



IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

S. STEVEN MAESE,

Petitioner,

-v-

JUDGE W. PAUL THOMPSON, an
individual; and MURRAY MUNICIPAL
JUSTICE COURT, a justice court,

Respondents.

**PETITION FOR
EXTRAORDINARY WRIT**

Case No. 080921824

Judge Leon Anthony Dever

COMES NOW the Petitioner, S. Steven Maese, pursuant to Rule 65B(d) of the Utah Rules of Civil Procedure and Rule 19 of the Utah Rules of Appellate Procedure, and hereby petitions this Court for an extraordinary writ. The Honorable W. Paul Thompson and Murray Municipal Justice Court have exceeded their jurisdiction or abused their discretion; have failed to perform an act required by law as a duty of office, trust or station; and have refused the Petitioner the use or enjoyment of a right to which the Petitioner is entitled.

STATEMENT OF ISSUES AND RELIEF SOUGHT

Issue: Utah law holds that bail bondsmen are not liable for paying a defendant's fines. S. Steven Maese posted bail in the amount of \$5,005 for his brother, [REDACTED]. Subsequently, Murray Municipal Justice Court ordered \$1,382 of bail forfeited towards fines. [REDACTED] attempted to reclaim the bail by motion, which Judge W. Paul Thompson denied. Does Utah law allow S. Steven Maese, an individual, to be deprived of property without due process?

Relief: Accordingly, the Petitioner seeks the return of the \$1,382 bail posted for his brother with Murray Municipal Justice Court, plus interest, attorney's and filing fees.

STATEMENT OF FACTS

1. For failing to appear at a review hearing, on September 1, 2006 Murray Municipal Justice Court issued an arrest warrant for [REDACTED] in the amount of \$5,005.
2. On December 13, 2007 [REDACTED] was arrested on said warrant.
3. Through [REDACTED] attorney, [REDACTED], on December 13, 2007 S. Steven Maese posted bail in the amount of \$5,005.

4. For payment of [REDACTED] outstanding fines, on January 17, 2008 Murray Municipal Justice Court ordered \$1,382 of said bail forfeited per “this court’s policy.” (Exhibit A, Page 8)
5. On February 19, 2008 [REDACTED] moved Murray Municipal Justice Court for return of the forfeited bail.
6. On October 7, 2008 Judge W. Paul Thompson denied [REDACTED] Motion for Return of Bail.

STATEMENT OF AFFECTED PERSONS

This case may substantially affect:

- S. Steven Maese
- [REDACTED]
- Judge W. Paul Thompson
- Murray Municipal Justice Court
- Murray City

STATEMENT OF WRIT NECESSITY

In this case, no other plain, speedy, or adequate remedy exists and the Utah Supreme Court holds “[w]here there is no appeal of the criminal conviction, no direct appeal of the bond forfeiture order is available and the proper remedy is an extraordinary writ.” *State v. Sun Sur. Ins. Co.*, 2004 UT 74, n. 1, 99 P.3d 818.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Murray Municipal Justice Court and Judge W. Paul Thompson violated Utah Law and the Petitioner’s rights under the Utah Constitution by forfeiting bail.

Under the Utah Constitution, misdemeanants enjoy bail as right. Implementation of this right is governed by Utah Code Ann. § 77-20-1, et seq. Yet as a practical matter, offering bail from jail confines is exceedingly difficult. Therefore, Utah law recognizes sureties as necessary to provide bail for those behind bars.

Utah code recognizes two distinct classes of surety; “sureties who are engaged in the for-profit, commercial business of posting property bonds” and “[a]ll other sureties” Utah Code Ann. § 77-20-5(1). Additionally, when posting cash bail, a surety is not engaging in a “written undertaking” *id.* and does not need to meet any state mandated qualifications.

No matter his classification or qualifications, a surety is afforded rights under Article I, Section 7 of the Utah Constitutional and Utah law; these rights are governed by Utah

Code Ann. § 77-20b-101, et seq. But because Utah Code states that “failure of the defendant to appear up to and including *execution of sentence* when required is a breach of the conditions of the undertaking or bail and subjects it to forfeiture...” Utah Code Ann. § 77-20-7(1)(a) (emphasis added) a surety need not worry about forfeiting bail and invoking these rights unless a defendant fails to appear.

Yet in this case, Murray Municipal Justice Court seized the Petitioner’s property without due process. The facts in this case are: Murray City prosecuted [REDACTED] for a DUI (Case No. 055011503); in failing to appear at a review hearing, Murray Municipal Justice Court issued a \$5,005 warrant for [REDACTED]; after [REDACTED] arrest, his brother, S. Steven Maese, the Petitioner, through [REDACTED] attorney, [REDACTED], posted \$5,005 cash bail; Accordingly, under Utah law, S. Steven Maese acted as a surety; yet to pay Antonio’s fines, on January 17, 2008 Murray Municipal Justice Court ordered, *sua sponte*, \$1,382 of that bail forfeited. These facts – even the surety status – are confirmed in Murray Municipal Justice Court’s minute entries on this case, attached hereto as Exhibit A.

Yet Utah Code does not grant *any court* authority to forfeit bail for reasons other than a defendant’s failure to appear. Furthermore, upon a defendant’s failure to appear, Utah law mandates notice be provided to the surety and affords a surety the opportunity to compel a defendant’s attendance before forfeiture is final.

Here, logically, the Petitioner was not notified of a nonexistent failure to appear and the Petitioner could not compel his brother's attendance to a nonexistent hearing. But the Petitioner has the same expectation as any other surety and Murray Municipal Justice Court is not above the law.

And Utah law, through the Utah Supreme Court, holds that;

the [surety] is liable only for "all appearances required of the defendant." He is not liable for payment of the defendant's fine, nor is he liable for the defendant's fidelity to the terms of his probation... [The surety] is not given powers that would allow him to enforce payment of a fine or coerce particular behavior required by the terms of probation. Where no further appearance is required of the defendant, the [surety] has fulfilled his contractual and statutory obligation and is entitled to exoneration of the bond.

Heninger v. Ninth Circuit Court, 739 P.2d 1108, 1110 (Utah 1987) (emphasis added).

Because the bail posted contemplated a failure to appear at a review hearing, the Petitioner fulfilled his contractual and statutory obligation upon [REDACTED] attending his review hearing. Effectively, [REDACTED] appeared "in execution of sentence." Accordingly, the Petitioner is entitled to a return of his cash.

II. Forfeiting bail posted by a surety to satisfy fines owed by the bailee is poor public policy.

Good public policy proscribes Murray Municipal Justice Court from taking the Petitioner's funds and converting them to satisfy his brother's fine obligation.

First, the Petitioner was not notified that the cash bail posted could be forfeited, in whole or part, by the Court for reasons other than a defendant's nonappearance at scheduled court dates. The public – and accordingly the Petitioner – is entitled to reasonable notice.

And prior to posting bail, the Petitioner sought counsel regarding existing law, criminal procedure, Murray City ordinances, and publications of the Utah Administrative Office of the Courts to ensure the only condition required for bail's full return was his brother's attendance at all court proceedings. The Petitioner relied upon public statutes, rules, and procedure in agreeing to post the bail.

Second, allowing courts to forfeit bail posted by sureties for satisfaction of fines, restitution, or other financial debts of defendants, would unreasonably inhibit citizens from posting bail to secure the release of defendants; thereby creating substantial obstacles for defendants to secure release from jail. The practical effect of such a forfeiture-for-fines policy would be to render defendants' constitutional and statutory right to bail illusory in practice.

CONCLUSION

The matter before the court is simple. Do private citizens, acting as sureties for friends or family, enjoy the same rights as bail bondsmen? The answer is unequivocally yes. Private citizens are recognized under Utah code as "other sureties" who are not

engaged in the for-profit, commercial business of posting property bonds. To hold otherwise would elevate bond over cash and strip the public of constitutional due process rights, affording them to fictitious entities only.

WHEREFORE, for the above reasoning, the Petitioner asks this Court to issue an Extraordinary Writ of Mandamus directing the Honorable W. Paul Thompson and Murray Municipal Justice Court to exonerate the forfeited bail, returning cash immediately to S. Steven Maese, to pay for accrued interest on said bail, and to reimburse all attorney's fees and filing fees.

RESPECTFULLY SUBMITTED on this 9th day of October, 2008.



EXHIBIT

A

MURRAY JUSTICE COURT
SALT LAKE COUNTY, STATE OF UTAH

MURRAY CITY vs. [REDACTED]

CASE NUMBER 055011503 Misdemeanor DUI

CHARGES

Charge 1 - 41-6A-502 - DRIVING UNDER THE INFLUENCE OF ALC/DRUGS
Class B Misdemeanor
Offense Date: August 16, 2005, 1825 E 6400 S
Plea: March 13, 2006 Guilty
Disposition: March 13, 2006 {Guilty}

CURRENT ASSIGNED JUDGE

W PAUL THOMPSON

PARTIES

Defendant - [REDACTED]
Represented by: [REDACTED]

Plaintiff - MURRAY CITY

DEFENDANT INFORMATION

Defendant Name: [REDACTED]
Offense tracking number: 30573919
Date of Birth: February 04, 1982
Jail Booking Number:
Law Enforcement Agency: MURRAY CITY POLICE
LEA Case Number:
Prosecuting Agency: MURRAY CITY
Agency Case Number:
Citation Number: D586438
Sheriff Office Number: 279176

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	1,519.99
	Amount Paid:	1,382.00
	Credit:	137.99
	Balance:	0.00
PAPER BOND TOTALS	Posted:	5,005.00
	Forfeited:	1,382.00
	Exonerated:	3,623.00
	Balance:	0.00

REVENUE DETAIL - TYPE: FINE

Amount Due: 1,382.00
Amount Paid: 1,382.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: Interest

Amount Paid: 0.00
Amount Credit: 137.99
Balance: 0.00

Account Adjustments

Date	Amount	Reason
Dec 03, 2007	137.99	Interest Posted to Date

NONMONETARY BOND DETAIL - TYPE: Surety

Posted By: [REDACTED]
Posted: 5,005.00
Forfeited: 1,382.00
Exonerated: 3,623.00
Balance: 0.00

PROCEEDINGS

08-23-05 Judge GARY FERRERO assigned.
08-23-05 Filed: Citation
08-23-05 ARRAIGNMENT scheduled on October 17, 2005 at 08:30 AM in Murray Justice Court with Judge FERRERO.
08-23-05 Notice - NOTICE for Case 055011503 ID 269279
ARRAIGNMENT is scheduled.
Date: 10/17/2005
Time: 08:30 a.m.
Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280
Murray, UT 84107

Failure to appear may result in a warrant being issued for your arrest

Please be advised that if you were insured at the time of the citation, the court will require a brief letter from your insurance agent stating that you were insured. The letter may be faxed to the clerks office at (801) 284-4285.

ES MUY IMPORTANTE QUE USTED SE PRESENTE EN EL TRIBUNAL DE LA CORTE DE LA CIUDAD DE MURRAY EN LA FECHA Y HORA QUE SE INDICAN. SI NO SE PRESENTE SE EXPEDIRA UNA ORDEN PARA SU ARRESTO

08-23-05 ARRAIGNMENT rescheduled on October 04, 2005 at 01:30 PM

Reason: Clerk error..

08-23-05 Note: clerk checked for multiple cases
08-26-05 ARRAIGNMENT scheduled on October 17, 2005 at 08:30 AM in Murray Justice Court with Judge FERRERO.
08-26-05 Note: Attorney called, will fine appearance changed date to DUI date.
08-29-05 Filed: Appearance of Counsel and Request for a Jury Trial
08-29-05 Filed: Formal Request for Discovery Pursuant to Rule 16 of the Utah Rules of Criminal Procedure
10-05-05 PRETRIAL/ARRAIGNMENT scheduled on October 17, 2005 at 08:30 AM in Murray Justice Court with Judge FERRERO.
10-05-05 ARRAIGNMENT Cancelled.
10-17-05 MOTION TO SUPPRESS scheduled on January 30, 2006 at 01:30 PM in Murray Justice Court with Judge FERRERO.
10-17-05 Minute Entry - Minutes for Pretrial Conference
Judge: GARY FERRERO
PRESENT
Clerk: gmk
Prosecutor: FARNSWORTH, BRIANT J
Defendant
Defendant's Attorney(s): LANGFORD, MICHAEL J

TRIAL

Defense counsel motions the court to set for a suppression hearing.

MOTION TO SUPPRESS is scheduled.

Date: 01/30/2006

Time: 01:30 p.m.

Location: Murray Justice Court

688 East Vine St. (5380 S)

Telephone: 284-4280

Murray, UT 84107

01-23-06 Filed: Information
01-26-06 Filed: STIPULATED MOTION TO CONTINUE HEARING
01-26-06 Note: Clerk forwarding file to Judge for his review
01-26-06 Filed order: ORDER TO CONTINUE HEARING
Judge GARY FERRERO
Signed January 26, 2006
01-26-06 MOTION TO SUPPRESS rescheduled on March 13, 2006 at 01:30 PM
Reason: Counsel's request..
01-26-06 Notice - NOTICE for Case 055011503 ID 290052
MOTION TO SUPPRESS.
Date: 03/13/2006
Time: 01:30 p.m.
Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280

Murray, UT 84107

The reason for the change is Counsel's request.

01-26-06 Note: Clerk sent notice to atty and defendant
03-13-06 SENTENCING scheduled on May 09, 2006 at 11:00 AM in Murray
Justice Court with Judge FERRERO.
03-13-06 Filed: Statement of Defendant in Support of Guilty or No
Contest Plea and Rights Waiver
03-13-06 Filed: DV Enhancement
03-13-06 Minute Entry - Minutes for Motion to Suppress
Judge: GARY FERRERO
PRESENT
Clerk: gmk
Defendant
Defendant's Attorney(s): LANGFORD, MICHAEL J

ARRAIGNMENT

Advised of rights and penalties.
Defendant waives time for sentence.
Presentence Investigation ordered.
The Judge orders No Excuse for Abuse to prepare the report.
The defendant is advised that this offense may be used as an
enhancement to the penalties for a subsequent offense.
HEARING

Defendant will plead guilty to Count I.

The court has asked defendant questions regarding the rights
waiver and waiver of counsel. Based upon defendant's answers to
the questions and signature of waivers the court finds the waivers
knowingly, voluntarily and intelligently made.
SENTENCING is scheduled.

Date: 05/09/2006

Time: 11:00 a.m.

Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280
Murray, UT 84107

03-13-06 Filed: Waiver of Counsel
03-13-06 Charge 1 Disposition is {Guilty}
03-21-06 Note: Def Atty's office filed Notice of Appeal, however the
deft has not been sentenced on this case. Clerk contacted
Atty's office to advise them that the sentencing date will stay
as scheduled and an Appeal will need to be re-filed in a timely
manner.
04-24-06 Note: NEFA called for sentencing date & time.
05-01-06 Filed: PSR from NEFA.
05-09-06 REVIEW HEARING scheduled on August 24, 2006 at 01:30 PM in
Murray Justice Court with Judge FERRERO.

05-09-06 Fine Account created Total Due: 1382.00
05-09-06 Minute Entry - Minutes for SENTENCE, JUDGMENT, COMMITME
Judge: GARY FERRERO
PRESENT
Clerk: kgallego
Defendant
Defendant's Attorney(s): LANGFORD, MICHAEL J

SENTENCE JAIL

Based on the defendant's conviction of DRIVING UNDER THE INFLUENCE OF ALC/DRUGS a Class B Misdemeanor, the defendant is sentenced to a term of 180 day(s) The total time suspended for this charge is 180 day(s).

SENTENCE FINE

Charge # 1 Fine: \$1882.00
Suspended: \$500.00
Surcharge: \$657.68
Due: \$1382.00

Total Fine: \$1882.00
Total Suspended: \$500.00
Total Surcharge: \$657.68
Total Amount Due: \$1382.00

SENTENCE FINE SUSPENDED NOTE

The court will credit \$200.00 when def completes the DUI Class. Complete 48 hour(s) of community service in lieu of 2 days in jail. Defendant is to report on May 9, 2006 to No Excuse for Abuse for community service. Community service is to be completed by August 24, 2006. SCHEDULED TIMEPAY

The following cases are on timepay 055011503. The defendant is to pay \$100.00 monthly on the 9th. The number of payments scheduled is 14 plus a final payment of \$38.54. The first payment is due on 06.09.06 the final payment of \$38.54 is due on 08/09/2007. ORDER OF PROBATION

The defendant is placed on probation for 18 month(s). Probation is to be supervised by Murray Municipal Justice Court. Defendant is to pay a fine of 1382.00 which includes the surcharge. Pay fine to The Court.

PROBATION CONDITIONS

Community Service

Fingerprints & Photo through Murray City Police Dept.

NO FURTHER VIOLATIONS

NO CONSUMPTION OF ALCOHOL

RETURN TO COURT FOR REVIEW(S)

NO USE OF NON-PRESCRIBED CONTROLLED SUBSTANCES

Restitution to Salt Lake County for jail time actually served as a commitment.

Prime for Life DUI Class + Freeway Watch VIP + 8 Weeks S.A. Groups through NEFA W/I 6 months.

REVIEW HEARING is scheduled.

Date: 08/24/2006

Time: 01:30 p.m.

Location: Murray Justice Court

688 East Vine St. (5380 S)

Telephone: 284-4280

Murray, UT 84107

05-09-06 Note: Added to payment schedule 23740

06-23-06 Filed: Non Compliant Report from NEFA, def has failed to attend treatment since 05.24.06, clerk is leaving this in the file for the Judge to address on 08.24.06.

08-24-06 Fee Account created Total Due: 137.99

08-24-06 Note: Added to payment schedule 23740

08-24-06 Minute Entry - Minutes for Review Hearing

Judge: GARY FERRERO

PRESENT

Clerk: kgallego

Defendant not present

HEARING

Judge ill today, def FTA court clerk will give the file to the Judge for a warrant to issue.

09-01-06 Note: PGF/KG, Due to def FTA on 08.24.06 the court orders a \$5005 Cash Only, FTA Warrant to Issue.

09-01-06 Notice - WARRANT for Case 055011503 ID 324617

09-01-06 FTA Ordered - September 01, 2006

09-01-06 Warrant ordered on: September 01, 2006 Warrant Num: 50381 Cash Bail Only

Bail amount: 5005.00

09-01-06 Warrant issued on: September 01, 2006 Warrant Num: 50381 Cash Bail Only

Bail amount: 5005.00

Judge: GARY FERRERO

Issue reason: Failure to Appear.

09-04-06 FTA issued - September 04, 2006

10-04-07 Warrant recalled on: October 04, 2007 Warrant num: 50381
Recall reason: Warrant was not downloaded to the Statewide System, recall and reissue.

10-04-07 Warrant ordered on: October 04, 2007 Warrant Num: 59857 Cash Bail Only
Bail amount: 5005.00

10-04-07 Warrant issued on: October 04, 2007 Warrant Num: 59857 Cash Bail Only
Bail amount: 5005.00
Judge: GARY FERRERO
Issue reason: Warrant was not downloaded to the statewide system, reissue

10-05-07 Note: Due to download failure, the warrant is not on the statewide system. Clerk recalled warrant and reissued.

12-03-07 Note: def arrested and in ADC, rec'vd wire bond for 5005.00 from SLCo to Murray City Treasurer

12-03-07 Bond Account created Total Due: 5005.00

12-03-07 Bond Posted Non-Monetary Bond: 5,005.00

12-03-07 Warrant recalled on: December 03, 2007 Warrant num: 59857
Recall reason: Warrant recalled because defendant was booked.

12-03-07 Note: Atty [REDACTED] will be emailing notice of appearance and will call back to set court date.

12-03-07 Note: Warrant served 12/01/07 per statewide booking. Def was released from ADC after posting cash bail. Clerk set tracking for booked warrants.

12-03-07 REVIEW HEARING scheduled on January 17, 2008 at 01:30 PM in Murray Justice Court with Judge FERRERO.

12-03-07 Note: [REDACTED] called to set court date.

12-04-07 Filed: Appearance of Counsel (E-Filed)

12-04-07 REVIEW HEARING scheduled on January 17, 2008 at 01:30 PM in Murray Justice Court with Judge FERRERO.

12-04-07 Notice - NOTICE for Case 055011503 ID 2087223
REVIEW HEARING is scheduled.
Date: 1/17/2008
Time: 01:30 p.m.
Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280
Murray, UT 84107

12-04-07 Note: Notice of Review hearing mailed to defense atty

01-02-08 Note: Bail came up on clerk's tracking. Reset tracking for next court date.

01-17-08 Minute Entry - Minutes for Review Hearing
Judge: BOWN GREGORY
PRESENT
Clerk: kgallego

Defendant

Defendant's Attorney(s): [REDACTED] [REDACTED]

HEARING

Atty for def states def has completed all terms of treatment and probation NEFA, doesn't feel def has, NEFA and atty for def will get together and see what def has and hasn't completed by the next court date, clerk explained to atty

that it is this court's policy that the bail money will be applied to the fine and the rest is to be mailed to the postee, atty agreed, clerk explained it could take 10 to 14 days for the bail money to be mailed out.

REVIEW HEARING.

Date: 02/19/2008

Time: 01:30 p.m.

Location: Murray Justice Court

688 East Vine St. (5380 S)

Telephone: 284-4280

Murray, UT 84107

01-17-08	Interest	Payment Received:	0.00
		Credit Received:	137.99

Note: Interest Waived

01-17-08 Note: FTA Adjudicated

01-17-08 FTA/FTC Ajudicated - January 17, 2008

01-18-08 REVIEW HEARING scheduled on February 19, 2008 at 01:30 PM in Murray Justice Court with Judge THOMPSON.

01-30-08 Note: A call came in re: bail status from whom clerk thought was defense atty. Atty was driving and talking on cell phone. Clerk viewed in court minutes from 1/17/08. No notes posted yet as to request made to City for bail processing.

01-30-08 Note: The caller was very impatient and not very friendly stating it has been the 10-14 days advised of in court. Clerk referred caller to GK advising him clerk was not in today and ended call.

01-30-08 Note: docket given to GK for bail refund processing

01-31-08 Note: Talked to [REDACTED] who is a paralegal for attorney and explained that I have been out of the office ill and apologized for the bail not going out but that the check request will be done today and the check mailed out next Thursday. Caller was very

01-31-08 Note: upset.

01-31-08	Bond Forfeited	-1,382.00
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01-31-08	Bond Exonerated	-3,623.00
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01-31-08 Note: Check request sent to the city to forfeit the fine amount of \$1,382 from the bail and refund the balance of \$3,623 to the postee, [REDACTED].

02-07-08 Filed: Non Compliant Report from NEFA, def did not complete

treatment as was addressed in court on 01.17.08.

02-11-08 REVIEW HEARING rescheduled on February 19, 2008 at 01:30 PM
Reason: Correct calendar.

02-11-08 Judge W PAUL THOMPSON assigned.

02-14-08 Fine Payment Received: 1,382.00

Note: Mail Payment;

02-19-08 REVIEW HEARING scheduled on May 20, 2008 at 01:30 PM in Murray
Justice Court with Judge THOMPSON.

02-19-08 Minute Entry - Minutes for Review Hearing

Judge: W PAUL THOMPSON

PRESENT

Clerk: kgallego

Defendant

Defendant's Attorney(s): [REDACTED] [REDACTED]

HEARING

Def needs to complete 7 S.A. Groups, 16 hour prime for life DUI
Class and 48 hours of community service through NEFA, def's
probation has been extended until the next review if def has
completed all those things case can be closed.

Atty for def requests to speak to the Judge about bail, atty
states that after researching about bail money in the code she can
fine nowhere in the code about the court forfeiting the money and
applying it to the fine, atty requests to file a motion on i

Judge Thompson approves.

REVIEW HEARING.

Date: 05/20/2008

Time: 01:30 p.m.

Location: Murray Justice Court

688 East Vine St. (5380 S)

Telephone: 284-4280

Murray, UT 84107

05-19-08 Filed: Non Compliant Report from NEFA, def has not completed
the S.A. Groups or DUI Class as well as AA's.

05-20-08 Notice - WARRANT for Case 055011503 ID 2109333

05-20-08 Minute Entry - Minutes for Review Hearing

Judge: W PAUL THOMPSON

PRESENT

Clerk: kgallego

Defendant not present

HEARING

Def FTA Court orders \$10,000 Cash Only, FTA Warrant to Issue.

05-20-08 FTA Ordered - May 20, 2008

05-20-08 Warrant ordered on: May 20, 2008 Warrant Num: 64828 Cash Bail Only
Bail amount: 10000.00

05-20-08 Warrant issued on: May 20, 2008 Warrant Num: 64828 Cash Bail Only
Bail amount: 10000.00
Judge: W PAUL THOMPSON
Issue reason: Failure to Appear.

05-21-08 FTA issued - May 21, 2008

07-01-08 REVIEW\WARRANT scheduled on July 17, 2008 at 01:30 PM in Murray Justice Court with Judge THOMPSON.

07-01-08 Note: Defense counsel called to set hearing.

07-01-08 Filed: Memorandum in Support of Motion for Return of Bail

07-01-08 Filed: Notice to Submit

07-01-08 Note: [REDACTED] called, she stated that the def thinks he had a review on Monday 07/07/08 @ 1:30. Clerk told her no because that's a trial calendar. She will keep the review on the 17th and file a motion to withdraw the warrant.

07-14-08 REVIEW HEARING rescheduled on August 14, 2008 at 01:30 PM Reason: Defense Counsel's Request.

07-14-08 Note: [REDACTED] called re: conflict due to a double booking in her office and requests a review continuance; clerk set new date w/ atty by phone.

07-15-08 Warrant recalled on: July 15, 2008 Warrant num: 64828
Recall reason: Warrant recalled because defendant was booked.

07-15-08 Note: Warrant served 07/15/08 per statewide booking. Def is being held in ADC on several warrants. Clerk called attorney and reset review to a day and time she could be here. Clerk faxed transport request.

07-15-08 REVIEW HEARING scheduled on July 16, 2008 at 08:30 AM in Murray Justice Court with Judge THOMPSON.

07-16-08 Minute Entry - Minutes for Review Hearing
Judge: JOANNE RIGBY
PRESENT
Clerk: jsadler
Prosecutor: HUFF, BRITTANY A
Defendant
Defendant's Attorney(s): [REDACTED] [REDACTED]

HEARING

Def transported from ADC. Court orders probation revoked and reinstated as of today. Def is to complete the groups, prime for life, freeway watch VIP, AAs, and community service through NEFA. Def is to have someone other than a relative sign off CS hours. Defense counsel requests that the motion regarding the bail be addressed at the next review when Judge Thompson will be here.

The defendant's probation is revoked.
The defendant's probation is reinstated for 18 months beginning
July 16, 2008.

REVIEW HEARING.

Date: 09/23/2008

Time: 01:30 p.m.

Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280
Murray, UT 84107

07-16-08 FTA/FTC Ajudicated - July 16, 2008

07-16-08 Note: FTA Adjudicated

07-16-08 REVIEW HEARING scheduled on September 23, 2008 at 01:30 PM in
Murray Justice Court with Judge THOMPSON.

07-16-08 Filed order: Order to release
Judge W PAUL THOMPSON
Signed July 16, 2008

09-22-08 Filed: Progress Report from NEFA, def has completed 5/8 S.A.
Groups and all community service hours, def still needs to
complete the Freeway Watch VIP

09-23-08 Minute Entry - Minutes for Review Hearing
Judge: W PAUL THOMPSON

PRESENT

Clerk: kgallego

Defendant

Defendant's Attorney(s): [REDACTED] [REDACTED]

HEARING

The Judge requests a new court date, in order to read the motion
about the bail, at which time def should have the Freeway Watch VIP
completed and the Groups.

REVIEW HEARING.

Date: 10/07/2008

Time: 02:30 p.m.

Location: Murray Justice Court
688 East Vine St. (5380 S)
Telephone: 284-4280
Murray, UT 84107

09-23-08 REVIEW HEARING scheduled on October 07, 2008 at 02:30 PM in
Murray Justice Court with Judge THOMPSON.

10-03-08 Filed: Violation Report from NEFA, def has completed the DUI
Class, all community service hours and 6/8 S.A. Groups, def
needs to complete the Freeway Watch VIP

10-07-08 Minute Entry - Minutes for Review Hearing
Judge: W PAUL THOMPSON

PRESENT

Clerk: kgallego

Defendant

Defendant's Attorney(s): [REDACTED] [REDACTED]

HEARING

The court denies attorney for def's motion to return bail, the court orders def to complete 1 random UA and the remaining 2 S.A. Groups through NEFA, to be completed by 11.07.08 at which time case will be closed, no further reviews are needed.

CERTIFICATE *of* SERVICE

This is to certify that on the 9th day of October, 2008, a true and correct copy of the foregoing PETITION FOR EXTRAORDINARY WRIT was served by the method indicated below, and addressed to the following:

Murray Municipal Justice Court
688 E. Vine St.
Murray, Utah 84107
801-284-4280
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