

IN THE FOURTH JUDICIAL DISTRICT COURT

3/2/08 kw

Deputy

UTAH COUNTY, STATE OF UTAH

STATE OF UTAH	:	STATEMENT OF DEFENDANT
		IN SUPPORT OF GUILTY PLEA
Plaintiff,	:	AND CERTIFICATE OF COUNSEL
vs.	:	Case No. 071403501
JOSE GARCIA-JAUREGUI,	:	Judge Darold McDade
Defendant.	:	

I, Jose Garcia-Jauregui, 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
A.	Attempted Murder	2 nd Felony	1-15 Years Prison \$10,000 fine + 85% surcharge \$25 security fee
B.	Aggravated Assault	3 rd Felony	0-5 Years Prison \$5000 fine + 85% surcharge \$25 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:

Count 1: On September 6, 2007, in Utah County, the Defendant knowingly and intentionally attempted to cause the death of another.

Count 2: On September 6, 2007, in Utah County, the Defendant committed an assault and did so with a dangerous weapon.

Factual Basis:

On September 6, 2007, in Utah County, the Defendant attempted to kill one of his friends by running him over with a car. He also assault another friend ~~by stabbing him with a screwdriver.~~ with a pipe or metal object.

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.

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).

My attorney is Anthony Howell. 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 I were convicted by a jury or judge, 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 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, an eighty-five percent (85%) 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) (is/are not) the result of a plea bargain between myself and the prosecuting attorney. All the promises, duties, and provisions of the plea bargain, if any, are fully contained in this statement, including those explained below:

STATE agrees to dismiss 081400394.

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, of 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 21 years of age. I have attended school through the 11th 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 do so before my sentence is pronounced. If my plea is being held in abeyance, my motion to change my guilty plea must be made within 30 days of its entry. I will only be allowed to withdraw my plea if I show good cause. I will not be allowed to withdraw my plea if my motion is made after my sentence is pronounced, or after 30 days for a plea in abeyance, for any reason.

Dated this 3 day of March, 2008.


DEFENDANT

Certificate of Defense Attorney

I certify that I am the attorney for Jose Garcia Snaqui, 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.



ATTORNEY FOR DEFENDANT

Bar No. 9506

Certificate of Prosecuting Attorney

I certify that I am the attorney for the State of Utah in the case against _____

_____, 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. 7907


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 3 day of March, 2020

Harold
DISTRICT COURT

The seal of the State of Utah, Fourth District Court, is circular. It features the state seal of Utah in the center, which depicts a beaver and a sheaf of wheat. The words "STATE OF UTAH" are written in a circle around the central image. Below the seal, the text "FOURTH DIST. COURT - UTAH COUNTY" is visible. The seal is stamped over the signature line.