

AUG 09 2016

**IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH**

4th DISTRICT
STATE OF UTAH
UTAH COUNTY

STATE OF UTAH,

Plaintiff,

vs.

JEANIE JOHNSON,

Defendant.

**STATEMENT OF DEFENDANT IN
SUPPORT OF GUILTY PLEA AND
CERTIFICATE OF COUNSEL**

Case No. 151100249

Judge: Rotating

I, JEANIE JOHNSON, hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights:

NOTIFICATION OF CHARGES

I am pleading guilty to the following crimes:

	Crime & Statutory Provision	Degree	Punishment Min/Max and/or Minimum Mandatory
I	Communications Fraud <i>Theft</i> Utah Code §76-10-18 <i>UCA 76-6-404</i>	F2	1-15 Years in Prison; \$10,000 fine + 90% surcharge; and \$43 court security fee
I	Communications Fraud Utah Code §76-10-18	F2	1-15 Years in Prison; \$10,000 fine + 90% surcharge; and \$43 court security fee
I	Obstructing Justice Utah Code §76-8-306(1)	F3	0-5 Years in Prison; \$5,000 fine + 90% surcharge; and \$40 court security fee

I have received a copy of the (Amended) Information against me. I have read it, or had it read to me, and I understand the nature and the elements of crime(s) to which I am pleading guilty.

The elements of the crime(s) to which I am pleading guilty are:

On or about January 1, 2011 and on or about October 1, 2013, in Utah County, Utah, the defendant did devise any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and communicated directly or indirectly with any person for the purpose of executing or concealing the scheme or artifice, and the value of the property, money, thing obtained or sought to be obtained is or exceeds \$5,000 (Counts I Count III and H). and did obtain or exercise unauthorized control over said property, the

On or about December 10, 2015, in Utah County, Utah, the defendant did, with value exceeding \$5000. intended to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constituted a criminal offense, altered, destroyed, concealed, or removed any item or other thing. (Count II)

XV

I understand that by pleading guilty I will be admitting that I committed the crimes listed above. I stipulate and agree that the following facts describe my conduct and the conduct of other persons for which I am criminally liable. These facts provide a basis for the court to accept my guilty pleas and prove the elements of the crime(s) to which I am pleading guilty:

In Utah County, Utah, on or about January 1, 2011 and October 1, 2015, I defrauded my employer by submitting financial reports I knew to be incorrect. The amount to which the financial reports were incorrect exceeded \$5,000. Additionally, on December 10, 2015, I deleted or destroyed documents regarding the financial reports. I also took possession of funds belonging to my employer, in excess of \$5000, with intent to permanently deprive.

WAIVER OF CONSTITUTIONAL RIGHTS

I am entering these pleas voluntarily. I understand that I have the following rights under the constitutions of Utah and the United States. I also understand that if I plead guilty I will give up all the following rights:

Counsel: I know that I have the right to be represented by an attorney and that if I cannot afford one, an attorney will be appointed by the court at no cost to me. I understand that I might later, if the judge determined that I was able, be required to pay for the appointed lawyer's service to me.

I have not waived my right to counsel. I certify that I have read this statement and that I

understand the nature and elements of the charges and crimes to which I am pleading guilty. I also understand my rights in this case and other cases and the consequences of my guilty plea(s).

If I have not waived my right to counsel, my attorney is Ryan Taylor. My attorney and I have fully discussed this statement, my rights, and the consequences of my guilty plea(s).

Jury Trial. I know that I have a right to a speedy and public trial by an impartial (unbiased) jury and that I will be giving up that right by pleading guilty.

Confrontation and cross-examination of witnesses. I know that if I were to have a jury trial, a) I would have the right to see and observe the witnesses who testified against me and b) my attorney, or myself if I waived my right to an attorney, would have the opportunity to cross-examine all of the witnesses who testified against me.

Right to compel witnesses. I know that if I were to have a jury trial, I could call witnesses if I chose to and I would be able to obtain subpoenas requiring the attendance and testimony of those witnesses. If I could not afford to pay for the witnesses to appear, the State would pay those costs.

Right to testify and privilege against self-incrimination. I know that if I were to have a jury trial, I would have the right to testify on my own behalf. I also know that if I chose not to testify, no one could make me testify or make me give evidence against myself I also know that if I chose not to testify, the jury would be told that they could not hold my refusal to testify against me.

Presumption of innocence and burden of proof. I know that if I do not plead guilty, I am presumed innocent until the State proves that I am guilty of the charged crime(s). If I choose to fight the charges against me, I need only plead "not guilty," and my case will be set for a trial. At a trial, the State would have the burden of proving each element of the charge(s) beyond a reasonable doubt. If the trial is before a jury, the verdict must be unanimous, meaning that each

juror would have to find me guilty.

I understand that if I plead guilty, I give up the presumption of innocence and will be admitting that I committed the crime(s) stated above.

Appeal. I know that under the Utah Constitution, if a jury or judge convicted me, I would have the right to appeal my conviction and sentence. If I could not afford the costs of an appeal, the State would pay those costs for me. I understand that I am giving up my right to appeal my conviction if I plead guilty. I am not giving up my right to appeal my sentence and understand that I must file notice of my intent to appeal my sentence with the court should I chose to do so.

I know and understand that by pleading guilty, I am waiving and giving up all the statutory and constitutional rights as explained above.

CONSEQUENCES OF ENTERING A GUILTY PLEA

Potential penalties. I know the maximum sentence that may be imposed for each crime to which I am pleading guilty. I know that by pleading guilty to a crime that carries a mandatory penalty, I will be subjecting myself to serving a mandatory penalty for that crime. I know my sentence may include a prison term, fine, or both.

I know that in addition to a fine, a ninety percent (90%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim(s) of my crimes, including any restitution that may be owed on charges that are dismissed as part of a plea agreement.

Consecutive/concurrent prison terms. I know that if there is more than one crime involved, the sentences may be imposed one after another (consecutively), or they may run at the same time (concurrently). I know that I may be charged an additional fine for each crime that I plead to. I also know that if I am on probation or parole, or awaiting sentencing on another

offense of which I have been convicted or which I have plead guilty, my guilty plea(s) now may result in consecutive sentences being imposed on me. If the offense to which I am now pleading guilty occurred when I was imprisoned or on parole, I know the law requires the court to impose consecutive sentences unless the court finds and states on the record that consecutive sentences would be inappropriate.

Plea bargain. My guilty plea(s) are the result of a plea bargain between the prosecuting attorney and myself. All the promises, duties, and provisions of the plea bargain, if any, are fully contained in this statement, including those explained below:

- I plead guilty to Count ^{2, 3 and 15} ~~1, 2~~ and 3 of the Amended Information.
- The State agrees to dismiss all other charges/counts associated with any activities related to the acts in question.
- The State agrees that my sentence on each count run concurrent with each other.
- The State agrees to recommend probation with no incarceration and no fines.
- I agree to pay \$15000 in restitution at the time of sentencing.
- The State agrees to 1-step reductions at the time of sentencing, and a second step after 3 years of court probation. *with no violations of law. The state will not agree to a second step after less than three years of violation-free time.*

Trial judge not bound. I know that any charge or sentencing concession or recommendation of probation or suspended sentence, including a reduction of the charges for sentencing, made or sought by either defense counsel or the prosecuting attorney are not binding on the judge. I also know that any opinions they express to me as to what they believe the judge may do are not binding on the judge.

DEFENDANT'S CERTIFICATION OF VOLUNTARINESS

I am entering this plea of my own free will and choice. No force, threats, or unlawful

influence of any kind have been made to get me to plead guilty. No promises except those contained in this statement have been made to me.

I have read this statement, or I have had it read to me by an attorney, and I understand its contents and adopt each statement in it as my own. I know that I am free to change or delete anything contained in this statement, but I do not wish to make any changes because all of the statements are correct.

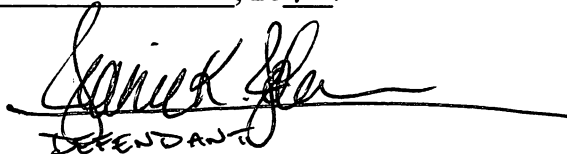
I am satisfied with the advice and assistance of my attorney.

I am 47 years of age. I have attended school through the 12 grade. I can read and understand the English language. If I do not understand English, an interpreter has been provided to me. I was not under the influence of any drugs, medication, or intoxicants, which would impair my judgment when I decided to plead guilty. I am not presently under the influence of any drug, medication, or intoxicants, which impair my judgment.

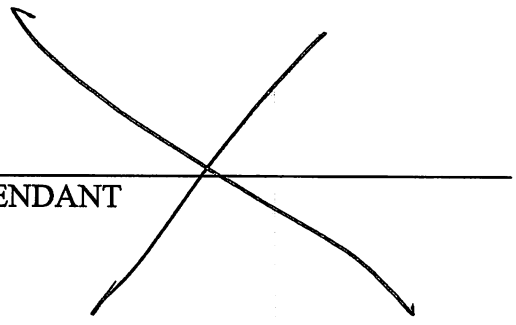
I believe myself to be of sound and discerning mind and to be mentally capable of understanding these proceedings and the consequences of my plea. I am free of any mental disease, defect, or impairment that would prevent me from understanding what I am doing or from knowingly, intelligently, and voluntarily entering my plea.

I understand that if I want to withdraw my guilty plea(s), I must file a written motion to withdraw my plea(s) before sentencing. I will only be allowed to withdraw my plea if I show good cause. I will not be allowed to withdraw my plea after sentencing for any reason.

DATED this 9 day of August, 2016.



DEFENDANT

DEFENDANT



CERTIFICATE OF DEFENSE ATTORNEY

I certify that I am the attorney for **JEANIE JOHNSON**, the defendant above, and that I know he/she has read the statement or that I have read it to him/her; I have discussed it with him/her and believe that he/she fully understands the meaning of its contents and is mentally and physically competent. To the best of my knowledge and belief, after an appropriate investigation, the elements of the crime(s) and the factual synopsis of the defendant's criminal conduct are correctly stated; and these, along with the other representations and declarations made by the defendant in the foregoing affidavit, are accurate and true.



RYAN TAYLOR
Attorney for Defendant
Bar No. 14806

CERTIFICATE OF PROSECUTING ATTORNEY

I certify that I am the attorney for the State of Utah in the case against **JEANIE JOHNSON**, defendant. I have reviewed this Statement of Defendant and find that the factual basis of the defendant's criminal conduct, which constitutes the offense(s), is true and correct. No improper inducements, threats, or coercion to encourage a plea has been offered defendant. The plea negotiations are fully contained in the Statement and in the attached Plea Agreement or as supplemented on the record before the Court. There is reasonable cause to believe that the evidence would support the conviction of defendant for the offense(s) for which the plea(s) is/are entered and that the acceptance of the plea(s) would serve the public interest.



PROSECUTION ATTORNEY

Bar No. 13637

ORDER

Based on the facts set forth in the foregoing Statement and the certification of the defendant and counsel, and based on any oral representations in court, the Court witnesses the signatures and finds that the defendant's guilty plea(s) is/are freely, knowingly, and voluntarily made.

IT IS HEREBY ORDERED that the defendant's guilty plea(s) to the crime(s) set forth in the Statement be accepted and entered.

DATED this 9 day of August, 2016.


DISTRICT COURT JUDGE

