

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

STATE OF UTAH vs. JOSE ANGEL GARCIA-JUAREGUI

CASE NUMBER 071403501 State Felony

CHARGES

Charge 1 - 76-5-203 - ATTEMPTED - MURDER - 1st Degree Felony (amended to) -
2nd Degree Felony

Offense Date: September 06, 2007

Plea: March 03, 2008 No Contest

Disposition: March 03, 2008 No Contest

Charge 2 - 76-5-103 - AGGRAVATED ASSAULT - 2nd Degree Felony (amended to) -
3rd Degree Felony

Offense Date: September 06, 2007

Plea: March 03, 2008 No Contest

Disposition: March 03, 2008 No Contest

CURRENT ASSIGNED JUDGE

SEAN PETERSEN

PARTIES

Plaintiff - STATE OF UTAH

Defendant - JOSE ANGEL GARCIA-JUAREGUI

Represented by: DEFENDER PUBLIC

Also Known As - JOSE ANGEL GARCIA-JAUREGUI (JOSE ANGEL GARCIA-JUAREGUI)

DEFENDANT INFORMATION

Defendant Name: JOSE ANGEL GARCIA-JUAREGUI

Offense Tracking Number: 17957028

Date of Birth: January 25, 1987

Law Enforcement Agency: SPRINGVILLE POLICE

Prosecuting Agency: UTAH COUNTY

Violation Date: 09-06-2007

ACCOUNT SUMMARY

Total Revenue Amount Due:	4.25
Amount Paid:	4.25
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Original Amount Due:	1.00
Amended Amount Due:	1.00
Amount Paid:	1.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due:	3.25
Amended Amount Due:	3.25
Amount Paid:	3.25
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

09-13-2007 Filed: Information
09-13-2007 Filed: Warrant of Arrest
09-13-2007 Judge DAROLD MCDADE assigned.
09-13-2007 WARRANT for Case 071403501 ID 9700063

Judge: GARY D STOTT

To any Peace Officer in the State of Utah:
You are commanded to arrest and deliver the defendant to the Utah County Jail.
A juvenile may not be confined in an adult facility.
The defendant must appear in Court before Judge GARY D STOTT on the next available court date.
Based on Affidavit and Order for Warrant of Arrest
Bail is set at \$25000.00.
No pre-trial service release.
This warrant may be served any time, day or night.
Note: Extradition Authorized
Issued: September 13, 2007
Law Enforcement Agency: SPRINGVILLE POLICE

Defendant Details:

Citation No:
979 E 460 S
Date of Birth: January 25, 1987

Driver License No:
PROVO UT 84601
Social Security No:
Home Phone:
Vehicle License:
Warrant Number: 985119093

RETURN ON WARRANT

I received this warrant on the date of _____ and served the same by arresting the defendant and delivering the defendant to _____ County Jail on the date of _____.

Officer

Agency

09-13-2007 Warrant Ordered on: September 13, 2007 Warrant Num: 985119093
Bail Allowed
Bail amount: 25,000.00

09-13-2007 Warrant Issued on: September 13, 2007 Warrant Num: 985119093
Bail Allowed
Bail amount: 25,000.00
Judge GARY D STOTT
Issue Reason: Based on Affidavit and Order for Warrant of Arrest

09-13-2007 Filed: Affidavit in Support of and Motion for Warrant of Arrest

09-13-2007 Case filed by mereditw

11-21-2007 Warrant Recalled on : November 21, 2007 Warrant Num: 985119093
Bail Allowed
Recall Reason: Defendant was booked

11-21-2007 RETURN ON A BENCH WARRANT scheduled on December 03, 2007 at 08:30 AM with Judge DAROLD MCDADE

11-21-2007 Note: Defendant Booked By Utah Co Sheriff On 11/20/2007.

12-03-2007 ***** PRIVATE ***** Filed order: Affidavit of Indigency (Granted)

12-03-2007 Minute Entry - Minutes for Appointment of Counsel
Judge: DAROLD MCDADE
PRESENT
Clerk: kristinw
Prosecutor: PETERS, RYAN V
Defendant Present
Audio
Tape Number: 07-26 202 Tape Count: 9.01

INITIAL APPEARANCE
A copy of the Information is given to the defendant.
The Information is read.

APPOINTMENT OF COUNSEL
Court finds the defendant indigent and appoints DEFENDER PUBLIC to represent the defendant.
Appointed Counsel:
Name: DEFENDER PUBLIC
Address: UTAH COUNTY 245 NORTH UNIVERSITY AVENUE
City: PROVO UT 84601
Phone: (801)852-1070
Affidavit of indigency has been completed by the defendant

APPOINTMENT OF COUNSEL NOTE
The issue of recoupment is reserved.
The defendant appears in custody of the Utah County Sheriff.

WAIVE PRELIM HEARING is scheduled.
Date: 12/10/2007
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

12-03-2007 WAIVE PRELIM HEARING scheduled on December 10, 2007 at 08:30 AM with Judge DAROLD MCDADE

12-03-2007 Filed: Signed Minute Entry

12-05-2007 Filed: Request for Discovery

12-10-2007 PRELIMINARY HEARING scheduled on December 17, 2007 at 01:30 PM
with Judge DAROLD MCDADE

12-10-2007 Minute Entry - Minutes for INCOURT NOTE
Judge: DAROLD MCDADE
PRESENT
Clerk: jessiel
Prosecutor: KENNARD II, RANDY M
Defendant Present
Defendant's Attorney(s): HOWELL, ANTHONY L
Audio
Tape Number: 07-27-202 Tape Count: 8:49
The defendant appears in the custody of the sheriff.
PRELIMINARY HEARING is scheduled.
Date: 12/17/2007
Time: 01:30 p.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

12-12-2007 Note: PRELIMINARY HEARING calendar modified.

12-12-2007 Filed return: Subpoena
Party Served: Mike Baum
Service Type: Personal
Service Date: December 11, 2007
Garnishee:

12-12-2007 Filed return: Subpoena
Party Served: Steve Huffaker
Service Type: Personal
Service Date: December 11, 2007
Garnishee:

12-13-2007 Filed return: Subpoena (Jose Luis Sida, unable to serve)
Party Served: Jose Luis Sida
Service Type:
Service Date:
Garnishee:

12-13-2007 Filed return: Subpoena (Juan Otero, unable to serve)
Party Served: Juan Otero
Service Type:
Service Date:
Garnishee:

12-17-2007 Filed: Exhibit List

12-17-2007 Filed return: Subpoena
Party Served: Jose Sida
Service Type: Personal
Service Date: December 13, 2007
Garnishee:

12-17-2007 Minute Entry - Minutes for Preliminary Hearing
Judge: DAROLD MCDADE
PRESENT
Clerk: kristinw
Prosecutor: PETER D LEAVITT

Prosecutor: RANDY M KENNARD II
Defendant Present
Defendant's Attorney(s): HOWELL, ANTHONY L
Audio
Tape Number: 07-30 202 Tape Count: 1.52

HEARING

COUNT: 1:52
This matter comes before the court for preliminary hearing. The defendant appears in custody of the Utah County Sheriff. Mr. Howell requests that the defendant's shackles be removed. The court grants. The state invokes the exclusionary rule. Granted.
Mr. Kennard makes opening statement. State calls Corporal Roger Edwards. Witness is sworn and testifies on direct by Mr. Leavitt.
COUNT: 2:06
Witness is cross-examined by Mr. Howell. Witness is excused. State calls Megan Exceen. Witness is sworn and testifies on direct by Mr. Kennard.
COUNT: 2:20
Witness is cross-examined by Mr. Howell. Witness is questioned by Mr. Kennard on re-direct. Witness is excused. State calls Steve Huffaker. Witness is sworn and testifies on direct by Mr. Kennard. Mr. Kennard offers State's Exhibit 1. Mr. Howell objects,
then withdraws his objection. The court receives State's Exhibit 1. Mr. Howell cross-examines the witness.
COUNT: 2:42
Mr. Kennard questions the witness on re-direct. Witness is excused. State calls Sergeant Alan Tipton. Mr. Kennard offers State's Exhibit 2. Mr. Howell objects. The court notes that objection and receives State's Exhibit 2. State's Exhibit 3 is received.
COUNT: 2:54
Witness is cross-examined by Mr. Howell. Witness is excused. State calls Jose Louis Benjamin Sida. Witness is sworn and testifies on direct by Mr. Kennard.
COUNT: 3:05
Witness is cross-examined by Mr. Howell. Witness is excused. State's Exhibit 4 is received. The court takes a brief recess.
COUNT: 3:18
Back on the record. State re-calls Officer Roger Edwards. The court reminds Officer Edwards that he is still under oath. Witness is questioned on direct by Mr. Kennard. Witness is excused. Mr. Howell addresses the court.
Mr. Kennard makes closing arguments. Mr. Howell makes closing arguments. Mr. Kennard responds. Counsel submit.
The court finds probable cause to bind counts one and two over to stand trial.

01-14-2008 ORAL ARGUMENTS scheduled on January 28, 2008 at 01:30 PM with Judge DAROLD MCDADE

01-14-2008 Minute Entry - Minutes for ENTRY OF PLEA
Judge: DAROLD MCDADE

PRESENT

Clerk: kristinw
Prosecutor: KENNARD II, RANDY M
Defendant Present
Defendant's Attorney(s): HOWELL, ANTHONY L
Audio

Tape Number: 08-01-202 Tape Count: 9:22

HEARING

This matter comes before the court for entry of plea.
Defendant appears in custody of Utah County Sheriff.
Defense counsel enters not guilty pleas on behalf of
defendant. Defense counsel addresses motion for speedy
trial. State responds. The court sets
hearing for argument on the speedy trial and bail issues.
Trial dates will also be confirmed at that time.

ORAL ARGUMENTS is scheduled.

Date: 01/28/2008
Time: 01:30 p.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL DAY 1.

Date: 02/05/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL DAY 2.

Date: 02/06/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL DAY 3.

Date: 02/07/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL DAY 4.

Date: 02/08/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

- 01-14-2008 Cancelled: JURY TRIAL DAY 1 scheduled on February 05, 2008 at 08:30 AM with Judge DAROLD MCDADE
- 01-14-2008 Cancelled: JURY TRIAL DAY 2 scheduled on February 06, 2008 at 08:30 AM with Judge DAROLD MCDADE
- 01-14-2008 Cancelled: JURY TRIAL DAY 3 scheduled on February 07, 2008 at

08:30 AM with Judge DAROLD MCDADE

01-14-2008 Cancelled: JURY TRIAL DAY 4 scheduled on February 08, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-14-2008 Charge 1 Plea is Not Guilty

01-14-2008 Charge 2 Plea is Not Guilty

01-25-2008 Filed: Notice of Expert Witnesses Memo from Utah County Attorney to Andy Howell (Public Defender)

01-28-2008 Filed return: Subpoena (Mike Baum)
Party Served: Mike Baum
Service Type: Personal
Service Date: January 23, 2008
Garnishee:

01-28-2008 FINAL PRETRIAL scheduled on March 03, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-28-2008 Minute Entry - Minutes for ORAL ARGUMENTS
Judge: DAROLD MCDADE
PRESENT
Clerk: kristinw
Prosecutor: STURGILL, DAVID S
Defendant Present
Defendant's Attorney(s): HOWELL, ANTHONY L
Audio
Tape Number: 08-02-202 Tape Count: 1:38
HEARING
This matter comes before the court for oral arguments. The defendant appears in custody of the Utah County Sheriff. The state indicates that witnesses are subpoenaed and ready for trial next week. Mr. Howell addresses expert witness notice from the state
Mr. Sturgill responds. The court finds that Mr. Kennard did not deliberately violate statute. Expert witnesses will not be excluded. The court notes that the jury trial will have to be continued. The court rules that discovery on witnesses, both expert
and lay, must be provided to Mr. Howell within two weeks. Mr. Howell addresses bail. The court finds that the defendant has not been prejudiced, that bail previously set is not unreasonable, and that the state has not requested prejudicial continuances.
Bail is to remain. The jury trial previously set is stricken and re-set.
FINAL PRETRIAL is scheduled.
Date: 03/03/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE
JURY TRIAL.
Date: 04/01/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601

Before Judge: DAROLD MCDADE
JURY TRIAL.
Date: 04/02/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL.
Date: 04/03/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

JURY TRIAL.
Date: 04/04/2008
Time: 08:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

01-28-2008 Cancelled: JURY TRIAL scheduled on April 01, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-28-2008 Cancelled: JURY TRIAL scheduled on April 02, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-28-2008 Cancelled: JURY TRIAL scheduled on April 03, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-28-2008 Cancelled: JURY TRIAL scheduled on April 04, 2008 at 08:30 AM with Judge DAROLD MCDADE

01-28-2008 Cancelled: JURY TRIAL DAY 1 scheduled on February 05, 2008 at 08:30 AM with Judge DAROLD MCDADE
Reason: Court Ordered

01-28-2008 Cancelled: JURY TRIAL DAY 2 scheduled on February 06, 2008 at 08:30 AM with Judge DAROLD MCDADE
Reason: Court Ordered

01-28-2008 Cancelled: JURY TRIAL DAY 3 scheduled on February 07, 2008 at 08:30 AM with Judge DAROLD MCDADE
Reason: Court Ordered

01-28-2008 Cancelled: JURY TRIAL DAY 4 scheduled on February 08, 2008 at 08:30 AM with Judge DAROLD MCDADE
Reason: Court Ordered

01-29-2008 Filed return: Subpoena (Juan Otero)
Party Served: not listed
Service Type: Personal
Service Date: January 23, 2008

Garnishee:

02-11-2008 Filed: Notice of Expert Testimony

02-11-2008 Filed: Notice of Expert Testimony

02-11-2008 Filed: Notice of Expert Testimony

02-11-2008 Filed: Notice of Expert Testimony

02-19-2008 Filed: Plaintiff's Reply Re: Defendant's Motion in Limine to Exclude Conviction and Prior Bad Acts: Request for Rule 609 Evidence

02-21-2008 Filed return: Subpoena
Party Served: Mike Baum
Service Type: Personal
Service Date: February 17, 2008
Garnishee:

02-21-2008 Filed return: Subpoena
Party Served: Steve Huffaker
Service Type: Personal
Service Date: February 16, 2008
Garnishee:

02-28-2008 Filed return: Subpoena for Thunder Cloud - Precision Coatings
Party Served: Thunder Cloud
Service Type: Personal
Service Date: February 22, 2008
Garnishee:

03-03-2008 Minute Entry - Minutes for Pretrial Conference
Judge:
PRESENT
Clerk: kristinw
Prosecutor: KENNARD II, RANDY M
Defendant Present
Defendant's Attorney(s): HOWELL, ANTHONY L
Tape Number: 08-08-202 Tape Count: 8:52
HEARING
This matter comes before the court for pretrial conference. Defendant appears in custody of Utah County Sheriff. State moves to amend count one to a second degree felony by striking the injury language, and to amend count two to a third degree felony by altering the language to use of a dangerous weapon. The court grants. The information is amended by interlineation. No contest pleas are entered by the defendant and received by the court after factual basis is given. The court receives statement by defendant. The court orders that Adult Probation and Parole prepare a Presentence Report in this matter. AP&P is to meet with the defendant at the Utah County Jail. The jury trial is stricken.
SENTENCING is scheduled.
Date: 04/21/2008
Time: 09:30 a.m.
Location: Second Floor, Rm 202
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: DAROLD MCDADE

03-03-2008 Charge 1 amended to 2nd Degree Felony

03-03-2008 Charge 1 Disposition is No Contest

03-03-2008 Charge 2 amended to 3rd Degree Felony

03-03-2008 Charge 2 Disposition is No Contest

03-03-2008 Cancelled: scheduled on at with

03-03-2008 Cancelled: JURY TRIAL scheduled on April 03, 2008 at 08:30 AM with Judge DAROLD MCDADE

Reason: Case Settled.

03-03-2008 Cancelled: JURY TRIAL scheduled on April 02, 2008 at 08:30 AM with Judge DAROLD MCDADE

Reason: Case Settled.

03-03-2008 Cancelled: JURY TRIAL scheduled on April 01, 2008 at 08:30 AM with Judge DAROLD MCDADE

Reason: Case Settled.

03-03-2008 SENTENCING scheduled on April 21, 2008 at 09:30 AM with Judge DAROLD MCDADE

03-03-2008 Filed order: Statement of Defendant in Support of Guilty Plea and Certificate of Counsel

Judge DAROLD MCDADE

Signed March 03, 2008

03-03-2008 Filed: Minute Entry - Pretrial Conference

03-04-2008 Filed return: Subpoena

Party Served: Scott Erickson

Service Type: Personal

Service Date: February 28, 2008

Garnishee:

03-04-2008 Filed return: Subpoena

Party Served: Sherri Hunter

Service Type: Personal

Service Date: February 28, 2007

Garnishee:

03-11-2008 Filed return: Subpoena

Party Served: Scott Corey

Service Type: Personal

Service Date: March 07, 2008

Garnishee:

03-11-2008 Filed return: Subpoena

Party Served: Joseph Gabaldon

Service Type: Personal

Service Date: March 07, 2008

Garnishee:

03-13-2008 Filed return: Return of Service

Party Served: Lori Beals

Service Type: Personal

Service Date: March 05, 2008

Garnishee:

03-13-2008 Filed: Subpoena

04-21-2008 Minute Entry - Minutes for SENTENCING

Judge: DAROLD MCDADE

PRESENT

Clerk: kristinw

Prosecutor: KENNARD II, RANDY M

Defendant Present

Defendant's Attorney(s): HOWELL, ANTHONY L

Audio

Tape Number: 08-16-202 Tape Count: 9:26

HEARING

This matter comes before the court for sentencing. The defendant appears in custody of the Utah County Sheriff. Counsel addresses the pre-sentence report. The state responds. Mr. Garcia-Juaregui addresses the court. Court imposes sentence.

SENTENCE PRISON

Based on the defendant's conviction of ATTEMPTED MURDER a 2nd Degree Felony, the defendant is sentenced to an indeterminate term of not less than one year nor more than fifteen years in the Utah State Prison.

Based on the defendant's conviction of AGGRAVATED ASSAULT a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

To the UTAH County Sheriff: The defendant is remanded to your custody for transportation to the Utah State Prison where the defendant will be confined.

SENTENCE PRISON CONCURRENT/CONSECUTIVE NOTE

The court orders that the defendant's prison sentences be served concurrently.

SENTENCE RECOMMENDATION NOTE

The court recommends that the defendant receive credit for 153 days served at the Utah County Jail.

The defendant is remanded into the custody of the Utah State Prison.

04-21-2008 **** PRIVATE **** Filed: Adult Probation and Parole Pre-Sentence Report

04-21-2008 Filed order: Signed Minute Entry of Sentence Judgment and Commitment

Judge DAROLD MCDADE

Signed April 21, 2008

01-31-2014 Fee Account created Total Due: 1.00

01-31-2014 COPY FEE Payment Received: 1.00

01-31-2014 Fee Account created Total Due: 3.25

01-31-2014 COPY FEE Payment Received: 3.25

01-31-2014 Note: The entire file has been scanned and destroyed. Please refer to the ** ELECTRONIC RECORD **.

07-22-2015 Filed: Request for Audio Recording (04/21/08 03/03/2008 Hearings) - PUBLIC DEFENDERS OFFICE

07-27-2015 Filed: Completed Audio Request

08-26-2015 Note: Time for sentencing - 3/3/08 Start:08:52:30-08:54:20 & 09:00:00-09:08:31.

08-29-2021 Judge SEAN PETERSEN assigned.