL scheduled on December 05, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-19-11 4 DAY JURY TRIAL scheduled on December 06, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-19-11 4 DAY JURY TRIAL scheduled on December 07, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-19-11 4 DAY JURY TRIAL scheduled on December 08, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

08-19-11 3 DAY JURY TRIAL Cancelled.

Reason: On court's own motion

08-19-11 FINAL PRETRIAL Cancelled.

Reason: On court's own motion

09-09-11 STATUS CONF scheduled on November 18, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 4 DAY JURY TRIAL Cancelled.

09-09-11 Minute Entry - Minutes for SCHEDULING CONF

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant not present

Defendant's Attorney(s): WALSH, JOHN

Sheriff Office#: 312298

Audio

Tape Number: S45-12.20 Tape Count: 12.29

#### HEARING

TAPE: S45-12.20 COUNT: 12.29

Court strikes trial set 12/5-8/11. Case is reset for trial. Jury  
instructions and vior dire are due 11/18/11. Case continued the  
following dates:

STATUS CONF is scheduled.

Date: 11/18/2011

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

FINAL PRETRIAL.

Date: 12/09/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

5 DAY JURY TRIAL.

Date: 12/12/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

5 DAY JURY TRIAL.

Date: 12/13/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

5 DAY JURY TRIAL.

Date: 12/14/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

5 DAY JURY TRIAL.

Date: 12/15/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860  
Before Judge: JUDITH S. ATHERTON

5 DAY JURY TRIAL.

Date: 12/16/2011  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court

450 South State  
SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

09-09-11 FINAL PRETRIAL scheduled on December 09, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 5 DAY JURY TRIAL scheduled on December 12, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 5 DAY JURY TRIAL scheduled on December 13, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 5 DAY JURY TRIAL scheduled on December 14, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 5 DAY JURY TRIAL scheduled on December 15, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

09-09-11 5 DAY JURY TRIAL scheduled on December 16, 2011 at 09:00 AM in  
Fourth Floor - S45 with Judge ATHERTON.

11-18-11 Minute Entry - Minutes for STATUS CONF

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Sheriff Office#: 312298

Audio

Tape Number: S45-9.20 Tape Count: 9.28

#### HEARING

TAPE: S45-9.20 COUNT: 9.28

Case will go forward as scheduled.

12-09-11 Minute Entry - Minutes for FINAL PRETRIAL

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): WALSH, JOHN

Sheriff Office#: 312298

Audio

Tape Number: S45-10.52 Tape Count: 10.54

#### HEARING

TAPE: S45-10.52 COUNT: 10.54

Defendants second case is going forward. 091902210.

12-19-11 SENTENCING scheduled on February 10, 2012 at 09:00 AM in Fourth  
Floor - S45 with Judge ATHERTON.

02-10-12 Minute Entry - Minutes for SENTENCING continued

Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: shantec  
Prosecutor: ARGUELLO, CHE  
Defendant  
Defendant's Attorney(s): WALSH, JOHN

Sheriff Office#: 312298  
Audio  
Tape Number: S45-11.44 Tape Count: 12.19

CONTINUANCE

Whose Motion:  
The Stipulation of counsel.  
Reason for continuance:  
Stipulation of counsel  
The motion is granted.  
SCHEDULING CONF is scheduled.

Date: 04/06/2012  
Time: 09:00 a.m.  
Location: Fourth Floor - S45  
Third District Court  
450 South State  
SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-06-12 Minute Entry - Minutes for continued

Judge: JUDITH S. ATHERTON  
PRESENT  
Clerk: shantec  
Prosecutor: ARGUELLO, CHE  
Defendant

Sheriff Office#: 312298  
Audio  
Tape Number: S45-10.02 Tape Count: 10.07

CONTINUANCE

Whose Motion:  
The Defendant.  
Reason for continuance:  
Defendant's request  
Defendant transported from the Utah State Prison. Mr Walsh is not present. Defendant is looking into hiring counsel.  
The motion is granted.  
SCHEDULING CONF is scheduled.

Date: 04/20/2012

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-06-12 SCHEDULING CONF continued to April 20, 2012 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

04-20-12 SCHEDULING CONF continued to April 27, 2012 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

04-20-12 Minute Entry - Minutes for continued

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: jennifaj

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): ELIZABETH A LORENZO

Sheriff Office#: 312298

Video

Tape Number: s45 Tape Count: 1030-1034

CONTINUANCE

Whose Motion:

The Defendant's counsel elizabeth lorenzo.

Reason for continuance:

Request of counsel

Counsel of record has not yet withdrawn and possible counsel requests additional time

The motion is granted.

SCHEDULING CONF is scheduled.

Date: 04/27/2012

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-23-12 Filed: Withdrawal Of Counsel

04-27-12 Minute Entry - Minutes for SCHEDULING CONF

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): JEREMY M DELICINO

Sheriff Office#: 312298

Audio

Tape Number: S45-9.35 Tape Count: 9.37

CONTINUANCE

Whose Motion:

The Defendant.

Reason for continuance:

Stipulation of counsel

Defendant transported from the Utah State Prison. Case has a resolution, Counsel requests one week.

The motion is granted.

HEARING

TIME: 9:40 AM

SCHEDULING CONF.

Date: 05/25/2012

Time: 09:00 a.m.

Location: Fourth Floor - S45

Third District Court

450 South State

SLC, UT 84114-1860

Before Judge: JUDITH S. ATHERTON

04-27-12 SCHEDULING CONF continued to May 25, 2012 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

04-27-12 SCHEDULING CONF scheduled on May 25, 2012 at 09:00 AM in Fourth Floor - S45 with Judge ATHERTON.

04-27-12 Charge 1 amended to Class B Misdemeanor

04-27-12 Charge 1 Disposition is Guilty

04-27-12 Minute Entry - Minutes for Change of Plea

Judge: JUDITH S. ATHERTON

PRESENT

Clerk: shantec

Prosecutor: ARGUELLO, CHE

Defendant

Defendant's Attorney(s): JEREMY M DELICINO

Sheriff Office#: 312298

Audio

Tape Number: S45-10.26 Tape Count: 10.35

Defendant waives time for sentence.

Change of Plea Note

Defendant transported from the Utah State Prison.

SENTENCE JAIL

Based on the defendant's conviction of WRONGFUL APPROPRIATION a Class B Misdemeanor, the defendant is sentenced to a term of 180 day(s)

Credit is granted for time served.

SENTENCE JAIL SERVICE NOTE

Credit for time served, case closed. Financial obligations to be sent to OSDC.

Restitution Amount: \$100000.00 Plus Interest  
Pay in behalf of: DAVID CHRISTIANSEN

This restitution is to be paid joint and severally with the co-defendants.

04-27-12 Trust Account created Total Due: 100000.00

04-27-12 SCHEDULING CONF Cancelled.

Reason: Case has been settled.

04-27-12 Filed order: Statement Of Defendant In Support Of Guilty Plea and Certificate of counsel

Judge JUDITH S ATHERTON

Signed April 27, 2012

04-27-12 Filed: Wrongful appropriation-- Penalties statue

04-30-12 Judgment #1 Entered \$ 100000.00

Creditor: DAVID CHRISTIANSEN

Debtor: GREGORY K HOWELL

100,000.00 Restitution

100,000.00 Judgment Grand Total

04-30-12 Filed judgment: Minutes Change Of Plea Sentence Judgment  
Committment

Judge JUDITH S ATHERTON

Signed April 27, 2012

06-29-12 Trust Account created Total Due: 365.92