

2016

**State of Utah, Plaintiff/ Appellee, v. Joseph Trujillo, Defendant/
Appellant.**

Utah Court of Appeals

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Case No. 20150779-CA

IN THE
UTAH COURT OF APPEALS

STATE OF UTAH,
Plaintiff/Appellee,

v.

JOSEPH TRUJILLO,
Defendant/Appellant.

Brief of Appellee

Appeal from a restitution order entered following a guilty plea for failure to respond to an officer's stop, a third degree felony, in the Third Judicial District, Salt Lake County, the Honorable Katie Bernards-Goodman presiding

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ORAL ARGUMENT NOT REQUESTED

FILED
UTAH APPELLATE COURTS

MAR 09 2016

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Case No. 20150779-CA

IN THE
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STATE OF UTAH,
Plaintiff/Appellee,

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Brief of Appellee

STATEMENT OF JURISDICTION

Defendant appeals from convictions for a restitution order entered following a guilty plea for failure to respond to an officer's stop, a third degree felony. This Court has jurisdiction under Utah Code Ann. § 78A-4-103(2)(e) (West Supp. 2012).

STATEMENT OF THE ISSUE

Whether the trial court properly ordered restitution where the car impound fees were causally related to defendant's failure to respond to an officer's signal to stop?

Standard of Review. "Trial courts are vested with wide latitude and discretion in sentencing, and [appellate courts] will not disturb a trial court's restitution order unless it exceeds that prescribed by law or

otherwise abused its discretion. A trial court will be deemed to have abused its discretion only if no reasonable [person] would take the view adopted by the trial court." *State v. Hight*, 2008 UT App 118, ¶ 2, 182 P.3d 922 (internal quotation and citation omitted) (brackets in original). If the trial court's decision rests on its interpretation of a statute, that interpretation is reviewed for correctness. See *State v. Miller*, 2007 UT App 332, ¶ 6, 170 P.3d 1141.

STATUTES

The following relevant statutes are attached as *Addendum A*:

Utah Code Ann. § 77-38a-102 (West 2015)

Utah Code Ann. § 77-38a-302 (West 2013)

Utah Code Ann. § 41-6a-210 (West 2005)

STATEMENT OF THE FACTS AND CASE

Defendant was charged by information and pled guilty to failure to respond to an officer's signal to stop, a third degree felony, in violation of Utah Code Ann. § 41-6a-210. R1-2, 63-64. In his plea form, Defendant stated that he "fail[ed] to stop in response to law enforcement's signal to stop" and that he "was driving [and] ignored [the officer's] lights signaling for [him] to pull over, although he saw them." R29. The trial court sentenced him to a 365-day jail term, with credit granted for 137 days previously served. R63-64. At the sentencing hearing, the State requested

restitution in the amount of \$2,500 because Defendant had fled in and then abandoned a stolen car, which was subsequently impounded. R110. *See also* R80-81. Consequently, the car's owner, Alfonzo Flores, owed \$2,500 in impound fees which he could not pay. R110. Defendant objected to paying restitution, arguing that he was not charged with, and did not plead guilty to, driving a stolen car, and he believed the car belonged to his niece. R112. The trial court ordered restitution in the amount of \$2,500. R114.

Defendant then filed a motion to set aside the restitution judgment. R65-67. He argued that the trial court should set aside its restitution order because his failure to respond to an officer's signal to stop did "not authorize this Court to order him to pay restitution for impoundment fees for the apparently stolen vehicle, as [Defendant] has never admitted to committing criminal offenses against the owner of the vehicle and was never charged nor convicted of knowing it was stolen." R66. Although Defendant noted that the car was only worth \$1,200-\$1,500, *see* R66 n.1, he

did not challenge the accuracy of the restitution amount. *See* R65-67, 110-14.¹

The State filed an opposition. R79-82. The State argued that restitution was proper because “the vehicle was impounded as a result of the defendant’s actions and the owner was unable to obtain the amount of money needed to secure his vehicle from the impound lot.” R79-80. The State agreed “that the defendant did not plead guilty to an offense involving his knowledge that he was in possession of a stolen motor vehicle”, but noted “[t]hat fact does not, however, absolve the defendant of his duty to pay restitution to Mr. Flores. The defendant’s actions were the sole reason

¹ In his brief, Defendant notes that “the only basis for restitution in the record is the prosecutor’s claim at the sentencing hearing that the car was stolen, impounded, and accrued the ‘ridiculous’ sum of \$2,500 in fees.” Aplt. Br. 8. However, this statement does not constitute a challenge to the amount of restitution awarded by the trial court. Before the trial court, Defendant never challenged the amount of the restitution award by asking for an evidentiary hearing or other evidentiary proffer relating to the amount awarded. *See* R65-67, 110-14. Moreover, it is clear from his brief on appeal that Defendant is only challenging the causal nexus of the restitution award and not the amount. *See* Aplt. Br. 8-9 (after noting that the car accrued the “ridiculous” sum of \$2,500 in fees, arguing that “the nexus between failure to respond to an officer’s signal to stop and \$2,500 in impound fees for a stopped vehicle” was too attenuated to support a restitution award); *see also Allen v. Friel*, 2008 UT 56, ¶ 8, 194 P.3d 903 (“It is well settled that issues raised by an appellant in the reply brief that were not presented in the opening brief are considered waived and will not be considered by the appellate court”) (citation and internal quotation marks omitted).

that Mr. Flores' car was impounded, and the sole reason that Mr. Flores owes \$2,500.00 to an impound lot." R80. The State argued that restitution to Mr. Flores was proper under the Crime Victims Restitution Act because "[t]he defendant's actions in this matter directly caused pecuniary loss to Alfonzo Flores, the owner of the vehicle the defendant was driving at the time he fled from police." R. 81. The State noted that "[t]he defendant abandoned the vehicle during the police pursuit, which led to authorities impounding the vehicle." *Id.* Thus, "[t]he impounding of the vehicle led to the accumulation of significant fees required for its release, and the person responsible for the fees to release the vehicle is Mr. Flores." *Id.*

The trial court entered an amended restitution order on September 3, 2015, ordering restitution in the amount of \$2,500. R91-92. Defendant timely appealed. R103-04.

SUMMARY OF ARGUMENT

Defendant pled guilty to failing to respond to an officer's signal to stop. After Defendant abandoned the car he was fleeing in, it was impounded. The trial court properly ordered Defendant to pay restitution in the amount of \$2,500 to cover the cost of the car impound fees, for which the car's owner Mr. Flores was responsible. The restitution award was proper under the restitution statutes because Defendant pled guilty to and

was convicted of a crime that resulted in the pecuniary damages for which restitution was awarded. Regardless of whether Defendant stole the car, the car would not have been impounded were it not for Defendant's failure to stop and subsequent abandonment of the vehicle. Thus, "but for" the failure to stop, the car impound fees would not have been incurred, and the causal nexus between the failure to stop and the impound fees was not unduly attenuated either factually or temporally. Consequently, the trial court properly ordered Defendant to pay restitution based on his having failed to respond to an officer's signal to stop.

ARGUMENT

THE TRIAL COURT PROPERLY ORDERED RESTITUTION FOR DAMAGES RESULTING FROM DEFENDANT'S FAILURE TO RESPOND TO AN OFFICER'S SIGNAL TO STOP

Defendant claims that the trial court erred in ordering him to pay restitution for the \$2,500 in car impound fees. Aplt. Br. 5-9. He argues that those damages were not the result of the criminal conduct to which he pled guilty. Aplt. Br. 6. Nor, he continues, was there a sufficient nexus "between failure to respond to an officer's signal to stop and \$2,500 in impound fees[.]" Aplt. Br. 9. Defendant cannot prevail on this claim, because he pled guilty to and was convicted of a crime that resulted in the pecuniary damages for which restitution was awarded.

Defendant pled guilty to failing to respond to an officer's signal to stop. R1-2, 63-64. After failing to stop, Defendant then abandoned the vehicle, which led to authorities impounding the vehicle and to its owner, Mr. Flores, accruing \$2,500 in impound fees. R81.

"When a defendant is convicted of criminal activity that has resulted in pecuniary damages, . . . the court shall order that the defendant make restitution to victims of crime as provided in this chapter, or for conduct for which the defendant has agreed to make restitution as part of a plea disposition." Utah Code Ann. § 77-38a-302(1). "'Criminal activities' means any offense of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility" Utah Code Ann. § 77-38a-102(2).

"For the purpose of determining restitution for an offense, the offense shall include any criminal conduct admitted by the defendant to the sentencing court or to which the defendant agrees to pay restitution." Utah Code Ann. § 77-38a-302(5)(a). "In determining the monetary sum . . . the court shall consider all relevant facts," including "the cost of damage or loss if the offense resulted in damage to or loss or destruction of property of a victim of the offense." Utah Code Ann. § 77-38a-302(5)(b). A "victim" is "any person whom the court determines has suffered pecuniary damages as

a result of the defendant's criminal activities." Utah Code Ann. § 77-38a-102(14)(a).

A "defendant cannot be ordered to pay restitution for criminal activities for which the defendant did not admit responsibility, was not convicted, or did not agree to pay restitution." *State v. Hight*, 2008 UT App 118, ¶ 3 (citation omitted). "Furthermore, the restitution statute 'requires that responsibility for the criminal conduct be firmly established, much like a guilty plea, before the court can order restitution.'" *Id.* (quoting *State v. Watson*, 1999 UT App 273, ¶ 5, 987 P.2d 1289 (per curiam)). Relying on these propositions, Defendant argues that restitution was improperly ordered because his conviction or admitted criminal conduct failed to demonstrate a "sufficient nexus" or "causal relationship" to the car impound fees. Appt. Br. 5-9.

The relevant question is whether the impound fees resulted from the offense to which Defendant pled guilty — failing to respond to an officer's signal to stop. See Utah Code Ann. §§ 77-38a-102(2) & 77-38a-302(1). In making that determination, the modified "but for" test set forth in *State v. McBride*, 940 P.2d 539, 544 (Utah App. 1997), applies. See *State v. Harvell*, 2009 UT App 271, ¶ 12, 220 P.3d 174. "A modified 'but for' test requires (1) that damages would not have occurred but for the conduct underlying

the [defendant's] ... conviction and (2) that the causal nexus between the [criminal] conduct and the loss ... not [be] too attenuated (either factually or temporally)." *Id.* (citing *McBride*, 940 P.2d at 544 n.5) (internal quotation and additional citation omitted) (brackets in *Harvell*).

Defendant pled guilty to failing to respond to an officer's signal to stop, thereby subjecting himself to a restitution order for all of the losses that resulted from that offense. Here, the impoundment of the car resulted — in a "but for" sense — from Defendant's criminal activity because the car would not have been impounded were it not for Defendant's failure to stop and subsequent abandonment of the vehicle. That Defendant did not plead guilty to an offense involving his knowledge that he was in possession of a stolen motor vehicle is irrelevant. Defendant's actions in failing to stop, regardless of whose car he thought he was in, were the sole reason that Mr. Flores' car was impounded, and the sole reason that Mr. Flores now owes \$2,500 to an impound lot. Moreover, the impoundment of the car was a foreseeable consequence of Defendant's failure to stop when signaled to do so by an officer and his subsequent abandonment of the vehicle. *See* R81.

In support of his argument, Defendant discusses three cases which, unlike this one, exemplify the absence of a sufficient nexus between criminal activity and the victim's damages. *Aplt. Br.* 5-9. First, in *State v.*

Larsen, 2009 UT App 293, 221 P.3d 277, Larsen pled guilty to joyriding with intent to temporarily deprive the owner and to unlawful possession of burglary tools and was ordered to pay \$3,554.50 in restitution—the sum of the towing, repairs, labor, parts, and detailing costs. *Id.* at ¶¶ 2-3. Larsen challenged the restitution order, arguing that “he should not be required to pay the full \$3,554.50 because he was not charged with or convicted of theft, did not admit responsibility for damage to the vehicle, and did not agree to pay for those damages.” *Id.* at ¶ 3. Larsen conceded that he was responsible for the \$282 in impound and towing costs. *Id.* This Court reversed the order of restitution, holding that because Larsen had not admitted to theft, he could not be ordered to pay restitution on the damages resulting from the theft itself. *Id.* at ¶ 9.

Next, in *State v. Mast*, 2001 UT App 402, 40 P.3d 1143, Mast was found with some of the articles taken in a burglary. *Id.* at ¶¶ 3-4. She pled guilty to receiving stolen property, but never admitted possessing any of the other stolen property not found on her person. *Id.* at ¶ 5. This Court reversed the order of restitution for all the stolen goods, holding that, based on her plea only to receiving stolen property, Mast “[could not] be held to answer for *all* the damages resulting from the burglary” — damages for items unconnected with Mast’s admitted criminal activity. *Id.* at ¶ 18 (emphasis added).

Finally, in *State v. Watson*, 1999 UT App 273, the Court held that Watson could not be ordered to pay restitution relating to a murder where she had pled guilty only to obstruction of justice for selling the car in which she “allegedly” drove her codefendants to and from the crime scene. *Id.* at ¶¶ 1-2. The Court held that the offense to which Watson pled guilty had no intrinsic relationship to the murder and could be related to it only through impermissible inferences concerning Watson’s having driven the car or her state of mind. *Id.* at ¶¶ 4-6.

Unlike the defendants in those cases, Defendant here admitted to the criminal activity that directly led to the victim’s damages. In other words, “but for” Defendant’s failing to stop when signaled and abandoning the car, the car would not have been impounded. *Cf. Larsen*, 2009 UT App 293, ¶ 3 (defendant conceding that he was responsible for impound and towing costs incurred as a result of his joyriding and unlawful possession pleas, and challenging restitution only on damages resulting from theft of car itself).

Because the impoundment would not have occurred “but for” Defendant’s criminal activity and because the causal nexus between the criminal conduct and the impoundment was not too attenuated, the trial

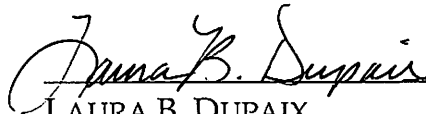
court properly ordered Defendant to pay restitution for the fees incurred by the car's impoundment.

CONCLUSION

For the foregoing reasons, the Court should affirm the restitution order.

Respectfully submitted on March 9, 2016.

SEAN D. REYES
Utah Attorney General


LAURA B. DUPAIX
Assistant Attorney General
Counsel for Appellee

CERTIFICATE OF SERVICE

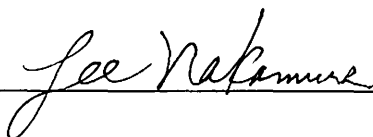
I certify that on March 9, 2016, two copies of the Brief of Appellee were ☐ mailed ☒ hand-delivered to:

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Also, in accordance with Utah Supreme Court Standing Order No. 8, a courtesy brief on CD in searchable portable document format (pdf):

☒ was filed with the Court and served on appellant.

☐ will be filed and served within 14 days.



Addenda

Addendum A

West's Utah Code Annotated

Title 77. Utah Code of Criminal Procedure

Chapter 38A. Crime Victims Restitution Act (Refs & Annos)

Part 1. General Provisions

U.C.A. 1953 § 77-38a-102

§ 77-38a-102. Definitions

Currentness

As used in this chapter:

(1) "Conviction" includes a:

(a) judgment of guilt;

(b) a plea of guilty; or

(c) a plea of no contest.

(2) "Criminal activities" means any offense of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal conduct.

(3) "Department" means the Department of Corrections.

(4) "Diversion" means suspending criminal proceedings prior to conviction on the condition that a defendant agree to participate in a rehabilitation program, make restitution to the victim, or fulfill some other condition.

(5) "Party" means the prosecutor, defendant, or department involved in a prosecution.

(6) "Pecuniary damages" means all demonstrable economic injury, whether or not yet incurred, which a person could recover in a civil action arising out of the facts or events constituting the defendant's criminal activities and includes the fair market value of property taken, destroyed, broken, or otherwise harmed, and losses including lost earnings and medical expenses, but excludes punitive or exemplary damages and pain and suffering.

(7) "Plea agreement" means an agreement entered between the prosecution and defendant setting forth the special terms and conditions and criminal charges upon which the defendant will enter a plea of guilty or no contest.

(8) "Plea disposition" means an agreement entered into between the prosecution and defendant including diversion, plea agreement, plea in abeyance agreement, or any agreement by which the defendant may enter a plea in any other jurisdiction or where charges are dismissed without a plea.

(9) "Plea in abeyance" means an order by a court, upon motion of the prosecution and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against him nor imposing sentence upon him on condition that he comply with specific conditions as set forth in a plea in abeyance agreement.

(10) "Plea in abeyance agreement" means an agreement entered into between the prosecution and the defendant setting forth the specific terms and conditions upon which, following acceptance of the agreement by the court, a plea may be held in abeyance.

(11) "Restitution" means full, partial, or nominal payment for pecuniary damages to a victim, including prejudgment interest, the accrual of interest from the time of sentencing, insured damages, reimbursement for payment of a reward, and payment for expenses to a governmental entity for extradition or transportation and as may be further defined by law.

(12)(a) "Reward" means a sum of money:

(i) offered to the public for information leading to the arrest and conviction of an offender; and

(ii) that has been paid to a person or persons who provide this information, except that the person receiving the payment may not be a codefendant, an accomplice, or a bounty hunter.

(b) "Reward" does not include any amount paid in excess of the sum offered to the public.

(13) "Screening" means the process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to dismiss a prosecution that has been commenced, or cause a prosecution to be diverted.

(14)(a) "Victim" means any person or entity, including the Utah Office for Victims of Crime, who the court determines has suffered pecuniary damages as a result of the defendant's criminal activities.

(b) "Victim" may not include a codefendant or accomplice.

Credits

Laws 2001, c. 137, § 3, eff. April 30, 2001; Laws 2003, c. 278, § 2, eff. May 5, 2003; Laws 2005, c. 96, § 3, eff. May 2, 2005; Laws 2015, c. 147, § 4, eff. May 12, 2015.

U.C.A. 1953 § 77-38a-102, UT ST § 77-38a-102
Current through 2015 First Special Session

West's Utah Code Annotated
Title 77. Utah Code of Criminal Procedure
Chapter 38A. Crime Victims Restitution Act (Refs & Annos)
Part 3. Restitution Requirements

U.C.A. 1953 § 77-38a-302

§ 77-38a-302. Restitution criteria

Currentness

(1) When a defendant is convicted of criminal activity that has resulted in pecuniary damages, in addition to any other sentence it may impose, the court shall order that the defendant make restitution to victims of crime as provided in this chapter, or for conduct for which the defendant has agreed to make restitution as part of a plea disposition. For purposes of restitution, a victim has the meaning as defined in Subsection 77-38a-102(14) and in determining whether restitution is appropriate, the court shall follow the criteria and procedures as provided in Subsections (2) through (5).

(2) In determining restitution, the court shall determine complete restitution and court-ordered restitution.

(a) "Complete restitution" means restitution necessary to compensate a victim for all losses caused by the defendant.

(b) "Court-ordered restitution" means the restitution the court having criminal jurisdiction orders the defendant to pay as a part of the criminal sentence at the time of sentencing or within one year after sentencing.

(c) Complete restitution and court-ordered restitution shall be determined as provided in Subsection (5).

(3) If the court determines that restitution is appropriate or inappropriate under this part, the court shall make the reasons for the decision part of the court record.

(4) If the defendant objects to the imposition, amount, or distribution of the restitution, the court shall allow the defendant a full hearing on the issue.

(5)(a) For the purpose of determining restitution for an offense, the offense shall include any criminal conduct admitted by the defendant to the sentencing court or to which the defendant agrees to pay restitution. A victim of an offense that involves as an element a scheme, a conspiracy, or a pattern of criminal activity, includes any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern.

(b) In determining the monetary sum and other conditions for complete restitution, the court shall consider all relevant facts, including:

- (i) the cost of the damage or loss if the offense resulted in damage to or loss or destruction of property of a victim of the offense;
 - (ii) the cost of necessary medical and related professional services and devices relating to physical or mental health care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;
 - (iii) the cost of necessary physical and occupational therapy and rehabilitation;
 - (iv) the income lost by the victim as a result of the offense if the offense resulted in bodily injury to a victim;
 - (v) up to five days of the individual victim's determinable wages that are lost due to theft of or damage to tools or equipment items of a trade that were owned by the victim and were essential to the victim's current employment at the time of the offense; and
 - (vi) the cost of necessary funeral and related services if the offense resulted in the death of a victim.
- (c) In determining the monetary sum and other conditions for court-ordered restitution, the court shall consider:
- (i) the factors listed in Subsections (5)(a) and (b);
 - (ii) the financial resources of the defendant, as disclosed in the financial declaration described in Section 77-38a-204;
 - (iii) the burden that payment of restitution will impose, with regard to the other obligations of the defendant;
 - (iv) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;
 - (v) the rehabilitative effect on the defendant of the payment of restitution and the method of payment; and
 - (vi) other circumstances that the court determines may make restitution inappropriate.
- (d)(i) Except as provided in Subsection (5)(d)(ii), the court shall determine complete restitution and court-ordered restitution, and shall make all restitution orders at the time of sentencing if feasible, otherwise within one year after sentencing.
- (ii) Any pecuniary damages that have not been determined by the court within one year after sentencing may be determined by the Board of Pardons and Parole.

(e) The Board of Pardons and Parole may, within one year after sentencing, refer an order of judgment and commitment back to the court for determination of restitution.

Credits

Laws 2001, c. 137, § 8, eff. April 30, 2001; Laws 2002, c. 35, § 13, eff. May 6, 2002; Laws 2002, c. 185, § 51, eff. May 6, 2002; Laws 2003, c. 285, § 1, eff. May 5, 2003; Laws 2005, c. 96, § 5, eff. May 2, 2005; Laws 2013, c. 74, § 10, eff. May 14, 2013.

U.C.A. 1953 § 77-38a-302, UT ST § 77-38a-302
Current through 2015 First Special Session

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West's Utah Code Annotated

Title 41. Motor Vehicles

Chapter 6A. Traffic Code (Refs & Annos)

Part 2. Applicability and Obedience to Traffic Laws

U.C.A. 1953 § 41-6a-210

§ 41-6a-210. Failure to respond to officer's signal to stop--Fleeing--Causing property damage or bodily injury--Suspension of driver's license--Forfeiture of vehicle--Penalties

Currentness

(1)(a) An operator who receives a visual or audible signal from a peace officer to bring the vehicle to a stop may not:

(i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or

(ii) attempt to flee or elude a peace officer by vehicle or other means.

(b)(i) A person who violates Subsection (1)(a) is guilty of a felony of the third degree.

(ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.

(2)(a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a felony of the second degree.

(b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.

(3)(a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.

(b)(i) The court shall forward the report of the conviction to the division.

(ii) If the person is the holder of a driver license from another jurisdiction, the division shall notify the appropriate officials in the licensing state.

Credits

Laws 2005, c. 2, § 30, eff. Feb. 2, 2005.

U.C.A. 1953 § 41-6a-210, UT ST § 41-6a-210

Current through 2015 First Special Session

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Addendum B

3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH, : MINUTES
Plaintiff, : SENTENCE, JUDGMENT, COMMITMENT
 :
vs. : Case No: 151907205 FS
JOSEPH D TRUJILLO, : Judge: KATIE BERNARDS-GOODMAN
Defendant. : Date: August 28, 2015
Custody: Salt Lake County Jail

PRESENT

Clerk: melodys
Prosecutor: ROSSI, ANNA L
Defendant
Defendant's Attorney(s): GARLAND, ANDREA J

DEFENDANT INFORMATION

Date of birth: September 11, 1971
Sheriff Office#: 166240
Audio
Tape Number: S41 Tape Count: 9.46

CHARGES

1. FAIL TO STOP OR RESPOND AT COMMAND OF POLICE - 3rd Degree Felony
Plea: Guilty - Disposition: 07/10/2015 Guilty

SENTENCE JAIL

Based on the defendant's conviction of FAIL TO STOP OR RESPOND AT COMMAND OF POLICE a
3rd Degree Felony, the defendant is sentenced to a term of 365 day(s)
Credit is granted for time served.

Credit is granted for 137 day(s) previously served.

SENTENCE JAIL SERVICE NOTE

Defendant to complete the CATS program.

SENTENCE TRUST NOTE

Case No: 151907205 Date: Aug 28, 2015

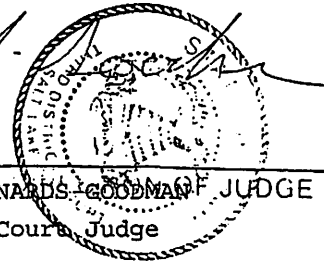
Court orders restitution. State to submit an order. Restitution to be sent to State Debt once its entered.

Date: _____

8/28/15

By _____

STAMPED
KATIE BERNARDS-GOLDMAN JUDGE
District Court Judge



Addendum C

The Order of Court is stated below:

Dated: September 03, 2015
12:43:26 PM

/s/ Katie Bernards-Goodman
District Court Judge



SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
ANNA L ROSSI, Bar No. 14099
111 East Broadway, Suite 400
Salt Lake City, UT 84111
Telephone: (385) 468-7600
DAO #15015575

**DISTRICT COURT OF THE STATE OF UTAH, SALT LAKE DEPARTMENT
THIRD JUDICIAL DISTRICT
SALT LAKE COUNTY**

THE STATE OF UTAH,
Plaintiff

vs.

JOSEPH D TRUJILLO ,
Defendant

AMENDED
ORDER FOR RESTITUTION

Case Number 151907205

Honorable KATHERINE BERNARDS-
GOODMAN

Based upon the Courts order of the restitution amount of \$2,500.00 and the request for the State to file an order for the restitution amount. IT IS HEREBY ORDERED that the Defendant pay complete and court ordered restitution in the amount of \$2,500.00 for the benefit of victim, Alfonso Flores, the minimum amount of \$100 Dollars per month.

IT IS SO ORDERED.

Executed and entered by the Court as indicated by the date and seal at the top of the page

CONTINUED TO PAGE TWO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amended Order for Restitution was sent, this 1st day of September, 2015, via the Court's electronic filing system or by US mail as addressed, to the following:

Andrea Garland
Attorney at Law

/s/
Barbara Hudson, Legal Secretary

END OF DOCUMENT