

4TH DISTRICT COURT - PROVO
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH vs. BRADLEY KITCHEN

CASE NUMBER 081403145 State Felony

CHARGES

Charge 1 - 61-1-1 - SECURITIES FRAUD 2nd Degree Felony
(amended) to 3rd Degree Felony
Offense Date: December 08, 2006
Plea: May 21, 2009 Guilty
Disposition: May 21, 2009 Guilty

CURRENT ASSIGNED JUDGE

SAMUEL MCVEY
Division 1

PARTIES

Defendant - BRADLEY KITCHEN
Represented by: REBECCA C HYDE

Plaintiff - STATE OF UTAH

DEFENDANT INFORMATION

Defendant Name: BRADLEY KITCHEN
Offense tracking number: 17854258
Date of Birth: February 23, 1967
Law Enforcement Agency: UTAH DIV OF SECURITY
Prosecuting Agency: UTAH COUNTY

ACCOUNT SUMMARY

PROCEEDINGS

10-22-08 Case filed
10-22-08 Filed: From an Information
10-22-08 Judge CLAUDIA LAYCOCK assigned.
10-22-08 Filed: Information
10-22-08 Judge SAMUEL MCVEY assigned.
10-22-08 Issued: Summons
 Judge SAMUEL MCVEY
 Hearing Date: November 17, 2008 Time: 13:00
10-22-08 INITIAL APPEARANCE scheduled on November 17, 2008 at 01:00 PM
 in Third floor, Rm 302 with Judge MCVEY.
11-03-08 Filed return: Criminal Summons

Party Served: KITCHEN, BRADLEY

Service Type: Personal

Service Date: October 30, 2008

11-17-08 WAIVE PRELIM HEARING scheduled on February 23, 2009 at 01:00 PM
in Third floor, Rm 302 with Judge MCVEY.

11-17-08 Minute Entry - Minutes for Arraignment

Judge: SAMUEL MCVEY

PRESENT

Clerk: jennifzc

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): REBECCA C HYDE

Audio

Tape Number: 08-40 302 Tape Count: 1.46

ARRAIGNMENT

A copy of the Information is given to the defendant.

Defendant waives reading of Information.

WAIVE PRELIM HEARING is scheduled.

Date: 02/23/2009

Time: 01:00 p.m.

Location: Third floor, Rm 302

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: SAMUEL MCVEY

02-23-09 Minute Entry - WAIVE PRELIM HEARING continued

Judge: SAMUEL MCVEY

PRESENT

Clerk: jennifzc

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): HYDE, REBECCA C

Audio

Tape Number: 09-5 302 Tape Count: 1.28

CONTINUANCE

The Stipulation of counsel has made a motion for continuance of

Waive Prelim Hearing.

The motion is granted.

Reason for continuance:

Counsel's request.

WAIVE PRELIM HEARING is scheduled.

Date: 04/06/2009

Time: 01:00 p.m.

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CASE NUMBER 081403145 State Felony

Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: SAMUEL MCVEY

02-23-09 WAIVE PRELIM HEARING Continued.

02-23-09 WAIVE PRELIM HEARING scheduled on April 06, 2009 at 01:00 PM in
Third floor, Rm 302 with Judge MCVEY.

04-06-09 Minute Entry - WAIVE PRELIM HEARING continued

Judge: SAMUEL MCVEY

PRESENT

Clerk: calliw

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): HYDE, REBECCA C

Audio

Tape Number: 09-8 302 Tape Count: 1.21

CONTINUANCE

The Stipulation of counsel has made a motion for continuance of
Waive Prelim Hearing.

The motion is granted.

Reason for continuance:

Counsel's request.

WAIVE PRELIM HEARING is scheduled.

Date: 04/20/2009

Time: 01:00 p.m.

Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: SAMUEL MCVEY

04-06-09 WAIVE PRELIM HEARING Continued.

04-06-09 WAIVE PRELIM HEARING scheduled on April 20, 2009 at 01:00 PM in
Third floor, Rm 302 with Judge MCVEY.

04-20-09 Minute Entry - WAIVE PRELIM HEARING continued

Judge: SAMUEL MCVEY

PRESENT

Clerk: calliw

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): HYDE, REBECCA C

Audio

Tape Number: 09-8 302 Tape Count: 1.20

CONTINUANCE

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CASE NUMBER 081403145 State Felony

The Stipulation of counsel has made a motion for continuance of
Waive Prelim Hearing.

The motion is granted.

Reason for continuance:

Counsel's request.

WAIVE PRELIM HEARING is scheduled.

Date: 05/04/2009

Time: 01:00 p.m.

Location: Third floor, Rm 302
 FOURTH DISTRICT COURT
 125 N 100 W
 PROVO, UT 84601

Before Judge: SAMUEL MCVEY

04-20-09 WAIVE PRELIM HEARING Continued.

04-20-09 WAIVE PRELIM HEARING scheduled on May 04, 2009 at 01:00 PM in
 Third floor, Rm 302 with Judge MCVEY.

05-04-09 PRELIMINARY HEARING scheduled on May 18, 2009 at 02:00 PM in
 Third floor, Rm 302 with Judge MCVEY.

05-04-09 Minute Entry - Minutes for INCOURT NOTE

Judge: SAMUEL MCVEY

PRESENT

Clerk: calliw

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): CHAD D NOAKES

Audio

Tape Number: 09-9 302 Tape Count: 1.33

Mr. Noakes requests a preliminary hearing be set.
 PRELIMINARY HEARING is scheduled.

Date: 05/18/2009

Time: 02:00 p.m.

Location: Third floor, Rm 302
 FOURTH DISTRICT COURT
 125 N 100 W
 PROVO, UT 84601

Before Judge: SAMUEL MCVEY

05-18-09 ENTRY OF PLEA scheduled on May 21, 2009 at 08:45 AM in Third
 floor, Rm 302 with Judge MCVEY.

05-18-09 Minute Entry - Minutes for INCOURT NOTE

Judge: SAMUEL MCVEY

PRESENT

Clerk: calliw

Prosecutor: SANT, JASON K

Defendant

Defendant's Attorney(s): HYDE, REBECCA C

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CASE NUMBER 081403145 State Felony

Audio

Tape Number: 09-10 302 Tape Count: 2.42

Counsel requests an entry of plea hearing.
 ENTRY OF PLEA is scheduled.

Date: 05/21/2009

Time: 08:45 a.m.

Location: Third floor, Rm 302
 FOURTH DISTRICT COURT
 125 N 100 W
 PROVO, UT 84601

Before Judge: SAMUEL MCVEY

05-21-09 Filed order: Statement of Defendant in Support of Guilty Plea
 and Certificate of Counsel

Judge SAMUEL MCVEY
Signed May 21, 2009

05-21-09 Minute Entry - Minutes for Arraignment

Judge: SAMUEL MCVEY
PRESENT
Clerk: jennifzc
Prosecutor: SANT, JASON K
Defendant
Defendant's Attorney(s): HYDE, REBECCA C

Audio
Tape Number: 09-10 302 Tape Count: 9.15

ARRAIGNMENT

Defendant waives reading of Information.
Advised of rights and penalties.
Defendant waives time for sentence.
Count1 amended by interlineation. Plea entered and accepted after
factual basis given and statement by defendant received.
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.

SENTENCE JAIL
Based on the defendant's conviction of SECURITIES FRAUD a 3rd
Degree Felony, the defendant is sentenced to a term of 365 day(s)
SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

Jail sentence is to run concurrently with federal sentence.
SENTENCE FINE
Charge # 1 Fine: \$5000.00

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Suspended: \$4967.00
Surcharge: \$28.68
Due: \$33.00

Total Fine: \$5000.00
Total Suspended: \$4967.00
Total Surcharge: \$28.68
Total Principal Due: \$33.00

Plus Interest

Fine payments are to be made to ADULT PROBATION & PAROLE.
PROBATION CONDITIONS

Defendant is ordered to report to Adult Probation and Parole and
enter into an agreement and comply strictly with the terms of
probation.
Defendant is ordered to obey all laws, State, Local and Federal,
and have no further violations during the probation period.
Defendant is to notify the Court and/or Adult Probation and Parole
of a current address at all times, and report to the court and/or

Adult Probation and Parole when notified by mail, or a warrant may be issued.

Defendant is ordered to pay court costs, fines and fees and/or supervision fees at the discretion of Adult Probation and Parole and/or by direction of the Court.

Defendant is placed on probation for a period of 36 months with Adult Probation and Parole that will commence as soon as he is released from federal custody.

Defendant is ordered to notify Adult Probation and Parole as soon as he is made aware of his release date from federal custody.

Defendant is ordered to report to Adult Probation and Parole within 24 hours of his return to Utah upon his release from federal custody.

Defendant is ordered to pay \$24,000 restitution to Troy Stoddard.

Defendant is ordered to pay \$255,000 restitution to Dan Lafontane.

05-21-09 Charge 1 amended to 3rd Degree Felony

05-21-09 Charge 1 Disposition is Guilty