

1987

# West Valley City v. Max Spatig : Brief of Respondent

Utah Court of Appeals

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Max Spatig; Pro Se.

R. Spencer Robinson; Attorney for Respondent.

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## Recommended Citation

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**BRIEF**

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DOCKET NO.

**870202**

IN THE UTAH COURT OF APPEALS

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WEST VALLEY CITY,	)	
Plaintiff-Respondent,	)	BRIEF OF RESPONDENT
vs	)	JURISDICTION AND
	)	NATURE OF PROCEEDINGS
MAX SPATIG,	)	Case No. 870202- CA
Defendant-Appellate.	)	Priority 2

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Appeal for conviction of Improper Registration a class B misdemeanor in violation of 41-1-19, of the West Valley City Code, and Disorderly Conduct, a class C misdemeanor in violation of 76-9-102, of the West Valley City Ordinances, in the Fifth Circuit Court in and for Salt Lake County, State of Utah the Honorable William A. Thorne presiding.

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Defendant-Appellate

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IN THE UTAH COURT OF APPEALS

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CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

41-1-19.      Expired Registration

76-9-102.    Disorderly Conduct

IN THE UTAH COURT OF APPEALS

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WEST VALLEY CITY,	)	
Plaintiff-Respondent,	)	BRIEF OF RESPONDENT
vs	)	JURISDICTION AND
	)	NATURE OF PROCEEDINGS
MAX SPATIG,	)	Case No. 870202- CA
Defendant-Appellate.	)	Priority 2

---

This is an appeal from convictions of Improper Registration, a class B misdemeanor and Disorderly Conduct a class C misdemeanor following a jury trial in the Fifth Circuit Court, West Valley Department. This Court has jurisdiction to hear the appeal under 78-2a-3(2)(c), Utah Code Annotated (1953).

STATEMENT OF THE CASE

Defendant, Max Spatig, was charged with two counts of improper registration, one count of expired safety inspection, and one count no Utah drivers license. The drivers license charge was dismissed on a Defense Motion at the conclusion of the City's case. The inspection charge was dismissed at the conclusion of the City's case by the City after a review of the applicable law.

Following presentation of the Defense, the jury deliberated and found Mr. Spatig guilty of one count of improper registration and of disorderly conduct. This occurred on May 20, 1987, in the Fifth Circuit Court, in and for Salt Lake County, State of Utah the Honorable William A. Thorne, presiding. Judge Thorne sentenced Defendant on May 22, 1987 to ten days in jail and a fine



of \$150.00 on the improper registration charge. He also sentenced Defendant to thirty days in jail and a \$300.00 fine on the disorderly conduct charge. The Court stayed the jail time on the registration charge and twenty five days of the jail time on the disorderly conduct charge.

On the 28th day of May, 1987, the Defendant filed a Motion for Certificate of Probable Cause, which was heard before Judge Thorne. Following a hearing the Court denied Defendant's Motion for a Certificate of Probable Cause. Defendant then petitioned this Court for a Certificate of Probable Cause, which was granted in the Memorandum Decision filed by this Court on August 11, 1987.

This Court also received a notice of Appeal filed by the Defendant. Following some confusion about which of two cases the Defendant was appealing from the West Valley Department of the Fifth Circuit Court, the Defendant filed a written request for withdraw his appeal in the case of West Valley City vs Max Spatig, 840374-CA. That Motion was granted.

On September 1, 1987, the Defendant filed a Docketing Statement with this Court which indicated the central issue on appeal was whether or not an effective waiver of his rights to the assistance of counsel had been made. No further documents have been filed by the Defendant with this Court.

#### **STATEMENT OF THE FACTS**

On March 10, 1987, the Defendant appeared before Judge William A. Thorne in the West Valley Department of the Fifth Circuit Court to be arraigned on the charges of Improper

Registration, two counts, expired inspection, and no Utah drivers license. According to the docket sheet, Defendant was present without counsel, was advised of his rights and waived them. Defendant entered pleas of not guilty to all of the charges, and was released on his own recognizance. A pretrial conference was scheduled for March 18, 1987 at 9:30 a.m. in Court Room B with Judge Thorne.

The jury trial was held on May 20, 1987. At that trial Detective David Staley of the West Valley City Police Department testified that he had observed Mr. Spatig driving one vehicle which was towing another. The vehicle being towed was driven by someone identified as Michael Spatig, the Defendant's son. The vehicle being driven by Mr. Spatig did not have a Utah Inspection Sticker. Detective Staley also noted that the vehicle being driven by Mr. Spatig had two license plates attached to it. One was a Utah license plate, which was partially obscured by an Idaho license plate which had been wired so that it hung over the Utah plate. The vehicle being towed did not have Utah license plate. Detective Staley, who is assigned stolen vehicles in the Detective Division, made a stop of the vehicles. He was accompanied in his vehicle by Detective William Salmon. Both Detective Staley and Detective Salmon testified that after the stop was made the Defendant used foul and abusive language towards the officers for an extended period of time and in a loud voice. This caused a crowd to gather. The officers also testified they were unable to find any documents of either car indicating that they were

currently registered in the State of Utah or any other state. Detective Staley obtained information on the plates which he was able to observe. This information indicated that neither of the plates was assigned to the vehicles which had been stopped.

During the investigation the Defendant produced what appeared to be a valid Idaho license. That license was booked into evidence.

Following completion of the City's case, the no drivers license charge was dismissed on the Defendant's Motion. The improper registration charge was dismissed based on information provided to the Court by the City regarding the legal requirements of the vehicle be registered in the State of Utah before would be required to have a state inspection sticker. The Defendant then presented evidence in his own behalf. Following the presentation of the Defense, the City called Detectives Staley and Salmon in rebuttal. The case was then submitted to the jury, who found the Defendant guilty of one count of improper registration and disorderly conduct. They found the Defendant not guilty of the second count of improper registration.

#### **SUMMARY OF ARGUMENT**

1. The Defendant has not provided a record for this Court to review in considering the issue be raised on appeal. Failure to provide this Court with an adequate basis for reviewing the decision below is grounds for affirming it.

2. A review of what has been provided to this Court indicates an appropriate waiver of the Defendant's right to the

assistance of counsel at trial.

## ARGUMENT

### POINT I

#### ABSENCE OF RECORD REQUIRES AFFIRMANCE

Defendant's failure to provide this court with the record for review is a basis for affirming the decision below.

On September 1, 1987, Defendant filed a docketing Statement with this Court. In that Docketing Statement he stated the central issue of his appeal was an appropriate waiver of his right to the assistance of counsel. He cited this Court State v. Frampton, 737 P.2d 183 (Utah 1987). That point was argued by Defendant at his hearing for a certificate of Probable Cause before this Court on July 20, 1987.

In a Memorandum decision filed by the Court on August 11, 1987, this Court granted the Defendant's request for a certificate of probable cause. The Court noted that Defendant had not complied with the requirements for applications for certificates of probable cause set forth in State vs. Neeley, 707 P.2d 647 (Utah 1985). After noting the lack of compliance, this Court stated:

"Because the issues in this appeal are intricately connected to the appellant's lack of assistance of counsel we do not deny the present application on the basis of those procedural differences. Nonetheless, Defendant is put on notice that in prosecuting the present appeal, Appellant will be held to the same standard of knowledge and

practice as any qualified member of the bar."

Nelson vs. Jacobson, 669 P.2d 1207, 1213 (Utah 1983). This Court will not permit substantial departures from the appellate procedures on the basis that an appellate is handling his own appeal. Appellate is, therefore, admonished to obtain the assistance of counsel or to except the responsibility of fully complying with the rules of the Utah Court of Appeals and all applicable statutes and case law. Failure to observe and comply with appellate procedures will result in dismissal of the appeal and an order vacating the certificate of probable cause".

On August 11, 1987, the Court sent a letter to Mr. Spatig indicating that Under Rule 11(e), Rules of the Utah Court of Appeals, he would be required to request a transcript or give notice to the Court that a transcript was not request. No transcript was requested or prepared in the instant case. On September 2, 1987, the Court sent a letter to Mr. Spatig indicating under Rules 13 and 26 that his brief must be served and filed on or before October 13, 1987. On September 4, 1987, the letter was sent to Defendant reiterating the requirement for either a request for transcript or a notice of transcript was not requested.

On October 14, 1987, this Court sent a letter to Respondent which stated that the Defendant had indicated that he had not intended to file a brief in this case. Respondent was given until November 14, 1987, to file its brief. As this is a Saturday, Respondent has until November 16, 1987 to file its brief under

Rule 22(a), Rule of the Utah Court of Appeals.

There is ample case authority illustrating the need for a record upon which the Appellate Court can base its decision. In State vs. Wolffenstein, 657 P.2d 289 (Utah 1982), the Utah Supreme Court stated:

"when a defendant predicates error to this Court, he has the duty and responsibility of supporting such allegation by an adequate record. Absent that record, Defendant's assignment of error stands as a unilateral allegation which the review Court has no power to determine. This Court cannot simply rule on a question which depends for its existence on alleged facts unsupported by the record."

Id., at 293. The City would direct this Court's attention to the fact that Mr. Wolffenstein was a pro se appellant as is the defendant in the case at bar. In spite of the fact that the defendant is representing himself, he has the burden on the appeal. As the Supreme Court stated in State vs. Jones, 657 P.2d 1263 (Utah 1982), "the burden of showing error is on the party who seeks to upset the judgment. In the absence of record evidence to the contrary we assume regularity in the proceeding below and affirm the judgment." The City submits that the defendant has totally failed in his responsibility. Not only must this Court assume the regularity of the proceedings below without a record, but the Defendant was instructed by this Court at the hearing held on his Motion for Certificate of Probable Cause, as well as in the memorandum decision which granted that motion, that he would be held to the same standard as an attorney in prosecuting this appeal as a member of the bar.

Other cases since 1982 have affirmed this position. In State vs. Theison, 709 P.2d 307 (Utah 1985) our Supreme Court stated:

"it is the appellants duty to bring his appeal to us supported by an adequate and proper record. In the absence thereof, we do not reverse the ruling below."

Id., at 309 emphasis added. In State vs. Sutton, 707 P.2d 681 (Utah 1985) the Supreme Court again stated that failure to satisfy Rule 75(p)(2)(b), of the Utah Rules of Civil Procedure is alone the grounds for affirmance. Id., at 683. This standard was again reiterated in State vs. Gardia, 712 P.2d 195 (Utah 1985):

"This court has repeatedly held that a Defendant must support his claim of error with an adequate record of facts upon which the claim is based."

Id., at 196, 197, citing Wolffenstein and Jones.

In a recent case involving a similar issue, the Supreme Court again required a record upon which to base its decision. In State vs. Miller, 718 P.2d 403 (Utah 1986) the Defendant had pled guilty to one count of aggravated assault. He then filed a Motion to withdraw that guilty plea. The Motion, filed by new counsel, was accompanied by an affidavit which claimed the Defendant had entered the plea believing the facts supported a misdemeanor. A hearing was held on the Motion, arguments were made and the Defendant testified. The trial court took the matter under advisement and denied the Motion for withdrawal of the plea. The Defendant appealed that decision. The trial court noted in its Memorandum decision that it did not make a specific finding but that the Defendant understood the nature and elements of the

defense to which he pled guilty nor that the prosecution had the burden of proving each of those beyond a reasonable doubt and that the plea was an admission of all elements. The lower court stated that the absence of a finding was not critical if the record as a whole established a knowing and intelligent plea with the understanding of the consequences and rights waived. They then stated:

"in the instant case, Defendant has not supplied us with the transcript of the arraignment hearing where he entered his guilty plea or with any other evidence that the court failed to fully explain the consequences of the plea. If an appellant fails to provide an adequate record on appeal, this Court must assume the regularity of the proceeding below."

Id., at 405.

The City submits that this case is analogous to the instant case. The taking of the guilty plea is a serious matter, especially when the plea is entered to a felony. Fundamental rights must be waived personally by a defendant in order to enter that plea. In spite of the involvement of fundamental rights, the Miller Court required an appellant to provide them with an adequate record for review. In the instant case, the Defendant has failed to do this.

## POINT II

### THE RECORD PROVIDED INDICATES VALID WAIVER

The record which Defendant has provided to this Court points to his understanding of the risk involved in representing himself.



The tapes which this court has reviewed in determining whether or not to grant the Defendant's motion for a certificate of probable cause contain information from the arraignment, the trial and sentencing. The tapes indicate at arraignment that the Court asked the Defendant "would you like to be represented by an attorney sir". The Defendant replied "I own too much property". This indicates that this issue of representation had confronted him in the past. Later during the arraignment he stated he wanted an attorney before the pretrial conference was held. He also stated at that time that a jury trial was scheduled for the 18th and requested that a pretrial be set on the same date.

Prior to jury selection on the date of trial, and following the Defendant's Motion to Dismiss, the following occurred.

**Court:** "Are there any other Motions that need to be resolved.

**Mr. Robinson:** "Not from the City your Honor."

**Court:** "Mr. Spatig?"

**Mr. Spatig:** Inaudible.

**Court:** "Mr. Spatig do you have any other Motions, sir?"

**Mr. Spatig:** "It's not going to do any good, you are going to deny them anyway.:"

**Court:** "Well sir that may be, but if you do not raise them the appeal court is not going to let you raise them later."

**Mr. Spatig:** "No, no more Motions."

**Court:** "Okay."

This was closely followed by discussion of whether or not to have the jurors sit for selection as they were on the type written list or to cut that list and redraw the names of the perspectives jurors.

Court: "Okay, Mr. Spatig I understand that you have been through a jury trial at least occasionally before, are there questions about the procedures that you have that I can answer for you to make it easier for you to handle?"

Mr. Spatig: "No, that the reason why I am here today is because of it, the other jury trial, it won't be the last one either."

Court: "I'm not worried about that either way sir, I'm just trying to make sure that you understand the process and anything I can do to help you out with that."

Mr. Spatig: "No I understand it."

Court: "Okay."

The jury trial that was being referred to in this discussion was the jury trial held before the Honorable Tyrone E. Medley of the West Valley Department of the Fifth Circuit Court. That jury trial is the one the Defendant originally appealed to this Court, and then withdrew his appeal. Clearly the Defendant had represented himself in at least one prior jury trial.

On May 22, 1987, the Defendant appeared before the trial Court for sentencing in the instant case. At that time there was a discussion between the Court and the Defendant which included

references to numerous other times the Defendant had been involved in the judicial system and to the earlier case which had been held before Judge Medley. Among other things, the Defendant inquired of the trial court in this case as to why no pre-sentence report had been requested as had been done in the earlier case. Copies of docket sheets from other cases were available to the trial court in the instant case as well as the pre-sentence report from the earlier case heard before Judge Medley. Copies of the docket sheets and the presentence report are attached in the appendix.

The City has found four cases which resemble in one respect or another the case at bar. These cases seem to lend some support to the Defendant's position, but can be distinguished from the instant case.

In State vs. Harmon, 712 P.2d 291 (Utah 1986), the only record provided to the Supreme Court for review was the jury instructions and the portion of the transcript dealing with the Defendant's objection to the Court's instructions and proffered instruction on the elements of attempt and well as the trial court's explanation for refusing that instruction. The Supreme Court held in the Harmon case that the record was sufficient for review of the issue presented and reversed the conviction. In the instant case the Defendant has not provided an equivalent record for this court to review on the issue he has raised.

In State vs. Cook, 714 P.2d 296 (Utah 1986), the Supreme Court again addressed an issue which involved a pro se defendant. The Cook Court noted that ordinarily allegations of error not

supported by the record would not be considered on appeal. They stated however, that in the absence of a proper objection error could be reviewed in the interest of justice to protect a valuable constitutional right. Mr. Cook had been charged with a felony and convicted in a bench trial of a class A misdemeanor. As he was charged with a felony, there was a Utah Statute which applied. That statute 77-35-17(c)(d) provided that the felony cases were automatically jury trials unless there was a specific waiver of that right and that all other cases would be bench trials absent a written request for a jury or a court order to the contrary. Nothing in the record showed that Cook had waived his statutory right to a jury trial in a felony case.

The City submits that the Cook case must be read in light of an earlier case State vs. Ruple, 631 P.2d 874 (Utah 1981). The Ruple case dealt specifically with the right to be represented by counsel or to represent oneself. In Ruple the Supreme Court reversed the conviction on the grounds that the record did not demonstrate a knowing and intelligent choice of the defendant to represent himself. The reason cited for that reversal are clearly distinguishable from the case at bar. The trial court in Ruple did not advise the defendant of the peril of representing himself, the record revealed that at the time of trial the defendant had not finished the twelfth grade, suffered from minimal brain disfunction and dyslexia. While noting that Ruple had been in court before, the record revealed it was mostly on juvenile charges. The record did not reveal that he had ever gone through

a trial or witnessed a trial like the one he was about to conduct. In the instant case the defendant cannot claim a lack of education. He has represented to both the trial court and this court that he possess a masters degree. He has also represented that he suffers from no psychological problem. Referring to an earlier case he was involved in he stated that he was required to see a counselor who stated that following the evaluation the Defendant had no psychological problems. The record also reveals in the instant case that the Defendant's involvement in the criminal justice system was fairly recent and substantial. That, coupled with his other comments during the course of this particular case, illustrate that the Defendant knows full well what he is doing.

In State vs. Steggell, 660 P.2d 252 (Utah 1983), the Supreme Court apparently reviewed on its own Motion the fourth point raised by the Defendant in his appeal. The City submits that the instant case is readily distinguishable from Steggell on two grounds. First of all, Steggell had been convicted of aggravated robbery and of being an habitual criminal. In a footnote on page 253, the Steggell court noted that the seriousness of the conviction prompted them to read the entire trial transcript. In the instant case, the charges which the defendant stands convicted of can hardly be characterized as serious when compared to those dealt with by the Steggell court. Second, the Supreme Court in Steggell had a transcript to read. No transcript has been provided by the Defendant in the instant case.

### CONCLUSION

The City submits the defendant's appeal must fail for either or both the reasons cited. Whatever excuse the Defendant may have had regarding a lack of knowledge of the hazards of representing himself in the trial court, that excuse is clearly absent regarding this appeal. The defendant was clearly advised by this court at the time his motion for a certificate of probable cause was heard and again in the unpublished memorandum decision granting the decision that he would be held in the same standard of prosecuting this appeal as a member of the bar. He was strongly urged to obtain the assistance of counsel. The record reflects that the defendant has not retained counsel and that he has failed to comply with the rules that would allow this court to review a record of what transpired below. Absent a record for review, this court should find that the proceedings below were correct. If this court directs its attention to what little has been provided for review, the result is the same. The docket sheet indicates the defendant was advised of his rights and waived them. Conversations with the court and other documents referred to by the trial court in the instant case indicate the defendant had experience several trials, including a jury trial of recent vintage where the trial judge not only fined him, but also sentenced him to 180 days in jail on each of the two charges and suspended that jail time placing him on good behavior probation for one year. The defendant, by his own admission, is an educated person who is possessed of no mental or psychological defects.

Prior to the beginning of his trial in the instant case, before the jury which heard it was impaneled the trial court made an effort to be certain the defendant understood the process and indicated the willingness to help the defendant understand it. The defendant stated that he understood it.


While a colloquy between the trial judge and a defendant may be the preferred method for establishing a waiver of right to be represented by counsel and to choose to represent oneself as indicated in Frampton, supra, there is nevertheless sufficient indication to this court that the defendant knew what his rights were and understood the hazards of self representation prior to commencement of his jury trial in the court below. For these reasons, the respondent respectfully request that this Court dismiss defendant's appeal and remand it to the trial court for imposition of sentence.

DATED this 23rd day of November, 1987

  
R. SPENCER ROBINSON  
Assistant City Prosecutor

#### CERTIFICATE OF MAILING

I hereby certify that I mailed a true and accurate copy of the foregoing instrument, postage prepaid, to Max Spatig, Route 2, Box 158, Preston, ID 83263, and P.O. Box 67, Kaysville, UT 84037, and 134 West Smiths Lane, Kaysville, UT 84037, this 23rd day of November, 1987.



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TOTAL CASE PRINTOUT

BALT LAKE CITY POLICE DEPT CASE:87005757  
1 03/09/87 TIM ENT:18:17 TIM AB:18:17 TIM ARV:19:17 TIM CL:18:17  
120 S REDWOOD RD CITY:WV APT: BEAT:112  
06 UNKNOWN TRAFFIC CHG PD:4 CHG ID:360 DSP PD: DSP ID: PRI ID:V78  
BY:WVDP ADDR: RES PH:  
HOW RECD:UNIT: DT:9 PRI:3 SUP: SIR SEQ:172  
1200 1700H PREP LAF: CHID:ME1983 JRSION:WV PRIOR ACT:0  
1 03:100 LAF: RUT: RUT: RUT:  
120 ADDRESS:2320 S REDWOOD RD, WV CMTS:  
SIRY VEHICLE FILE ENTRY CASE 87005757  
VEH:1P MAKE OF VEHICLE:BUICK SEQ#:1727  
SER:1017 COLOR:BRN/WHIT YEAR:75 MODEL:COUGAR BODY STYL:12DR  
12 1ST:1F LYS:187 VIN:1BAPHE53222F CASE:8700575 DT:03/09/87  
ATTN: MAX ADDR:RT 2 BOX 159 PREST I PHONE:  
10 S REDWOOD CMTS:IMPROPER REG/HOLD FOR STATE TAX, HARMAN EXR AT 18:09  
STALEY/L78...

INITIAL REPORT CASE 87005757  
1 NCID:5311 15412 1RUP PD DISORDER CONDUCT 1TRAFFIC IMPOUNDED  
1 ADDRESS:2320 S 1700 4  
1 DATE:03/09/87 TIME:18:00 DAY OF WEEK:MON  
10 DATE: / / TIME: ; SECURED DATE: / / TIME: ;  
10 EVIDENCE REPORT:Y TYPE OF PREMISE:110 1STREET  
COMPLAINANT FIELD CASE 87005757  
NAME IS ALSO: VICTIM:Y WITNESS:Y PERSON LAST SECURING PREMISE:  
10 STALEY ADDRESS:2470 S REDWOOD ST ZIP:  
WE: BUS PHONE:974 5506 SEX: RACE: DOR: / /  
1 WITNESS FORM USED?:

ARRESTED PERSON FIELD CASE 87005757  
ATTN: MAX DOB:12/08/41 SEX:M RACE:CAUC  
TYPE:10 1 MASTER FILE#: CHG#: RDD. SEC.#:518506171  
VT TAKEN:IN

COMMENTS FIELD 87005757  
1 ROUTE 2, BOX 159, PRESTON, IDAHO. CHARGE: DISORDERLY CONDUCT AND TRAF  
VIOLATIONS.

VEHICLE REPORT CASE 87005757  
ADDRESS/REG:VSR:12320 S REDWOOD RD  
ATTN: MAX ADDRESS:RT 2 BOX 159 PH:  
17 FILED:IN IMPOUNDED:Y REASON IMPOUNDED:IMPROPER REGISTRATION  
DISTRICT TAX CLAIM CHX #: WRECKED CO.:HARMONS  
#POUNDED:12728 S 3400 W VEH COMD. GOOD?: FAIR?: POOR?:Y  
10 KEY IN IGN?:Y WINDS LOCKED?:N DOORS LOCKED?:N PROPERLY PARKED?:N  
10 CENSURED?:N



CHAINED FROM TERMINAL 12  
TOTAL DAYS WITHOUT ACTIVITIES

VEHICLE FIELD CASE 87005757  
17 REASON:VANDIC COLOR:1900W WHITE YR:75 MAKE:MERCEDES  
1000648 JDM VIN:1001 LIO:1YU0732 LIO 15184 LIC STATE:UT  
AT VIN:1934100229 FEAT/DND:

COMMENTS FIELD 87005757  
APPROXIMATELY 1600 HOURS MYSELF AND DETECTIVE SALMON WERE NORTHBOUND ON REIWO  
40 WHEN WE OBSERVED THIS VEHICLE PULLING A 1970 PONTIAC WITH A CABLE NORTH9  
IN THE RIGHT HAND LANE. THERE WAS NO REGISTRATION OR GAS CAP ON THE PONTIA  
C WAS THE REAR VEHICLE. UPON PULLING ALONGSIDE I OBSERVED A IDAHO LICENSE  
E NUMBER 1P1097 WERE ON TO THE REAR OF THE VEHICLE ON TOP OF A UTAH LICENS  
11. AT THIS TIME I PULLED BEHIND THE VEHICLES AND ACTIVATED MY RED REVOLVI  
GHT AND SIREN. THIS WAS APPROXIMATELY 2800 SOUTH. THE VEHICLE CONTINUED  
AND WOULD NOT STOP UNTIL IT WAS IN THE PARKING LOT OF THE SEVEN ELEVEN AT  
SOUTH. AT WHICH TIME THE ARRESTED PERSON DRIVING THE LEAD VEHICLE PULLED I  
THE SEVEN ELEVEN PARKING LOT AND STOPPED. ARRESTED PERSON EXITED THE LEAD  
LE AND RELUCTANTLY ASKED WHY I HAD STOPPED HIM. AT THIS TIME I SHOWED HI

COMMENTS FIELD 87005757  
RANGE AND IDENTIFICATION CARD AND ASKED FOR HIS DRIVERS LICENSE. HE PROVID  
E IDIVERS LICENSE AND BECAME RELUCTANT FURTHER WHEN I ASKED FOR THE REGIS  
ON ON THE VEHICLE. THE ARRESTED PERSON STATED THAT BOTH VEHICLES BELONGED  
H AND BOTH WERE REGISTERED BUT HE DID NOT HAVE THE REGISTRATION FOR THEM WI  
H AT THE TIME. AS I WAS CHECKING THE VIN NUMBERS ON THE VEHICLES AND ATTEM  
TO LOCATE THE DRIVER OF THE SECOND VEHICLE, WHICH TURNED OUT TO BE MICHAEL  
IN THE ARRESTED PERSONS SON. THE ARRESTED PERSON HAD A CONFRONTATION WITH  
104 SALMON. AT SOME POINT IN THE ALTERCATION DETECTIVE SALMON PLACED MR.  
G UNDER ARREST FOR DISORDERLY CONDUCT. SEE OFFICER SALMONS' SUPPLEMENT R  
FOR DETAILS ON THIS CASE.

OFFICER INFO FIELD CASE 87005757  
110781 REPORTING OFFICER:STALEY ASST OFFIC: : :  
CLOSED?: CLEARANCE: EXPERT?: LNF?: ARREST?: Y AGE: ADULT?: Y JUVENILE?:  
2 CHECK 101550 ENTERED DATE/TIME:03/09/87 20 39 POSITION:15

CLAMPED:VE CASE 87005757

DISE:

PCNT:

UNST: ACC: ANIM: FIRE: CAU: CRT: EVID: IMP: LAB: LTR:  
NEWS: PREV: PROB:

JIVE SUPERVISOR:380 POSITION:15 LOGGED: DATE/TIME:03/09/87 20:39

SUPPLEMENTARY REPORT CASE 87005757

ISS NO:15311 15412 :FUR PO DISORDER CONDUCT :TRAFFIC IMP00408

INDICATION CHARGE?: FELONY?:Y OCCURRED DATE:03/09/87 TIME: :

POWER:WUN ADDRESS OF OCCURENCE:1220 S PER4000 RD

ED ADDRESS:PECOULAN:

: ADDRESS: PH:

AVI: FILED?: IMPOUNDED?: SEARCH IMPOUNDED:

CHW: CLAIM CH #: WRECKER CO.:

IMPOUNDED: VEH COND. GOOD?: FAIR?: POOR?:

DOCKED?: KEY IN LOCK?: WINDOWS LOCKED?: DOORS LOCKED?: PROPERLY PARKED?:

PROCESSED?:

ARRESTED PERSON FIELD CASE 87005757

PRINTED FROM TERMINAL: 02  
TOTAL CASE PRINTS: 10000000

NAME: MAX DOB: 11/24/74 SEX: M RACE: CAUC  
TYPE: P #1 ARREST FILE #1 CIR #1 SOC. SEC. #1: 18506171  
NOT TAKEN? IN

COMMENT: FIELD 87005757

4 ROUTE 2 BOX 158 PRESTON, IDAHO. CHARGE: DISORDERLY CONDUCT.

COMMENT: FIELD 87005757

ON 07/11/1987 AFTER ASSISTING DETECTIVE STALEY IN A TRAFFIC STOP OF THE VEHICLE OPERATED BY THE ABOVE LISTED ARRESTED PERSON AT 2321 SOUTH REDWOOD R. THE PARKING LOT OF SEVEN ELEVEN, THE ABOVE LISTED ARRESTED PERSON WAS PLACED IN ARREST BY ME FOR DISORDERLY CONDUCT. THE INCIDENTS THAT LED UP TO THIS IS AS FOLLOWS. AT APPROXIMATELY 1800 HOURS WHILE NORTHBOUND ON REDWOOD ROAD WE ENJOINED AND MYSELF NOTICED TWO VEHICLES, ONE TOWING ANOTHER, NORTHBOUND ALONG ROAD. THE SECOND VEHICLE IN LINE, THE VEHICLE WHICH WAS BEING TOWED, WAS A WHITE HUNTER CATALINA WHICH BORE NO LICENSE PLATES ON THE REAR. WHILE APPROXIMATELY TWO VEHICLES WE OBSERVED THAT THE VEHICLE IN FRONT, A MERCURY COUGAR DRIVEN BY THE SUBJECT IN THIS CASE, HAD WHAT APPEARED TO BE A UTAH LICENSE PLATE ON THE REAR OF THE VEHICLE WHICH WAS BEING COVERED BY AN IDAHO LICENSE

COMMENT: FIELD 87005757

PLATE WAS PLACED OVER TOP OF THE UTAH LICENSE PLATE. AT THIS POINT IN TIME WE STALEY DECIDED TO MAKE A VEHICLE STOP AND INQUIRE AS TO THE CONDITION OF REGISTRATION ON THESE VEHICLES. DETECTIVE STALEY INITIATED HIS EMERGENCY SIGNALS AND THE VEHICLES WOULD NOT YIELD. AT THAT TIME SIRENS WERE USED AND APPROXIMATELY FOUR BLOCKS LATER THE SUBJECTS PULLED IN TO A PARKING LOT AT THE SEVEN ELEVEN. THE SUBJECT IMMEDIATELY EXITED HIS VEHICLE AND PROCEEDED BACK TOWARD POLICE VEHICLES AS WE WERE EXITING IN. AT THAT TIME THE SUBJECT BECAME VERY ANGRY AND ABUSIVE, CALLING BOTH DETECTIVE STALEY AND MYSELF 'PUCKING PIGS' AND 'A SHIT OF BITCHES'. HE INSISTED THAT WE HAD NO RIGHT TO STOP HIM, THAT THE VEHICLES WERE PROPERLY REGISTERED AND THAT HE HAD NO RIGHT TO IMPOUND THEM ONCE THE STOP HAD BEEN MADE. DURING THE COURSE OF THIS CONTACT SEVERAL PEOPLE FROM THE

COMMENT: FIELD 87005757

SEVEN ELEVEN WERE GATHERING AROUND TO SEE WHAT WAS GOING ON DUE TO THE FACT THAT STALEY WAS VERY ANGRY AND CAUSING A DISTURBANCE. I ATTEMPTED SEVERAL TIMES TO TALK THE SUBJECT IN THIS CASE TO RETURN TO HIS VEHICLE AND HAVE A SEAT BELT CHECK WHILE WE CONDUCTED THE INVESTIGATION HOWEVER HE REFUSED TO DO SO. WHEN HE ATTEMPTED TO LEAVE AFTER BEING ORDERED BY MYSELF TO RETURN TO HIS VEHICLE I ORDERED HIM THREE TIMES TO STOP BUT HE FAILED TO DO SO. AT THAT TIME I ORDERED HIM UNDER ARREST FOR DISORDERLY CONDUCT. DURING THE TIME THAT THIS WAS OCCURRING THE PERSON THAT WAS DRIVING THE VEHICLE BEING TOWED HAD GONE IN TO SEVEN ELEVEN. THAT PERSON TURNED OUT TO BE MR. SPATIG'S SON MICHAEL. AFTER INQUIRYING HIM, HE INFORMED DETECTIVE STALEY AND I THAT HIS FATHER HAD BEEN INVOLVED IN SUCH LIKE THIS ON NUMEROUS OCCASIONS AND HE JUST DOES NOT LIKE COP

COMMENT: FIELD 87005757

INDICATING THAT HE WOULD THAT THIS TYPE OF SITUATION WOULD REVEAL AND THAT HE WOULD BE INVOLVED IN IT AND THAT'S WHY HE WENT IN TO THE SEVEN ELEVEN. SPATIG WAS TRANSPORTED TO DIVISION BY DETECTIVES MAXWELL AND WELBY SCOTT AND PLACED IN THE HOLDING CELL UNTIL DETECTIVE STALEY AND I COULD FINISH THE INVESTIGATION OF THE VEHICLES IN QUESTION. AT THAT TIME WE RETURNED TO DIVISION, FILLED OUT PAPERS AND MR. SPATIG WAS TRANSPORTED TO SALT LAKE COUNTY JAIL BY OF ICE ALLEN. DURING THE TIME MR. SPATIG WAS IN THE HOLDING CELL HE WAS VERY ANGRY AND ABUSIVE AND WAS CONSTANTLY KICKING THE WALLS AND SCREAMING. THESE

PRINTED FROM TERMINAL 73  
JULY 09/97 13 (CONTINUED)

INVESTIGATORS REPORTED AT THE TIME OF OCCURRENCE AND ARE BEING RETAINED BY  
THIS BUREAU. THIS CASE SHOULD ALSO BE REFERENCED TO CASE NUMBER 97005759.  
FOR MORE DETAILS.

OFFICER INFO FIELD CASE 97005757  
INVESTIGATING OFFICER: R18A.HOW ARREST OFFIC: : :  
JUVENILE? :Y CLEARANCE: EXCEPT? : UNF? : ARREST? :Y AGE: ADULT? :Y JUVENILE? :  
JULY 09/97 ENTERED DATE/TIME: 03/09/97 21:17 POSITION: 165

LOG/RESOLVE CASE 97005757  
DIST:

IPAT:  
UNIT: ACC: ANIM: BINS: CAD: CRT: EVID: IMP: LAB: LTR:  
ACQU: FUEL: FROD:  
JULY 09/97 13:58V POSITION: 165 LOGGED: DATE/TIME: 03/09/97 21:18

\*\*\* END OF CASE \*\*\*

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
IDENTIFICATION DIVISION  
WASHINGTON, D.C. 20537

The following FBI record, NUMBER 181 115 15, is furnished FOR OFFICIAL USE ONLY.  
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WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS  
DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Brigham Young University FD Provo Utah	Max Spatig ID 70154	2-19-71	grand larceny	guilty probation until 1972 through Provo City Court 11-23-71
SO Salt Lake City Utah	Max Spattig 63050	5-8-73	disorderly conduct no regist no safety insp H/A assault & battery foul abusive lang dest of property	
SO Riverside CA	Max Spatic <del>E78559</del> /1029099 SID 7177088	12-22-82	148PC(resisting arrest) 13VC(false info to peace officer)	dism prob SW 24mos D/6mos all but 15 das susp \$300
SO Riverside CA q	Max Spatig E89974/0707059 SID A07177088	5-19-83	48PC(resist arr) officer)	
SO Riverside CA	Max Spatic E98258/707059 SID 07177088	9-29-83	21461.5 VC-Ped disobey traf sign 148 PC-resist officer 40508a/4000a VC- winterhaven just ct T21682-fail to app/unreg veh	

3-26-87

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
IDENTIFICATION DIVISION  
WASHINGTON, D.C. 20537

2

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Riverside CA	Max Spattig F27322/70759 SID A07177088	4-8-84	148PC-resist officer 40508/4000a/vc- FTA, no reg on veh:	
SO Salt Lake City UT	Max Spattig 63050 SID 913246	5-10-86	Interferring w/police disorderly conduct	
SO Salt Lake City UT	Max Apattig 63050	1-28-87	Resist arrest Fleeing Police	

STATE OF UTAH  
ADULT PROBATION AND PAROLE  
DEPARTMENT OF CORRECTIONS  
99 SOUTH MAIN  
FARMINGTON, UTAH 84025

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PRESENTENCE INVESTIGATION REPORT

DUE DATE: 3/24/87  
SENTENCE DATE: 3/26/87

JUDGE Eleanor Vansciver Fifth Circuit COURT

Salt Lake City Salt Lake County UTAH

Susan S. Wilson (TA) INVESTIGATOR

---

NAME: Max Spatig	COURT CASE NO.: 87 200 4688 TC
ALIAS: None	CO-DEFENDANT: None
ADDRESS: 1034 W. Smith Lane	OFFENSE: Resisting Arrest "B"
Kaysville, UT	SENTENCE: 0-6 months &/or \$1,000
BIRTHDATE: 12/8/41 AGE: 45	PLEA: Convicted DATE: 2/19/87
BIRTHPLACE: Idaho	PROSECUTING ATTORNEY: Don George
LEGAL RESIDENCE Utah	DEFENSE ATTORNEY: None
MARITAL STATUS: Married	

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PLEA BARGAIN:

Originally, Mr. Spatig was charged with Red Light Violation, Speeding, Taillight Violation and Resisting arrest. Through plea negotiations, according to Mr. Don George, the defendant entered a plea to the resisting charge after which the traffic matters were dismissed.

OFFENSE:

A. OFFICIAL VERSION:

As of the time of dictation, this agent has received a "total case printout" from Salt Lake City Police Department which lists the date, January 27, 1987, the location, 450 S. 200 E., and the description of the subject's vehicle, a 1975, silver Honda as the primary identifying information. The arresting officer, Maack, list information as improper registration and "hold for state tax" as the only violation. This agent will attempt to obtain a more detailed report with regard to the resisting charge.

B. DEFENDANT'S STATEMENT:

Approx 10 o'clock pm on Tuesday Jan 27th 1987, my 3 year old son and I were going North on State Street in order to pick up my wife who works at LDS Hospital on 8th Street & Ave C. When we got to approx 580 So. State traveling approx 30 mph, a motorcycle policeman for no reason in front of us slowed down from 30 mph to 10 mph. I just about hit him and when I went around him, he pulled in behind me and then he went to my right side then to my left side. We both stopped at the red light on 500 So. and State Street at which time I rolled down my window and asked him what his problem was in slowing down so fast. He just looked at me and then the light changed at which time I proceeded. the next thing I heard was a siren and as I went East on 400 So heading to 200 East I saw the red light and heard the Siren coming from the motorcycle policeman that had been at my side. I pulled over and got out of my car at which time the officer grab me and put the hand cuff on holding me there for at least 15 minutes waiting for a back up and to transport me to jail which was just thur the block. When I ask him what he was arresting me for he said for felony fleeing. At no time did he ask for my car registration or my Driver's license. When the back up unit came the officer grabed me and shoved me in the front seat of the patrol car hitting my head on the door frame. Which about broke my glasses and hurt the temple of my head. The only thing I said was don't treat me like a sack of potatoes. He slammed the door and when I tryed to get comfortable as the hand cuff were hurting me he open the door and put his hand cuff on my ankles. They then took me to jail. I was very surprised when I heard they were charging me with resisting arrest and the booking officer as well as the OR officer both said that resisting arrest is a catch all when the officer has no other grounds or bona fide reasons to hold a prisoner they always put down interfering or resisting arrest.

Art Kessler and Mrs Luke of the city attorney's office told me that they were going to drop or not charge me with resisting as they knew the officer temperament as he is famous for this charge. When I went to court Don George the city attorney that got my case drop whatever they had on me and went with only the resisting. Before any other judge, other than VanSciver it would be treated as a minor offense perhaps a hundred dollars fine and a chance to work it off by doing community service but Van Sciver is making a capital offense.

DATE: Feb 25, 1987

SIGNATURE: Max Spatig (sic.)

Mr. Spatig provided this agent with information regarding various arrests for which he has been charged in Salt Lake City over the past several months. This agent was unclear as to whether he was charged with fleeing an officer on this particular date or defective equipment. The defendant stressed the fact he has had a number of problems with Salt Lake City Police officers on incidents which had been, in his opinion, handled unfairly and without merit.

On the date he appeared in court, the defendant said he had filed motions with the court one of which was an affidavit of bias and prejudice which was denied by another judge. Additionally, he had requested a jury trial which he said he was denied as the court said he had not filed his motion timely. He then asked for a continuance in order to consult with counsel who was out of town and he said this was also denied.

Mr. Spatig told this agent "the Lord went through the same procedure when he was crucified" and he is hopeful someone will consider his side of what has transpired. He said he believes his right to counsel was denied and feels the court has been unfair in its ruling with regard to this case. This agent questioned whether or not the defendant wished to have all the information concerning his feelings about the court included, partly because they might be very offense to the court and partly because they are not the issue of the presentence investigation, however, Mr. Spatig said he has "pulled no punches" and wanted the court to understand how he feels.

C. VICTIM'S STATEMENT:

This agent attempted to contact Officer Maack with Salt Lake City Police Department. Whether or not he is the officer who was involved in the "resisting" charge is unknown. He was not on duty at the time this agent called and this agent has not received a return telephone call.

PRIOR RECORD:

A. JUVENILE:

There was no record found on Max Spatig. Due to his age, this agent assumed a juvenile court record would have been deleted if one ever accrued.

B. ADULT:

Utah Bureau of Criminal Identification reflected the following record on the defendant:

<u>DATE</u>	<u>PLACE</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
2/19/71	BYU Provo	Grand Larceny	Convicted, placed on probation (the defendant explained to this agent he was working doing clean up in the foods area at BYU. He said the assistant manager of that area "didn't trust



anybody". There were old can goods to be thrown out and Mr. Spatig claims he received permission from someone to take them home. He did this for a period of time, but was eventually stopped after which a search was conducted of his home and more canned goods were found. He claimed it was all garbage that would have been thrown out had he not taken it. He noted it was explained to him BYU could be sued if anyone was poisoned as a result of the old can goods.

5/3/73	Sheriff's Office	Warrant of arrest Assault and Battery, Foul and Abusive Language Destruction of Property Disorderly Conduct	No Disposition shown, defendant claims charges were dropped indicating he was at the BYU field house and had a ticket to observe a game.
5/1/86	Sheriff's Office	Interfering with a Police Officer and Disorderly Conduct	Defendant claimed this incident happened in Murray and it was the direct result of several officers contact with him.

He said he was only trying to work out details to release his son's car from impound which he had correct paperwork to effect. For unknown reasons, upon contact at the impound lot, he encountered approximately 9 officers and reacted to their presence.

C. DRIVER HISTORY:

<u>DATE</u>	<u>OFFENSE</u>
3/17/86	Speeding
9/2/86	"Vio Clrd before suspend"
10/29/86	Hearing no action taken
11/3/86	Hearing no action taken

*8/1/86 conviction 37 pts.*

*dismissed  
dismissed*

EMPLOYMENT:

<u>EMPLOYER</u>	<u>WAGE</u>	<u>JOB TITLE</u>	<u>DATES EMPLOYED</u>
Unemployed receiving unemployment compensation.			
Zef Manuf.	\$12.00/hr.	Sales Rep.	9/30/84 - 8/26/86
Hydrotex	\$1,000/comm.	Sales Rep.	3/10/83 - 8/20/84
Western Ind Supply	\$1,500/comm.	Sales Rep.	2/2/77 - 2/1/82
Kar Products	\$2,500/comm.	Sales Rep.	1/13/75 - 3/30/77
Republic Personnel	Commission	Employment counselor	7/1/74 - 1/6/75

The defendant provided an old resume which is attached for the court's perusal. Presently, he said he is doing odd jobs and "diligently" looking for work. He said he is over qualified and has been rejected at a number of job sites for that reason.

BACKGROUND AND PRESENT LIVING SITUATION:

<u>PRESENT MARITAL STATUS:</u>	Married
<u>DEPENDENTS REQUIRED TO SUPPORT:</u>	Seven
<u>LIVING ARRANGEMENTS:</u>	Purchasing home
<u>RENT:</u>	\$1,120.50
<u>EDUCATION:</u>	Masters degree in counseling

BACKGROUND COMMENTS:

Mr. Spatig is the son of the late Adolph and Eva Spatig. He said his parents married when his mother was 33 years of age and his father was 40 years of age after which seven children were born. He said he has three older siblings and three younger siblings. According to the defendant he was born a month or two premature. The family was raised in the Franklin, Idaho, area and he said it was under "very poor circumstances".

He said he grew up in Idaho, and was "persecuted" from childhood. He said he is of Swiss/German decent and he found the hatred toward the Germans incredible as he was growing up. He cited a number of instances during his childhood in which he was ridiculed and suffered in part due to the ancestry as well as his size. He told this agent he "majored in lockerology" after which he explained other individuals locked him in a locker at one end of the hallway for long periods of time in an effort to persecute or harass him. He also said he was "saluted as 'Old Glory' and put up on the flag pole with a belt strap." He described himself as "a battered child" though it was not at the hands of his parents.

On May 27, 1965, in the Idaho Falls Temple, the defendant married Ila Jean Lang. The couple remains married and have parented six sons and one daughter ranging in age from 19 years to 3 years of age. He said the couple has never had an argument though they have had a number of "debates". He said his wife is a very good woman who is even tempered and never seems to have the "run ins" he has experiences with law enforcement.

The defendant graduated from high school after which he graduated from BYU. He said he also received a masters degree in counseling from that institution. Mr. Spatig did provide this agent with a transcript verifying his educational background.

HEALTH:

According to the defendant he suffers from "a serious back problem." The pain necessitates "adjustments" two to three times per week. He said his neck "slips out" and the resulting pain is "terrific." Additionally, the defendant suffers from angina and requires occasional medication for that malady. According to Mr. Spatig, he is "very high strung." He said he is

Max Spatig

Page 7

hyper-active and needs to be "moving around a lot." He has been under a great deal of stress and suffered migraine headaches from the stress. He has never sought out anyone for treatment for emotional/psychological problems.

FINANCIAL SITUATION:

PRESENT MONTHLY INCOME: \$516 unemployment compensation

OTHER INCOME: \$1,400 gross wife's income

MONTHLY EXPENSES: \$2,003.00

TOTAL DEBTS: \$117,500.00

According to Mr. Spatig, the couple have been financially distressed due to his lack of employment. The couple has a \$110,000 mortgage with a payment of \$1,020.50 per month to Commonwealth Mortgage. Additionally, they make a car payment of \$333 on a vehicle. Food expenses total between \$500 to \$600 per month. Mr. Spatig said times were "difficult".

SUBSTANCE:

ALCOHOL SCORE: N/A

BAC: N/A

DRINKING HABITS: None

DRUG USE: None

ALCOHOL TREATMENT HISTORY: None

COLLATERAL CONTACTS:

This agent spoke with Don George, City Attorney in this matter. He clarified for this agent the defendant did not have a trial but rather pleaded guilty to the resisting arrest charge after which three charges of "red light violation, speeding, and tail light" were dismissed. According to the attorney, the officer tried to stop the defendant after he intended to impound the vehicle. In spite of his efforts to stop Mr. Spatig, including use of auditory and visual signals, the defendant continued to drive along 4th South. He said his speed reached approximately 45 miles per hour. According to the officers report the defendant refused to produce a drivers license after which he said "give me your drivers license pig."

Officers noted a small child was in the vehicle. The female officer questioned the defendant as to where the mother of the child could be located to which she was told the mother worked at LDS Hospital. At the time the officer attempted contact, she was told there was no one by that name working at the hospital.

Mr. George said the defendant was uncooperative, abusive and combative. For that reason, his feet as well as his hands required handcuffing. The attorney noted the defendant had two license plates neither of which were registered to the vehicle in which Mr. Spatig was found.

The prosecutor believes the defendant requires evaluation and treatment. He believes he has a problem of a psychological nature for which treatment would be an appropriate solution.

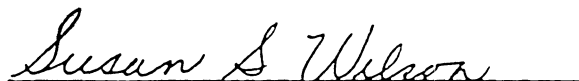
EVALUATIVE SUMMARY:

The defendant is a 45 year-old male Caucasian to be sentenced on a charge of Resisting Arrest, a class B misdemeanor. While this agent was not able to pinpoint any mental or emotional problems, it was felt the defendant probably has some idiosyncrasy centering around the roll of law enforcement in the community and their roll with regard to him personally. Based on the information provided by the defendant, he has been stopped on very minor traffic offenses, which, for a number of reasons, have escalated into problematic situations. It is apparent the presently addressed matter is a classic illustration of this agent's premise.

The defendant provided verification concerning his educational background which is attached. He has been married for many years and reports a stable, loving relationship with his wife. The couple has parented seven children. At the present time, the defendant is unemployed but is seeking employment. He believes his lack of employment is due, in part to his qualifications and the fact he is "over qualified".

Perhaps, the prosecutor's suggestion the defendant submit to a mental health evaluation and complete whatever treatment is deemed appropriate would be the most appropriate means of disposition in this case. While it is felt there might be benefit to counseling, at this point in time, probation supervision probably would be interpreted by the defendant, in much the same way, as law enforcement is.

Respectfully submitted,

  
Susan S. Wilson, District Agent

Approved:

  
Gordon S. Johnson, Regional Supervisor

AGENCY RECOMMENDATION

Risk Score: 10


Needs Score: 5

Classification Level: Medium

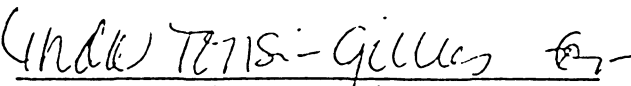
It is respectfully recommended by the Adult Probation and Parole Department the defendant be sentenced to serve 30 days in the county jail with that sentence suspended upon satisfactory completion of informal probation to the court. It is further recommended the following conditions be a part of the informal probation:

1. The defendant submit to a mental health evaluation through Davis County Mental Health and complete whatever treatment is deemed appropriate.
2. Further the defendant pay a \$150 fine or 50 hours community service as a condition of informal probation.

Respectfully submitted,

  
Susan S. Wilson, District Agent

Approved:

  
Gordon S. Johnson, Regional Supervisor

# PROVO, UTAH

Academic Record

231 SPATIG, MAX M 12-8-41 DEC RE COMPLETED B. A. Degree, - - -  
 Route #2, Preston, Idaho (Box 158) MAJOR Teacher Education -  
 Adolph L. Spatig Father MINOR Spanish  
 PRESTON, IDAHO TEACHING MAJOR History MINOR  
 PRESTON HIGH, PRESTON, IDAHO NCATE STANDARDS MET Yes [X] No [ ]  
 3 1 2 1 2 5-27-60 Jr. Eng Proficiency Examination Passed 11-10-66

RTMENT	G E	COURSE NUMBER	SEM HRS	GRADE	COURSE DESCRIPTION	LINE	DEPARTMENT	G E	COURSE NUMBER	SEM HRS	GRADE	COURSE DESCRIPTION
94231					SPRING SEM. 1963-64	01	094231					FALL SEM. 1965-66
GL		010	0.0	P	PREP ENGLISH	02	ENGL		112	3.0		DI COMP AND READING
TH		130	2.0	B-	PERSONAL HEALTH	03	HIST	H	110	3.0		C WORLD CIVILIZ 1
SIC H		101	3.0	D	INTRO TO MUSIC	04	HIST	H	121	3.0		C U S SINCE 1800
		180	0.5	C	SOCIAL DANCE	05	SPAN		445	3.0		C CULT HISP WORLD
YCH S		111	3.0	C-	GENERAL PSYCHOLOGY	06	SPCH		060	0.0		REMEDIAL SPEECH
AN		321	3.0	D+	SP GRAM AND COMP	07	U REL		325	2.0		BI DOC & CONV
REL R		122	2.0	A-	INTRO TO B OF M	08	U REL		327	2.0		BI PEARL OF GR PRI
REL R		203	2.0	B+	GEN RESEARCH PROC	09	094231					SPRING SEM. 1965-66
REL R		211	2.0	C+	INTRO NEW TEST	10	BOTNY B		276	3.0		C- HEREDITY
94231					SUMMER 1964	11	HIST	S	111	3.0		C WORLD CIVILIZ 1
GL		225	2.0	C-	VOCAB BUILDING	12	HIST	S	120	3.0		B+ U S TO 1800
OL P		101	2.0	C	INTRO TO GEOLOGY	13	HIST		364	2.0		C INDIAN IN AM HIST
C S		111	3.0	B-	INTRO SOCIOLOGY	14	HIST		366	2.0		B+ UTAH
AN		322	3.0	C	SPAN COMP & CONV	15	SPAN		326	2.0		C PHON & PRONUN
REL R		241	2.0	A	LDS HISTORY	16	U REL		121	2.0		A- INTRO TO B OF M
94231					FALL SEM. 1964-65	17	094231					SUMMER SEM. 1966
V		301	0.5		DEVOTIONAL ASSEM	18	GEOL	P	102	1.0		C- INTRO GEOLOGY 1
GL		111	3.0	D-	COMP AND READING	19	HLTH		362	2.0		C+ SCH HLTH SEC II
RM H		101	4.0	W	FIRST YEAR GERMAN	20	T ED		310	2.0		C- STATE SCH TEACH
RUH		301	0.5		LEC IN CONTEMP C	21	T ED		377	3.0		C- SEC TCH CURR &
ST H		170	3.0	C	AMERICAN HERITAGE	22	T ED		406	2.0		A TEACH MAT LAB
E		181	0.5	B	FOLK DANCE	23	T ED		415	2.0		C EDUCATIONAL VAL
E		182	0.5	B-	SQUARE DANCE	24	094231					FALL SEM. 1966-67
AN		111	3.0	C	SURV SPAN LIT CH	25	DEV		1101	0.5		LEC IN RELIGION
CH		060	0.0		REMEDIAL SPEECH	26	ENGL		015	0.0		REMEDIAL ENGL
OL B		105	3.0	D	ANIMAL BIOLOGY	27	ENGL	H	260	3.0		C- MASTERS AMER LI
94231					SPRING SEM. 1964-65	28	FORUM		401	0.5		LEC IN CONTEMP
TNY(Rp)		276	3.0	E	HEREDITY	29	HIST		334	3.0		C SPAIN
E		285	1.0	C+	LATIN AMER DANCE	30	HIST	S	351	3.0		D+ LATIN AMER I
SCS P		100	3.0	C-	ESSENT OF PHYSIC	31	HIST		360	2.0		A- AMERICAN FRONTI
I S		101	1.0	B-	EFF STDY ADJ COL	32	HIST		370	3.0		C+ COLONIAL AMERI
AN H		451	3.0	UW	SUR HISPANIC AM	33	HIST		388	3.0		B HISTORIOGRAPHY
CH		060	0.0		REMEDIAL SPEECH	34	P E		140M	0.5		A- BASKETBALL BEG
CH H		102	2.0	B	INTRO PUB SPEAK	35	U REL R		371	2.0		B TCHG SCRIPTURE
ED		301B	2.0	C-	BASIC CONC TEACH	36	094231					SPRING SEM. 1966-67
REL R		242	2.0	B+	LDS HISTORY	37	GUIDS		015	0.0		REMEDIAL SPEECH
Special Examination 9-29-65						38	T ED		403	4.0		B DEVELOP & LEAP
vanish		101-2	8	B+	First year	39	T ED		479	8.0		P SEC STUD TEACH
vanish		201, 301	8	B+	Second year							

## EXPLANATION OF GRADES

superior  
above Average

I-Incomplete  
W-Withdrew Passing  
WF-Withdrew Failing

2 1067

Brigham Young University credits are on a semester basis beginning Fall, 1960. A semester hour represents one recitation or one laboratory, or a semester of sixteen weeks.

*Revised for Accreditation*  
 Approved for Accreditation Dec-66

FILE NUMBER		COURSE DESCRIPTION	UNIT	DEPARTMENT	DATE	TIME	ROOM	INSTRUCTOR
10-21	10-21	DRIVER'S S. M. 1960	01					
10-21	10-21	DRIVER & TRAFFIC	02					
10-21	10-21	DRIVER SIMULATOR	03					
10-21	10-21	ALCOHOL & NARC	04					
10-21	10-21	LEVEL OF HIGH SAF	05					
10-21	10-21	FIRST AID & SAF	06					
10-21	10-21	PSYCH OF ADOLES	07					
CORRESPONDENCE, 10-7-68			08					
h & Saf 444x 2 5+ Driver Ed Planning			09					
CORRESPONDENCE, 10-18-68			10					
h & Saf 325x 2 A- Safety Education			11					
			12					
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## RESUME OF

Max Spatig

### PERSONAL DATA

Age: 34  
Address: 4480 South 4165 West, Salt Lake City, Utah  
Height: 5'8"  
Weight: 130  
Health: Excellent  
Marital Status: Married, four children

### CAREER OBJECTIVE

To make a stable, permanent connection with a Social Service Agency in the capacity of a counselor.

### EDUCATION

Attended grade and high school in Preston, Idaho. Graduated from Preston High in 1960 with above average grades. Attended BYU from 1964 to 1968, majoring in Spanish, History, Health Education and Teacher's Education, received a BA Degree and Secondary Education Certificate. Attended BYU Graduate School in 1970 - 1971, majoring in Counseling and Guidance, have completed requirements for MA Degree.

### EMPLOYMENT HISTORY

Since July 1974 to current date, I have been employed by Republic Personnel Service Systems as an Employment Counselor. It consists of interviewing all types of people and counseling them concerning employment. I have been quite successful in this endeavor but it does not fulfill my financial and personal needs.

Canteen Food And Vending, 1973 to 1974

Worked as a serviceman in servicing various types of vending machines. I liked the work but wanted a position where there was more public contact.

*Denny's* and Villiage Inn Restuarant, 1971 to 1973

Worked as Manager Trainee with these two restaurant chains. I enjoyed this position but the compensation was small and the hours long(65 to 70 per week).

Henry VIII Family Restaurant, 1970 to 1971

Manager of this pizza and fish & chips restaurant for one year until the owner sold to another person who chose to manage it himself. I enjoyed the management responsibilities very much.

Byron School District, Byron, Wyoming, 1969 to 1970

Taught Spanish and History to Junior and Senior High Students. I also assisted Guidance Counselor in his duties, I enjoyed the counseling experience so decided to obtain a Graduate Degree in Counseling.

#### EMPLOYMENT HISTORY (Cont)

Elko School District, Owyhee, Nevada, 1968 to 1969

Taught US Government, History and Physical Education to mostly Indian students. Was head Basketball Coach and Assistant Football Coach; also was acting Guidance Counselor when full time Counselor left early in school year.

Zillah School District, Zillah, Washington, 1967 to 1968

Taught English, Social Studies and Reading. Head Wrestling Coach and Basketball Coach. I held the position of Central Washington Education Association representative to the National Education Association.

BYU Food Service, 1964 to 1967

Worked 30 to 35 hours per week while attending college. Started as a dishwasher and terminated as supervisor.

West Spanish American Mission (LDS) 1961 to 1964

Served as a Spanish speaking missionary among Indian and Mexican people along the Mexican Border.

#### REFERENCES

Furnished on request

## GRADUATES

Andersen, Judith	Cabon, Terry	Keyer, Edith
Auger, Alan	Glover, Barbara	Owens, DeLitta
Baird, Mary Jean	Gregory, Gerald	Owen, IvaLou
Baird, Richard	Griffith, Lorenzo	Owen, Stephen
Baker, Janet	Griffen, Karen	*Owen, Wayne
Ballif, Beverly S.	*Hammond, Julie	Packer, Larry
Bassett, Julene	*Hansen, Harris W.	*Packer, Vonda
Beckstead, DiAnn	Hansen, Clair	Palmer, Dan
Beckstead, Don	Harris, Steven Thayne	Palmer, Jim
Beckstead, Virginia	Hart, David	Palmer, LaDene
Bennett, Diane	Hill, Karen	Paskins, Craig
Bennett, Joan W.	*Hirckley, Merck	Paskins, Kirk
Bennett, Lyle	Hoggan, Patrick	Perkins, Sherlauna
Beveridge, Marion	Hollingsworth, Kent	Petersen, Janet
Bodily, Ann	*Hone, Sharon R.	Petterborg, Kent
*Bodily, Luann	Hull, Judith Kay	*Pickett, Peggie
Bowers, Carlyle	Jamison, Don	Pinson, Larry
Burbank, Lynn	Jensen, Catharine	Porter, Joyce
Burnett, Lorin	Jensen, Faye	Porter, Mark
Burrupe, Lorrie Jean	Jensen, Wayne	Porter, Steven
Carlson, DeeAnn	Johnson, Geraldine	Ransom, Gary
Carter, Paul	*Johnson, Jack	Rawlings, Illene
*Cherrington, David	Johnson, LeRoy	Reeder, Vernon
Christensen, IvaLou	Johnson, Nora	Roper, Douglas
Christensen, Lyle	Johnson, Stephen	Sant, Una
Cole, Glenda	Keller, Bruce	*Schow, Ronald
*Condie, Philip	Kershaw, Linda	Seeley, Ann
Conlin, Reed	Kidd, Kathleen	Sharp, Lonnie
Corbridge, Carole	Kjar, Judy	Shrives, Wayne
Cranney, Jon	Knudson, Lynda Lee	*Smith, Joe
Cutler, Kerren	Larsen, Bruce	Snout, Bruce
Davis, Dean	Larsen, Darrell	Spatig, Barbara
*Davis, Malin	Larsen, Joan	Spatig, Max
Doney, Karen	Loni, Evelyn	Stark, Arland
Dunn, Karen	Lowe, Shana Lee	Stone, Marilyn
Dursteler, Michael	Manning, Dennis	Tovey, Gary
Dursteler, Randa	Mathews, Henry	Troseth, Ted
Edwards, Steven	McLing, Lynn	Warr, Betty
Evans, Berna Dee	Merrill, Eugene	Weber, William
Evans, Bill	Mink, Lee	Wells, Ross
Fellows, Maxine	Mitchell, Aphrodel	Weyerman, Woodrow
Fellows, Stanley	Moser, Marlene	Whitehead, Jerry
Fisher, Anna Lee	Mrkata, Shirley	Winn, Vicki H.
Gailey, Donald	Nash, Shannon	Williams, Shirley A.
Gailey, Ronald	Nelson, Gary	Wold, Gordon
Geddes, Carole	Newbold, Claire	Wood, Marjorie
	Nelson, Meldon	Woodbey, Gordon
	Norton, Paul	Wyatt, Ruth
		* Honor Students

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS  
(IGLESIA DE JESUCRISTO DE LOS SANTOS DE LOS ULTIMOS DIAS)

OFFICE OF  
WEST SPANISH AMERICAN MISSION  
3529 VIA CORONA - Box 7220  
LOS ANGELES 22, CALIFORNIA

GRANT M. BURBIDGE  
President

December 19, 1963

PHONE: PARKVIEW 2-0460

Elder Max Spatig  
Mission Home  
Los Angeles 22, California

Re: Release

Dear Elder Spatig:

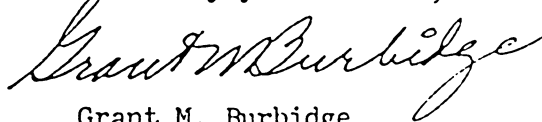
For the past two and one-half years you have been laboring in the West Spanish American Mission, and your assignment here has been completed. Your Honorable Release has been forwarded to your Stake President, and in accordance with instructions will be presented to you by him upon completion of his interview with you.

You have served the Lord well, and have been a diligent, hard-working missionary and have brought the message of the restoration to many.

As you leave the mission, our prayers and blessings go with you for your continued success. Live close to the Lord and His Spirit will continue to guide you.

Thank you for your support and your willingness to serve.

Sincerely your brother,



Grant M. Burbidge  
Mission President

GMB/e



Nº 4656

grants to..... MAX SPATIG.....

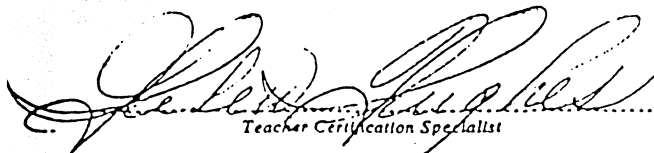
this FIVE YEAR

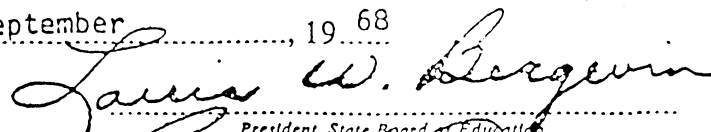
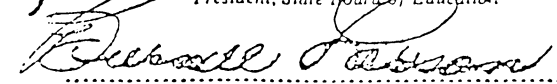
## HIGH SCHOOL PROFESSIONAL CERTIFICATE

Valid to..... September 1....., 19 73

This certificate authorizes service as a teacher in grades seven through twelve.

Dated this FIRST day of..... September....., 19 68

  
Teacher Certification Specialist

  
President, State Board of Education  
  
Superintendent of Public Instruction

FOR RENEWAL REQUIREMENTS SEE REVERSE SIDE OF THIS CERTIFICATE

The original of this certificate is on file with the county superintendent of your district.

DUPLICATE

3075



# Church of Jesus Christ of Latter-day Saints



. 10' 15620

This certifies that the bearer, Elias

*Max Spatie*  
 who is in full faith and fellowship with the Church of  
 Jesus Christ of Latter-day Saints is a duly ordained  
 minister of the Gospel, and as such has authority to  
 preach the principles of the Gospel and to administer the  
 ordinances thereof.

He invites all people to give heed to his message



David O. McKay  
 Reuben Clark Jr.  
 Henry A. Moore

June 12, 1961 SALT LAKE CITY UTAH  
*Max Spatie*  
 COUNTERSIGNED BY MISSIONARY

SPATIG, MAX

SALT LAKE

3-26-87 Sentencing

date of offense: 9/27/86

DOS - Guilty plea                      Sentence: \$50.00 30 days stay 30 days  
work project completed  
no reg card  
no reg                      DISMISS  
exp insp

1/12/87 Sentencing

No Insurance - Dismiss  
Imp Turn - \$15.00 susp \$10.00  
Signal - Not Guilty

3/26/87 Sentencing

Semaphore - Dismiss  
Equip - Dismiss  
Speeding - Dismiss  
Child Rest - Dismiss  
Fail to Stop - Dismiss  
Interferring - Guilty Plea                      Sentencing: \$1000.00 6 months jail stay 6 months  
100 hours community service in lieu of f:  
on proof of full time employ susp CS  
mental health counseling  
possible dismissal of charge on completio  
of Good Behavior probation w/APP

MURRAY

12/31/86      Insp, Plates, Equip      Dismiss w/TS  
2/19/87      Equip, Reg      Dismiss Reg, GP Equip      Sent: \$30.00 or 1 day CS  
5/1/86      Interferring, Dis Cond      found guilty - Sent: \$150.00 each charge or 9 days  
CS. 30 days jail stay 30 days  
APPEAL 10/20/86

524-5990

4 X108 ON 01/22/87 AT 16:20:52

JTBCI0000.UT0182500.TXT.

PUR/C REQID/V91UT0182500

01

912346 FBI/ 181115L5 SSN/518506171 FP/17 15 14 13 16 16 68 09 17

/ SPATIG, DOB/120841 SEX/M RAC/W HT/5-08 WT/130 HR/BL EYE/BL  
MAX

JTAN BUREAU OF CRIMINAL IDENTIFICATION  
A-ARREST C-COURT CHARGE D-DISPOSITION

251200

021971 A-GRAND LARC

2399

BRIGHAM YOUNG

(FINAL DISPOSITION)

MF/70154

021971 C-GRAND LARC

021971 D-CONVICTED

REC ON PROB

(PRELIMINARY DISPOSITION)

FROM PROB BY ORDER OF C0052672 BRIGHAM YOUNG

180000

SPATTIG,

050873 A-W/A ASLT AND BATTERY

1399

RIFF'S OFF MAX

050873 A-FOUL AND ABUSIVE LANG

3799

/

MF/63050

050873 A-DEST OF PROP

2999

050873 A-DISORD CONDUCT-

5311

180000

051086 A-INTERFER W/POL OFF

4899

SALT LAKE

051086 A-DISORD CONDUCT-

5311

/334141

MF/63050



USE OF THIS INFORMATION REGULATED BY LAW

LET'S MESSAGE DISPLAY COMPLETED.

) ....MESSAGE TRANSMITTED....  
PLEASE PRINT YOUR MESSAGE FILE

INDUSTRY PRINTOUT      DATE 11/23/87   13:11:34  
SUNVALLEY TERMINAL1 FDR CITY ATTY

\*\*\*\*\*  
I N A L   H I S T O R Y   \* \* S T E P   F I L E

NAME                              BIRTH DATE = 12/08/41      HT NO = 091887  
SSN =                              FBI NUMBER =              PHOTO = 01/17/87  
NT = H HIRDOONE/LORCEI      100-SEC.NO. = 000-00-0000      SD-NO = 000000  
INDEX = 0      , KAYEVILLEUT LOD

TIOM    AGE 45      ,      69"      , 120 LB.      , WHITE      , MALE      , BLUE-EYE      ,  
      BNDY-HAIR

AT    SPATTIS, MAX)    SPATTIS MAX)    SPATTIS, JOHN SERGEI  
      MAX)

\*\*\*\*\*ARREST RECORD\*\*\*\*\*

CHGT	DATE	CHARGE	ONT	CASE # -- AGENCY	DISPOSITION
15497	08/21/87	FLIGHT-AVOID PROSE		87077758	P
01346	01/27/87	MOVING TRAF VIOLTN		87007253	P
01346		FAILURE TO STOP			
01346		NON-MOVE TRAF VIOLN			
01346	01/27/87	RESISTING OFFICER		87007253	P
20020	10/08/84	INJURIDATA-THREATS		86098821	P
19585	09/20/86	NON-MOVE TRAF VIOLN	03	86096128	P

RE-ARRESTS -- HIT XMIT KEY \*\*\*

CRIMINAL HISTORY MASTER FILE

G, MAY BIRTH DATE = 12/09/41 HF NO = 091857  
 PLOE = FBI NUMBER = PHOTO = 01/27/87  
 PRNT = H M1900015/L28001 SOC.SEC.NO. = 000-00-0000 SD-NO = 000000  
 ADDRESS = 0 NAYEVILLENT LCE

\*\*\*\*\*ARREST RECORD\*\*\*\*\*

DOCKET	DATE	CHARGE	CNT	CASE # - AGENCY	DISPOSITION
8419538	05/27/86	NON-MOVE TRAF VLTN	03	84096128 F	
8419538		RESISTING OFFICER			
8419538		FLIGHT-AVOID PROSD			
8419538	09/27/86	RESISTING OFFICER		84096130 F	
7412136	12/24/74	AGGRAV		74091843 F	
87009742	05/22/87	FLIGHT-AVOID PROSD		87012563 W	
8704074	01/09/87	DISORDERLY CONDUCT		87005757 W	
8704074		NON-MOVE TRAF VLTN	02		

DL 147588147

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 001

-----DEFN-----

0063050 NAME: SPATTIG, MAX NMN DOB: 12/08/41 RACE: WHITE  
LAST PHOTO DATE: 01/28/87 BCI: 912346 FBI NO: 181115L5  
RECORDS LOCATION: S  
\*SUMMARY DATA\* DEFN STATUS: ACTIVE PTS-CODE: DWN RECOGN-CLOSED-SUCCESSFUL  
LAST-BOOKING-NO: 8703674 NUM CHGS: 3+ CUSTODY STATUS: MALE REGULAR  
TIER/CELL: TH1 ACCT BAL: 20.00+ SCHED DATE:  
NUM OF BOOKINGS: 7+ DATE BOOKED: 03/10/87 TIME BOOKED: 0015  
LEAD CHARGE: DISORDERLY CONDUCT DATE-RELEASED:

----DEFN DESCRIPTOR--

45 SEX: MALE POB: PRESTON STATE: ID HGT: 508 WGT: 120 HAIR: SDY  
EYES: BLU R/L HAND: RIGHT HND EYEGLASSES: Y SSN: 518-50-6171  
DRIVERS LIC: STATE: UT SCAR/TAT/MARK: RLC  
U/L: LOC: DESC: NONE VISIBLE

----DEFN ALIASES----

1 SPATTIG, JOHN SERGE AKA DOB-1:  
AKA-2: SPATTIG, MAX AKA DOB-2:  
AKA-3: SPATTIG, MAX AKA DOB-3:

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 002

----DEFN ADDRESSES---

ADDR: 1034 W. SMITH LANE CITY: KAYSVILLE STATE: UT  
PHONE: 546 3074 OCCUPATION: SALESMAN  
EMPLOYER: UNEMPLOYED GOVT EMP: NO PHONE:  
EMERG NAME: ILA SPATTIG RELATION: WIFE PHONE: SAME  
ADDRESS: SAME CITY: SAME STATE: UT

-----BOOKING-----

NO: 8508727 DATE BOOKED: 05/29/85 TIME BOOKED: 1724 ARREST DATE: 05/29/85  
TIME: 1610 ARREST LOC: 5025 SD STATE ST MR UT  
CAR IMPOUND LOC: NOT LISTED INCD RPT NO:  
ARRST OFFICER ID: 18 OFFICERS NAME: TISCHNER  
AG CODE: MURRAY PD BOOKED BY: PARKER  
SEARCHED BY: NELSON SHIFT SGT: N04J REC CHK BY: JT NCIC: NEG  
SHWL: NEG CITY: NEG OTHER: CDR NO: 0 ENTRY-DATE:  
TIME: P/M NEEDED: CO PIC

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 003

----FINAL RELEASE----

-RELEASED: 05/30/85 TIME-RELEASED: 1700 CASH-RELEASED: \$2.22+  
JURIS: COUNTY SHERIFF

CASH: 52.22+  
AG CODE: DEFN COND: INTOX: NO SICK: NO  
INJURED: YES REQ MEDICATION: YES  
EXPLAIN: NITRO-GLERCIN/INJURED HEAD  
MEDICAL SCREENER: N30J

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 004

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE:  
CHARGE: W/A EXP REGISTRATION  
CHG CODE: TRAFFIC VIOL(S) BILLING CODE:  
DOC NO: 1641-75A BAIL OR SENTENCE: 3,000.00  
JUDGE: ACOMB DISP IND: YES DISP ACTN: ORDER OF RELEASE  
DISP DATE: 05/30/85 BONDSMAN: CASH BAIL: .00+  
CASH FINE: .00+ RECEIPT#:

-----BOOKING-----

K NO: 8514487 DATE BOOKED: 09/05/85 TIME BOOKED: 1147 ARREST DATE: 09/05/85  
TIME: 1055 ARREST LOC: 4600 S. STATE MURRAY  
ARRST OFFICER ID: 27 OFFICERS NAME: LEVITRE  
AG CODE: MURRAY PD BOOKED BY: WINTERRS  
SEARCHED BY: LARSEN: SHIFT SGT: N04J REC CHK BY: JT NCIC: NEG  
SHWL: HIT CITY: NEG OTHER: CDR NO: 0 ENTRY-DATE:  
TIME: P/M NEEDED: CO PIC

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 005

-----FINAL RELEASE---

E-RELEASED: 09/14/85 TIME-RELEASED: 0745 CASH-RELEASED: 20.12+  
JURIS: COUNTY SHERIFF  
RELEASE REASONS: TIME SERVED  
FINAL RELEASE BY: N04J APPROVED BY: N21J

---PROPERTY & MEDIC---

E CONFISC: 09/05/85 TIME CONFISC: 1100 JAIL OFFICER ID: N41J  
CASH: 20.12+  
AG CODE: DEFN COND: INTOX: NO SICK: NO  
INJURED: NO REQ MEDICATION: YES  
EXPLAIN: NITROGLYCERINE  
MEDICAL SCREENER: P12J

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 006

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE:  
CHARGE: B/W CONT.OF COURT  
CHG CODE: OBSTRUCT.JUSTIC-SEE CODE SHEET BILLING CODE:  
DOC NO. BAIL OR SENTENCE: 505.00  
JUDGE: ACOMB DISP IND: YES DISP ACTN: TIME SERVED  
DISP DATE: 09/14/85 BONDSMAN: CASH BAIL: .00+  
CASH FINE: .00+ RECEIPT#:

-----BOOKING-----

JK NO: 8607641 DATE BOOKED: 05/10/86 TIME BOOKED: 0911 ARREST DATE: 05/09/86  
TIME: 1810 ARREST LOC: 10562 SO 700 E  
CAR IMPOUND LOC: NA INCD RPT NO: 37686  
ARRST OFFICER ID: 388Y OFFICERS NAME: GRAY

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 007

-----FINAL RELEASE-----

-RELEASED: 05/10/86 TIME-RELEASED: 1120 CASH-RELEASED: 36.19+  
JURIS: COUNTY SHERIFF  
RELEASE REASONS: PRETRIAL REL  
FINAL RELEASE BY: P10J APPROVED BY: 548J

---PROPERTY & MEDIC---

CONFISC: 05/09/86 TIME CONFISC: 1839 JAIL OFFICER ID: P12J  
CASH: 36.19+  
AG CODE:                      DEFN COND: INTOX: SVRLY DRNK SICK: NO  
INJURED: NO                      .REQ MEDICATION: NO  
MEDICAL SCREENER: N54J

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: INTERFERRING WITH P/O  
CHG CODE: OBSTRUC.POLICE-SEE CODE SHEET BILLING CODE: SL CO SHERIFF  
DOC NO:                      BAIL OR SENTENCE: 200.00  
JUDGE: BISHOP                      DISP IND: YES                      DISP ACTN: PRE TRIAL REL  
DISP DATE: 05/10/86 BONDSMAN:                      CASH BAIL: .00+  
CASH FINE: .00+ RECEIPT#:

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 008

-----CHARGE/DISP-----

NO: 02 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: DISORDERLY CONDUCT  
CHG CODE: PEACE- DISTURBING THE PEACE BILLING CODE: SL CO SHERIFF  
DOC NO:                      BAIL OR SENTENCE: 100.00  
JUDGE: BISHOP                      DISP IND: YES                      DISP ACTN: PRE TRIAL REL  
DISP DATE: 05/10/86 BONDSMAN:                      CASH BAIL: .00+  
CASH FINE: .00+ RECEIPT#:

-----BOOKING-----

NO: 8615729 DATE BOOKED: 09/27/86 TIME BOOKED: 1627 ARREST DATE: 09/27/86  
TIME: 1020 ARREST LOC: S TEMPLE AND REDWOOD RD  
CAR IMPOUND LOC: CITY LOT 2250 W. 500 S. INCD RPT NO: 86-96128  
ARRST OFFICER ID: G32 OFFICERS NAME: STUCK  
AG CODE: SL CITY PD BOOKED BY: CHURCH  
SEARCHED BY: SKINNER SHIFT SGT: N32J REC CHK BY: SONS/JAIL T NCIC: NEG  
SHWL: NEG CITY: HIT OTHER:                      CDR NO: 0                      ENTRY-DATE: 09/27/86  
TIME: 1037 P/M NEEDED: CITY PIC CO OK

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 009

-----FINAL RELEASE-----

-RELEASED: 09/29/86 TIME-RELEASED: 1515 CASH-RELEASED: 1.03+  
JURIS: SL CITY PD  
RELEASE REASONS: PRE TRIAL SERVICES  
RELEASE REASONS: ORDER RELEASE  
FINAL RELEASE BY: N92J APPROVED BY: N32J

---PROPERTY & MEDIC---

CONFISC: 09/27/86 TIME CONFISC: 1630 JAIL OFFICER ID: P47J  
CASH: 1.03+  
IN EVIDENCE ROOM: N/A

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 010

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
 CHARGE: RESISTING ARREST  
 CHG CODE: OBSTRUC.POLICE-SEE CODE SHEET BILLING CODE: SL CITY PD  
 DOC NO: BAIL OR SENTENCE: 300.00  
 JUDGE: SL CIR DISP IND: YES DISP ACTN: P-TRIAL SRV REL  
 DISP DATE: 09/29/86 BONDSMAN: CASH BAIL: .00+  
 CASH FINE: .00+ RECEIPT#:  
 NO: 02 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
 CHARGE: INTERFERING WITH P/O  
 CHG CODE: OBSTRUC.POLICE-SEE CODE SHEET BILLING CODE: SL CITY PD  
 DOC NO: BAIL OR SENTENCE: 300.00  
 JUDGE: SL CIR DISP IND: YES DISP ACTN: P-TRIAL SRV REL  
 DISP DATE: 09/29/86 BONDSMAN: CASH BAIL: .00+  
 CASH FINE: .00+ RECEIPT#:

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 011

-----CHARGE/DISP-----

NO: 03 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
 CHARGE: DOS/NO INSP/NO REGIS/FRNT PLT  
 CHG CODE: TRAFFIC VIOL(S) BILLING CODE: SL CITY PD  
 DOC NO: BAIL OR SENTENCE: 200.00  
 JUDGE: SL CIR DISP IND: YES DISP ACTN: P-TRIAL SRV REL  
 DISP DATE: 09/29/86 BONDSMAN: CASH BAIL: .00+  
 CASH FINE: .00+ RECEIPT#:  
 NO: 04 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: BENCH/WARR  
 CHARGE: LIMITED ACCESS ROADWAYS  
 CHG CODE: TRAFFIC VIOL(S) BILLING CODE: SANDY PD  
 DOC NO: STC861000105 BAIL OR SENTENCE: 100.00  
 JUDGE: SAINSBURY DISP IND: YES DISP ACTN: ORDER OF RELEASE  
 DISP DATE: 09/29/86 BONDSMAN: CASH BAIL: .00+  
 CASH FINE: .00+ RECEIPT#:

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 012

-----BOOKING-----

K NO: 8701335 DATE BOOKED: 01/28/87 TIME BOOKED: 0340 ARREST DATE: 01/27/87  
 TIME: 2135 ARREST LOC: 450 SO 200 E  
 CAR IMPOUND LOC: CITY LOT 500 SO 2150 W INCD RPT NO:  
 ARST OFFICER ID: F62 OFFICERS NAME: MAACK  
 AG CODE: SL CITY PD BOOKED BY: NAGELI  
 SEARCHED BY: LARSEN SHIFT SGT: N04J REC CHK BY: JT NCIC: NEG  
 SHWL: NEG CITY: NEG OTHER: CDR NO: 442883 ENTRY-DATE: 01/27/87  
 TIME: 2200 P/M NEEDED: CO,CITY PIC FBI FULL

-----FINAL RELEASE---

E-RELEASED: 01/28/87 TIME-RELEASED: 0458 CASH-RELEASED: 15.30+  
 JURIS: SL CITY PD  
 RELEASE REASONS: PRE TRIAL REL  
 FINAL RELEASE BY: C05J APPROVED BY: N04J

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 013

INJURED: NO                    REQ MEDICATION: NO  
MEDICAL SCREENER: F01J

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: RESIST ARREST  
CHG CODE: OBSTRUC.POLICE-SEE CODE SHEET    BILLING CODE: SL CITY PD  
DOC NO:                    BAIL OR SENTENCE: 300.00  
JUDGE: SL CIR            DISP IND: YES            DISP ACTN: PRE TRIAL REL  
DISP DATE: 01/28/87 BONDSMAN:            CASH BAIL:            .00+  
CASH FINE:            .00+ RECEIPT#:

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 014

-----CHARGE/DISP-----

NO: 02 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: FLEEING/RED LIGHT/EQUIP VIOL  
CHG CODE: OBSTRUC.POLICE-SEE CODE SHEET    BILLING CODE: SL CITY PD  
DOC NO:                    BAIL OR SENTENCE: 300.00  
JUDGE: SL CIR            DISP IND: YES            DISP ACTN: PRE TRIAL REL  
DISP DATE: 01/28/87 BONDSMAN:            CASH BAIL:            .00+  
CASH FINE:            .00+ RECEIPT#:

-----BOOKING-----

NO: 8703674 DATE BOOKED: 03/10/87 TIME BOOKED: 0015 ARREST DATE: 03/09/87  
TIME: 1815 ARREST LOC: 2320 S REDWOOD RD  
CAR IMPOUND LOC: YES-HARMONS            INCD RPT NO: 87-5757  
ARRST OFFICER ID: V79      OFFICERS NAME: SALMON  
AG CODE: W VALLEY PD            BOOKED BY: HOLDER  
SEARCHED BY: THURGOOD      SHIFT SGT: N74J    REC CHK BY: JAIL TRAC    NCIC: NEG  
SHWL: NEG CITY: NEG OTHER:      CDR NO: NA            ENTRY-DATE: 03/09/87  
TIME: 1915 P/M NEEDED: CO OK

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 015

---PROPERTY & MEDIC---

CONFISC: 03/09/87 TIME CONFISC: 1924 JAIL OFFICER ID: T75R  
CASH:            20.00+  
AG CODE:                    DEFN COND: INTOX: NO            SICK: NO  
INJURED: NO            REQ MEDICATION: NO  
MEDICAL SCREENER: T46R

-----CHARGE/DISP-----

NO: 01 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: DISORDERLY CONDUCT  
CHG CODE: DISORDERLY CONDUCT            BILLING CODE: W VALLEY PD  
DOC NO:                    BAIL OR SENTENCE: 300.00  
JUDGE: W VALLEY            DISP IND: NO            DISP ACTN:  
DISP DATE:            BONDSMAN:            CASH BAIL:            .00+  
CASH FINE:            .00+ RECEIPT#:

TERM ID: WV01      DATE: 03/10/87      TIME: 0803      PAGE NO: 016

-----CHARGE/DISP-----

NO: 02 NO OF COUNTS: 01 FEL/MIS: MISDEMEANR CHG-TYPE: CHARGE  
CHARGE: IMPROPER REG  
CHG CODE: TRAFFIC VIOL(S)            BILLING CODE: W VALLEY PD  
DOC NO:                    BAIL OR SENTENCE: 35.00



CHG CODE: TRAFFIC VIOL(S) BILLING CODE: W VALLEY PD  
DOC NO. BAIL OR SENTENCE: 35.00  
JUDGE: W VALLEY DISP IND: NO DISP ACTN:  
DISP DATE: BONDSMAN: CASH BAIL: .00+  
CASH FINE: .00+ RECEIPT#:

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 017

---PTS INTERVIEW-1---

E: 0340 DATE: 01/28/87 PTS-SCREENER: KIRKMAN, JIM  
PRIOR: MIS: FEL: FTA: ON P/P: NO P/P OFF: NONE  
COURT DATE: HOME ADDR: 1034 W SMITH LANE  
CITY: KAYSVILLE STATE: UT ZIP: PHONE: 546 3074  
TIME AT ADD: TIME IN AREA: 3 YR PRIOR ADDR:  
CITY: STATE: DWELLING: STAY  
LIVES WITH: WIFE ILEA, SPATIG

---PTS INTERVIEW-2---

LOYER: NONE ADDRESS:  
CITY: STATE: PHONE: 488-2332 LENGTH:  
LENGTH: SCHOOL LOC: GRADE: 16

---PTS INTERVIEW-3---

FRIEND: RICK DAVIS, FRIEND ADDRESS:  
CITY: STATE: ZIP: PHONE: 572-4023  
REMARKS: ROSS ANDRA-COUSIN 972 4777

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 018

---PTS FINANCIAL ST---

ATTY: WILLIAM SCHULTZ MARRIED: MARRIED DEPENDNTS: 05  
LIVE WITH: YES INCOME: SOURCE: HRS/WK:

---CELL MANAGEMENT---

E: 05/29/85 TIME: 1752 CUSTODY STATUS: MALE REGULAR TIER/CELL: TH2  
JAIL OFFICER ID: N55J  
SPECIAL TREATMNT: YES  
E: 09/05/85 TIME: 1155 CUSTODY STATUS: MALE REGULAR TIER/CELL: TH3  
JAIL OFFICER ID: P12J  
E: 09/05/85 TIME: 2300 CUSTODY STATUS: MALE REGULAR TIER/CELL: 1A3  
JAIL OFFICER ID: P15J  
E: 09/06/85 TIME: 2239 CUSTODY STATUS: MALE REGULAR TIER/CELL: 4D  
JAIL OFFICER ID: P15J  
E: 09/09/85 TIME: 2302 CUSTODY STATUS: MALE REGULAR TIER/CELL: 4A  
JAIL OFFICER ID: P10J  
E: 09/12/85 TIME: 2315 CUSTODY STATUS: MALE REGULAR TIER/CELL: 2E  
JAIL OFFICER ID: P10J  
E: 05/10/86 TIME: 0912 CUSTODY STATUS: MALE REGULAR TIER/CELL: TH1  
JAIL OFFICER ID: N54J

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 019

---CELL MANAGEMENT---

E: 09/27/86 TIME: 1630 CUSTODY STATUS: MALE REGULAR TIER/CELL: 5B  
JAIL OFFICER ID: T21R  
E: 09/27/86 TIME: 2214 CUSTODY STATUS: MALE REGULAR TIER/CELL: 2B13  
JAIL OFFICER ID: C62J  
E: 09/28/86 TIME: 2239 CUSTODY STATUS: MALE REGULAR TIER/CELL: 2B14

03/10/87 TIME: 0923 SUSPNDT STATUS: FREE REGULAR  
JAIL OFFICER ID: P103

-----PTS SUMMARY-----

NO: 01 REL STATUS: PTS-COUNSELOR:  
PTS-CODE: DATE: 05/29/85  
NO: 02 REL STATUS: PTS-COUNSELOR:  
PTS-CODE: DATE: 09/05/85  
REMARKS: TR NO REL, B/W CONTEMPT OF COURT

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 020

-----PTS SUMMARY-----

NO: 03 REL STATUS: OWN-RECOG PTS-COUNSELOR:  
REL DATE: 05/10/86 JUDGE: TYPE OF ORDER: CRITRA-PNT  
VERIFIED: ILEA, WIFE, 571-2765  
PTS-CODE: OWN RECOGN-CLOSED-SUCCSFL DATE: 10/20/86

-----PTS EVENTS-----

DATE: 11/11/11 SCHD TIME: 0900 SCHD EVENT: CIRCUIT CT ARRAIGNMENT  
JUDGE: SAINSBURY ADDRESS: CASE NO:  
LEAD CHARGE: OBSTRUCT.JUSTIC-SEE CODE SHEET DISP ACTN:  
DATE: 07/29/86 SCHD TIME: 0900 SCHD EVENT: CIRCUIT CT ARRAIGNMENT  
JUDGE: MUR CIRCUIT ADDRESS: CASE NO:  
LEAD CHARGE: OBSTRUCT.JUSTIC-SEE CODE SHEET DISP ACTN:  
DATE: 10/06/86 SCHD TIME: 0900 SCHD EVENT: MISDEMEANOR TRIAL  
JUDGE: MUR CIRCUIT ADDRESS: CASE NO: 86 13716  
LEAD CHARGE: OBSTRUCT.JUSTIC-SEE CODE SHEET DISP ACTN: FIN/PROB/JAL/CS

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 021

-----PTS SUMMARY-----

NO: 04 REL STATUS: OWN-RECOG PTS-COUNSELOR:  
REL DATE: 09/29/86 JUDGE: TYPE OF ORDER: CRITRA-PNT  
VERIFIED: ROSS ANDRA 972 4777  
PTS-CODE: OWN RECOGN-CLOSED-SUCCSFL DATE: 09/30/86

-----PTS EVENTS-----

DATE: 09/30/86 SCHD TIME: 1100 SCHD EVENT: CIRCUIT CT ARRAIGNMENT  
JUDGE: SL CIR ADDRESS: CASE NO:  
LEAD CHARGE: TRAFFIC VIOL(S) DISP ACTN:

-----PTS SUMMARY-----

NO: 05 REL STATUS: OWN-RECOG PTS-COUNSELOR:  
REL DATE: 09/29/86 JUDGE: TYPE OF ORDER: CRITRA-PNT  
VERIFIED: ROSS ANDRAA 972 4777  
PTS-CODE: OWN RECOGN-CLOSED-SUCCSFL DATE: 11/05/86

-----PTS EVENTS-----

DATE: 09/30/86 SCHD TIME: 1000 SCHD EVENT: CIRCUIT CT ARRAIGNMENT  
JUDGE: SL CIR ADDRESS: CASE NO:  
LEAD CHARGE: OBSTRUC.POLICE-SEE CODE SHEET DISP ACTN:

TERM ID: WV01 DATE: 03/10/87 TIME: 0803 PAGE NO: 022

-----PTS EVENTS-----

DATE: 10/08/86 SCHD TIME: 0200 SCHD EVENT: MISDEMEANOR TRIAL  
JUDGE: SL CIR ADDRESS: CASE NO:

NO: 06 REL STATUS: OWN-RECOG PTS-COUNSELOR:  
REL DATE: 01/28/87 JUDGE: TYPE OF ORDER: CRITRA-PNT  
VERIFIED: ROSS 972-4777  
PTS-CODE: OWN RECOGN-CLOSED-SUCCSFL DATE: 02/05/87

-----PTS EVENTS-----

D DATE: 01/30/87 SCHD TIME: 1000 SCHD EVENT: CIRCUIT CT ARRAIGNMENT  
JUDGE: SL CIR ADDRESS: RESISTING, FLEEING CASE NO:  
LEAD CHARGE: OBSTRUC.POLICE-SEE CODE SHEET DISP ACTN: CL/CLOSED-OK  
\* END OF INQUIRY \*\*

R 53610126446 SALT LAKE COUNTY SHERIFF WARRANT FILE 30 DAY PURGE  
I-NAME FIRST MI DOB SSN DRIVERS-LIC ST VEH-LIC ST  
SON ROBBIE R 02/01/61 NONE  
LING-ADDRESS CITY, ST ZIP PHONE ORS STAT  
000-0000

LOYMENT-INFORMATION

WAR-NO	WAR-DATE	SER/CIT#	SO	NCIC	BCI	FBI
0000000000	03/06/87					
WE	AGENCY	DNCR	SEV	TYPE	OFF	CHARGE
OREDGE	IN HOUSE	0	0			OPEN CONTAINER
CL-AMT	CASH NO-BAIL				RCL/SRV	ARREST/DP-COMMENTS BPR
0						

COMMENTS

AYS TO BE SERVED CONCURRENT TO ANY AND ALL OTHER CHARGES OR TO BE RELEASED U  
PAYMENT OF 29.00 FINE

AKA

AST-NAME FIRST MI

UTST  
ORS  
MOD

JURY ONLY SCREEN TERM MDO1  
TER FOR ADD/UPDATE, PF2 ADD, PF9 MAIN MENU, PF10 INQUIRY, PF11 PURGE FILE