

2016

**State of Utah, Plaintiff / Appellee, v. Jared Michael Watring,
Defendant / Appellant.**

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca3



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Supreme Court; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah.

Recommended Citation

Brief of Appellant, *Utah v Watring*, No. 20150841 (Utah Court of Appeals, 2016).
https://digitalcommons.law.byu.edu/byu_ca3/3627

This Brief of Appellant is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs (2007–) by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

IN THE UTAH COURT OF APPEALS

STATE OF UTAH,)	
)	
Plaintiff / Appellee,)	Case No. 20150841-CA
)	
v.)	
)	
JARED MICHAEL WATRING,)	
)	
Defendant / Appellant.)	

BRIEF OF APPELLANT

Appeal from Ruling and Order on Motion to Correct Illegal Sentence entered on September 15, 2015, in the Second District Court, Davis County, the Honorable John R. Morris, presiding

SCOTT L WIGGINS (5820)
ARNOLD & WIGGINS, P.C.
American Plaza II, Suite 105
57 West 200 South
Salt Lake City, UT 84101
Counsel for Appellant

SEAN D. REYES (7969)
UTAH ATTORNEY GENERAL
THOMAS B. BRUNKER (4804)
ASSISTANT ATTORNEY GENERAL
160 East 300 South, 6th Floor
P.O. Box 140854
Salt Lake City, UT 84114-0854
Counsel for Appellee

FILED
UTAH APPELLATE COURTS

JUN 30 2016

ORAL ARGUMENT REQUESTED

IN THE UTAH COURT OF APPEALS

STATE OF UTAH,)	
)	
Plaintiff / Appellee,)	Case No. 20150841-CA
)	
v.)	
)	
JARED MICHAEL WATRING,)	
)	
Defendant / Appellant.)	

BRIEF OF APPELLANT

Appeal from Ruling and Order on Motion to Correct Illegal Sentence entered on
September 15, 2015, in the Second District Court, Davis County, the Honorable John R.
Morris, presiding

SCOTT L WIGGINS (5820)
ARNOLD & WIGGINS, P.C.
American Plaza II, Suite 105
57 West 200 South
Salt Lake City, UT 84101
Counsel for Appellant

SEAN D. REYES (7969)
UTAH ATTORNEY GENERAL
THOMAS B. BRUNKER (4804)
ASSISTANT ATTORNEY GENERAL
160 East 300 South, 6th Floor
P.O. Box 140854
Salt Lake City, UT 84114-0854
Counsel for Appellee

ORAL ARGUMENT REQUESTED

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	iv
STATEMENT OF JURISDICTION.....	1
STATEMENT OF ISSUES / STANDARDS OF REVIEW.....	1
DETERMINATIVE AUTHORITY.....	2
STATEMENT OF THE CASE.....	2
STATEMENT OF FACTS	4
A. <i>Charges</i>	4
B. <i>Plea and Sentencing</i>	4
C. <i>Motion to Correct Illegal Sentence</i>	6
SUMMARY OF ARGUMENTS	7
ARGUMENTS	
I. BECAUSE THE COURT’S JUDGMENT – ISSUED FEBRUARY 4, 2015 – WAS A VALID, LEGAL JUDGMENT, THE TRIAL COURT LACKED JURISDICTION TO ISSUE THE SUBSEQUENT JUDGMENT ON FEBRUARY 12, 2015, IMPOSING CONSECUTIVE SENTENCES.	10
II. THE TRIAL COURT ERRED BY DETERMINING THAT THE IMPOSITION OF CONCURRENT SENTENCES WAS A CLERICAL ERROR.	13
CONCLUSION	16
CERTIFICATE OF COMPLIANCE	17
CERTIFICATE OF SERVICE	18

ADDENDA19

- Addendum A: Amended – Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 19-20, signed and entered February 2, 2015
- Addendum B: Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 28-29, signed February 3, 2015, and entered February 4, 2015
- Addendum C: Minutes – Post Sentencing Judgment / Commitment, R. 32-33, signed and entered February 12, 2015
- Addendum D: Defendant’s pro se Motion to Correct an Illegal Sentence, R. 35-47

TABLE OF AUTHORITIES

CASES CITED

Page(s)

Federal Cases

United States v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002).....11

State Cases

Atkin v. Parrish Oil Tools, Inc., 680 P.2d 401 (Utah 1984).....16

Beaver County v. Qwest, Inc., 2001 UT 81, 31 P.3d 1147.....1

Brown v. Glover, 2000 UT 89, 16 P.3d 540.....1

Glezos v. Frontier Investments, 897 P.2d 1230 (Utah Ct. App. 1995).....10

Johnson v. Johnson, 2010 UT 28, 234 P.3d 1100.....11

State v. Babbel, 813 P.2d 86 (Utah 1991).....11

State v. Lee Lim, 79 Utah 68, 7 P.2d 825 (1932).....11

State v. Nichols, 2006 UT 76, 148 P.3d 990.....1

State v. Rhinehart, 2007 UT 61, 167 P.3d 1046.....11

State v. Rodrigues, 2009 UT 62, 218 P.3d 610.....1, 13, 14

State v. Vaughn, 2011 UT App 411, 266 P.3d 202.....11, 12

Thomas A. Paulsen Co. v. Industrial Comm'n, 770 P.2d 125 (Utah 1989).....13

Thompson v. Jackson, 743 P.2d 1230 (Utah Ct. App. 1987).....10

Van Der Stappen v. Van Der Stappen, 815 P.2d 1335 (Utah Ct. App. 1991).....10, 11

STATUTES CITED

Utah Code Ann. § 76-3-401(1).....	6, 7, 12
Utah Code Ann. § 78A-4-103(2)(e).....	1

COURT RULES CITED

Utah R. App. P. 24.....	17
Utah R. Crim. P. 30(b).....	6, 13, 15, 16

CONSTITUTIONAL PROVISIONS CITED

None.

STATEMENT OF JURISDICTION

The Utah Court of Appeals is conferred with jurisdiction over the instant appeal pursuant to Utah Code Ann. § 78A-4-103(2)(e).

STATEMENT OF ISSUES / STANDARDS OF REVIEW / PRESERVATION

1. If the court's judgment – issued February 4, 2015 – was a valid, legal judgment, did the trial court lack jurisdiction to issue the subsequent judgment on February 12, 2015, imposing consecutive sentences.

Standard of Review: Whether a court has subject matter jurisdiction is “a question of law, which we review for correctness, granting no deference to the district court.” *See State v. Nichols*, 2006 UT 76, ¶ 3, 148 P.3d 990; *accord Beaver County v. Qwest, Inc.*, 2001 UT 81, ¶ 8, 31 P.3d 1147.

Preservation of Issue Citation or Statement of Grounds for Review: Issues involving jurisdiction go to the very power of the court to entertain a case and thus can be raised at any time.

2. Whether the trial court erred by determining that the imposition of concurrent sentences was a clerical error.

Standard of Review: This issue requires the interpretation of a rule of criminal procedure, and “[t]he interpretation of a rule of procedure is a question of law that [the appellate court] review[s] for correctness.” *State v. Rodrigues*, 2009 UT 62, ¶ 11, 218 P.3d 610 (quoting *Brown v. Glover*, 2000 UT 89, ¶ 15, 16 P.3d 540).

Preservation of Issue Citation or Statement of Grounds for Review: Defendant preserved this issue by way of his pro se Motion to Correct Illegal Sentence set forth at R. 35-47.

DETERMINATIVE AUTHORITY

The constitutional provisions, statutes, ordinances, rules, regulations, or case law whose interpretation is determinative, are set out verbatim, with the appropriate citation, in the body and arguments of the instant Brief of Appellant.

STATEMENT OF THE CASE

This case involves a question of the trial court's subject matter jurisdiction to entertain an action. Additionally, this case involves the authority of the court to correct a clerical error.

Defendant was charged with Possession of a Controlled Substance with Intent to Distribute, a second-degree felony, in violation of Utah Code Ann. § 58-37-8(1)(a)(iii) (Count 1), and Possession or Use of a Controlled Substance, a class B misdemeanor, in violation of 57-37-8(2)(a)(i) (Count 2). At the initial appearance, Defendant conditionally waived his right to a preliminary hearing.

On February 2, 2015 – Defendant appeared before the court and pleaded guilty to Possession or Use of a Controlled Substance, a third-degree felony. The trial court sentenced Defendant to a suspended term of zero to five years in the Utah State Prison with

three years probation, during which he would enter into and complete the RSAT program; the court then imposed a term of 365 days in jail. Judgment was entered that same day.

Defendant appeared on the RSAT calendar the next day and admitted violating probation in the prior case. Trial counsel asked the court to impose jail time and run the matters concurrent. The court continued sentencing. That same day – the court signed a second Judgment imposing the previously imposed sentence but ordered, “All cases and charges may run concurrent.”

At the continued sentencing hearing, trial counsel again requested that the court impose jail time or, in the event that prison was imposed, that the court run the matters concurrent. The State requested prison time and consecutive sentences. Accordingly, the court revoked probation and imposed original sentences – which in the prior case resulted in two terms of zero to five years in the Utah State Prison, running concurrent with each other. In this case, the court imposed a term of zero to five years in the Utah State Prison to run consecutive with the sentence in the prior case with a specific recommendation for further treatment in prison.

On July 14, 2015, Defendant filed a pro se Motion to Correct Illegal Sentence. Defendant also requested a hearing and appointment of counsel. The State did not respond.

On September 15, 2015, the court issued its ruling and order denying Defendant’s Motions. The Ruling and Order on Motion to Correct Illegal Sentence was signed by the

court on September 15, 2015, and entered that same day. Defendant filed a timely pro se notice of appeal on October 13, 2015.

STATEMENT OF FACTS

A. *Charges*

By way of Information filed January 22, 2015, Defendant was charged with Possession of a Controlled Substance with Intent to Distribute, a second-degree felony, in violation of Utah Code Ann. § 58-37-8(1)(a)(iii) (Count 1), and Possession or Use of a Controlled Substance, a class B misdemeanor, in violation of 57-37-8(2)(a)(i) (Count 2) (R. 1-2). According to the charging document, AP&P officers searched Defendant's apartment on December 16, 2014, discovering two bags of psilocybin mushrooms, \$200 in cash, and Tramadol, a controlled substance (R. 2). At the initial appearance, Defendant conditionally waived his right to a preliminary hearing (R. 14).

B. *Plea and Sentencing*

On February 2, 2015 – shortly after his initial appearance – Defendant appeared before the court and pleaded guilty to Possession or Use of a Controlled Substance, a third-degree felony (R. 19; R. 89:11-13). After a waiver of time for sentencing, the trial court sentenced Defendant to a suspended term of zero to five years in the Utah State Prison with three years probation, during which he would enter into and complete the RSAT program

(R. 89-90). Additionally, the court also imposed a term of 365 days in jail (R. 90:1-3; *see also* R. 19). Judgment was entered that same day (R. 19-20).¹

Defendant appeared on the RSAT calendar the next day and admitted violating probation in the prior case (R. 95:2-6). Trial counsel asked the court to impose jail time and run the matters concurrent (R. 95:15-24). The court continued sentencing (R. 97:5-6). That same day – the court signed a second Judgment imposing the previously imposed sentence and ordered, “All cases and charges may run concurrent.” (R. 28-29).²

At the continued sentencing hearing, trial counsel again requested that the court impose jail time or, in the event that prison was imposed, that the court run the matters concurrent (R. 100:9-17). Alternatively, counsel asked that if the court were to be so inclined as to impose consecutive sentences, that it affirmatively recommend Defendant eligible for further treatment at the prison (R. 100-01). The State requested prison time and that the matters run consecutive (R. 101-02). Accordingly, the court revoked probation and imposed original sentences – which in the prior case resulted in two terms of zero to five years in the Utah State Prison, running concurrent with each other (R. 103-04). In the instant case, the court imposed a term of zero to five years in the Utah State Prison to run

¹*See* Amended – Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 19-20, signed and entered February 2, 2015, a true and correct copy of which is attached to this Brief as Addendum A.

²*See* Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 28-29, signed February 3, 2015, and entered February 4, 2015, a true and correct copy of which is attached to this Brief as Addendum B.

consecutive with the sentence in the prior case with a specific recommendation for further treatment in prison (R. 104:7-10; *see also* R. 32-33).³

C. *Motion to Correct Illegal Sentence*

On July 14, 2015, Defendant filed a pro se Motion to Correct Illegal Sentence, arguing that the court imposed an illegal sentence when it originally sentenced him with the matters running concurrent but then subsequently imposed consecutive sentences (R. 35-47).⁴ Defendant also requested a hearing and appointment of counsel (R. 48-49). The State did not respond.

The court – on September 15, 2015 – issued its ruling and order denying Defendant’s Motions (R. 50-53). In its ruling, the court reasoned that the failure to determine whether to impose concurrent or consecutive sentences for the offenses constituted an illegal sentence pursuant to Utah Code Ann. § 76-3-401(1) (R. 51). The court further reasoned that the determination to impose concurrent sentences set forth in the subsequent Judgment constituted a “clerical error” pursuant to Utah Rule of Criminal Procedure 30(b) (*Id.*). Finally, the court determined that the Judgment – entered February 12, 2015 – constituted a correction of “the illegal sentence by ordering Defendant’s sentences for the cases to run consecutive.” (R. 52).

³See Minutes – Post Sentencing Judgment / Commitment, R. 32-33, signed and entered February 12, 2015, a true and correct copy of which is attached to this Brief as Addendum C.

⁴See Defendant’s pro se Motion to Correct an Illegal Sentence, R. 35-47, a true and correct copy of which is attached to this Brief as Addendum D.

The Ruling and Order on Motion to Correct Illegal Sentence was signed by the court on September 15, 2015, and entered that same day (R. 50). Defendant filed a timely pro se notice of appeal on October 13, 2015 (R. 54-55).

SUMMARY OF ARGUMENTS

1. Because the court's judgment – issued February 4, 2015 – was a valid, legal judgment, the trial court lacked jurisdiction to issue the subsequent judgment on February 12, 2015, imposing consecutive sentences. On February 2, 2015, Defendant appeared before the court and pleaded guilty to Possession or Use of a Controlled Substance, a third-degree felony. After a waiver of time for sentencing, the trial court sentenced Defendant to a suspended term of zero to five years in the Utah State Prison with three years probation, during which he would enter into and complete the RSAT program. Additionally, the court also imposed a term of 365 days in jail. Judgment was entered that same day.

Defendant appeared on the RSAT calendar the next day and admitted violating probation in the prior case. Trial counsel asked the court to impose jail time and run the matters concurrent. The court continued sentencing. That same day, the court signed a second Judgment imposing the previously imposed sentence and ordered, "All cases and charges may run concurrent." By running the sentences concurrent as required by Utah Code Ann. § 76-3-401(1), the court imposed a valid sentence and consequently lost subject matter jurisdiction over the case for purposes of resentencing.

At the continued sentencing hearing, trial counsel again requested that the court impose jail time or, in the event that prison was imposed, that the court run the matters concurrent. Alternatively, counsel asked that if the court were to be so inclined as to impose consecutive sentences, that it affirmatively recommend Defendant eligible for further treatment at the prison. The State requested prison time and that the matters run consecutive. Accordingly, the court revoked probation and imposed original sentences – which in the prior case resulted in two terms of zero to five years in the Utah State Prison, running concurrent with each other. In the instant case, the court imposed a term of zero to five years in the Utah State Prison to run consecutive with the sentence in the prior case with a specific recommendation for further treatment in prison. Because the court lost jurisdiction after imposing the previous Judgment, the court’s subsequent Judgment, signed and entered on February 12, 2015, was void and had no effect on Defendant’s substantial rights.

2. The trial court erred by determining that the imposition of concurrent sentences was a clerical error. In determining whether an error was clerical, the reviewing court generally focuses on three factors: (1) whether the order or judgment that was rendered reflects what was done or intended, (2) whether the error is the result of judicial reasoning and decision making, and (3) whether the error is clear from the record.

As to the first factor, the Judgment ordering that “[a]ll cases and charges may run concurrent” reflected what occurred at the sentencing on February 2, 2015, because it

accurately reflected the fact that the trial court had imposed “a suspended term of zero to five years in the Utah State Prison” as well as placing Defendant on “probation” and to the RSAT program in addition to a 365-day jail term. Consequently, the imposition of concurrent sentences accurately reflected the trial court’s suspended sentence. That intent was expressed in the nature of the sentence imposed shortly before the court ordered, “All cases and charges may run concurrent.” Based on the nature and language utilized at sentencing, the trial judge intended to give Defendant the benefit of concurrent sentences.

As to the second factor, the concurrent sentencing was a result of judicial reasoning and decision making inasmuch as the trial judge – shortly before ordering concurrent sentences – imposed a suspended prison sentence that included jail and probation. This suspended sentence and its attendant conditions demonstrates the judicial reasoning supporting the imposition of concurrent sentences. Thus, the ordering of concurrent sentences was a result of the trial court’s judicial reasoning and decision making; indeed, concurrent sentencing was consistent with the reasoning the trial judge actually expressed in his decision.

As to the third factor, any claimed error is not apparent from the record because such a claim of error is inconsistent with the trial court’s suspended prison sentence. To argue otherwise would be to refuse to give weight to the reasoning expressed by the trial court in imposing the suspended prison sentence before ordering the concurrent sentences. This is

consistent with the legal principle that “it is ultimately the intent of the court or fact finder that is binding.”

In sum, the order of concurrent sentences reflected what the trial court intended, that ordering concurrent sentences was the result of judicial reasoning and decision making, and the record demonstrates the trial court’s intention to provide Defendant with the benefit of concurrent sentencing. Therefore, the trial court’s order that “[a]ll cases and charges may run concurrent” did not constitute a clerical error and the trial judge was not authorized to “excise the improperly included language regarding concurrent sentencing.

ARGUMENTS

I. BECAUSE THE COURT’S JUDGMENT – ISSUED FEBRUARY 4, 2015 – WAS A VALID, LEGAL JUDGMENT, THE TRIAL COURT LACKED JURISDICTION TO ISSUE THE SUBSEQUENT JUDGMENT ON FEBRUARY 12, 2015, IMPOSING CONSECUTIVE SENTENCES.

Whether a court has jurisdiction is a threshold issue, which can be raised at any time. *Glezos v. Frontier Investments*, 897 P.2d 1230, 1233 (Utah Ct. App. 1995) (citations omitted). “[S]ubject matter jurisdiction goes to the very power of a court to entertain an action.” *See id.* “Furthermore, subject matter jurisdiction cannot be conferred upon a court by consent or waiver, and a judgment can be attacked for lack of subject matter jurisdiction at any time.” *Van Der Stappen v. Van Der Stappen*, 815 P.2d 1335, 1337 (Utah Ct. App. 1991) (citing *Thompson v. Jackson*, 743 P.2d 1230, 1232 (Utah Ct. App. 1987)). “Without

subject matter jurisdiction, a court is powerless to adjudicate a case.” *State v. Rhinehart*, 2007 UT 61, ¶ 19, 167 P.3d 1046 (citing *United States v. Cotton*, 535 U.S. 625, 630, 122 S.Ct. 1781 (2002)).

Our supreme court recognizes the “continuing jurisdiction of a trial court to correct an illegal sentence.” *State v. Babbel*, 813 P.2d 86, 88 (Utah 1991). “Because an illegal sentence is void, the court does not lose jurisdiction over the sentence until that sentence has been corrected.” *Id.* Conversely, “[o]nce a court imposes a valid sentence, it loses subject matter jurisdiction over the case.” *Id.* (citing *State v. Lee Lim*, 79 Utah 68, 74, 7 P.2d 825, 827 (1932)). “A judgment or order entered by a court lacking subject matter jurisdiction is void and does not affect the rights of any party.” *State v. Vaughn*, 2011 UT App 411, ¶ 12, 266 P.3d 202 (citing *Van Der Stappen v. Van Der Stappen*, 815 P.2d 1335, 1337 (Utah Ct. App. 1991) and *Johnson v. Johnson*, 2010 UT 28, ¶¶ 8-9, 234 P.3d 1100).

On February 2, 2015, Defendant appeared before the court and pleaded guilty to Possession or Use of a Controlled Substance, a third-degree felony (*see* R. 19; R. 89:11-13). After a waiver of time for sentencing, the trial court sentenced Defendant to a suspended term of zero to five years in the Utah State Prison with three years probation, during which he would enter into and complete the RSAT program (R. 89-90). Additionally, the court also imposed a term of 365 days in jail (R. 90:1-3; *see also* R. 19). Judgment was entered that same day (R. 19-20).⁵

⁵*See* Addendum A.

Defendant appeared on the RSAT calendar the next day and admitted violating probation in the prior case (R. 95:2-6). Trial counsel asked the court to impose jail time and run the matters concurrent (R. 95:15-24). The court continued sentencing (R. 97:5-6). That same day, the court signed a second Judgment imposing the previously imposed sentence and ordered, “All cases and charges may run concurrent.” (R. 28-29).⁶ By running the sentences concurrent as required by Utah Code Ann. § 76-3-401(1),⁷ the court imposed a valid sentence and consequently lost subject matter jurisdiction over the case for purposes of resentencing. *See Vaughn*, 2011 UT App 411 at ¶ 12, 266 P.3d 202; *Montoya*, 825 P.2d at 679.

At the continued sentencing hearing, trial counsel again requested that the court impose jail time or, in the event that prison was imposed, that the court run the matters concurrent (R. 100:9-17). Alternatively, counsel asked that if the court were to be so inclined as to impose consecutive sentences, that it affirmatively recommend Defendant eligible for further treatment at the prison (R. 100-01). The State requested prison time and that the matters run consecutive (R. 101-02). Accordingly, the court revoked probation and imposed original sentences – which in the prior case resulted in two terms of zero to five years in the Utah State Prison, running concurrent with each other (R. 103-04). In the

⁶See Addendum B.

⁷According to Utah Code Ann. § 76-3-401(1), “A court shall determine, if a defendant has been adjudged guilty of more than one felony offense, whether to impose concurrent or consecutive sentences for the offenses.”

instant case, the court imposed a term of zero to five years in the Utah State Prison to run consecutive with the sentence in the prior case with a specific recommendation for further treatment in prison (R. 104:7-10; *see also* R. 32-33).⁸ Because the court lost jurisdiction after imposing the previous Judgment, the court's subsequent Judgment, signed and entered on February 12, 2015, was void and had no effect on Defendant's substantial rights. *See State v. Rodrigues*, 2009 UT 62, ¶ 13, 218 P.3d 610 ("Once a court imposes a valid sentence and final judgment is entered, the court ordinarily loses subject matter jurisdiction over the case.").

II. THE TRIAL COURT ERRED BY DETERMINING THAT THE IMPOSITION OF CONCURRENT SENTENCES WAS A CLERICAL ERROR.

Rule 30 of the Utah Rules of Criminal Procedure provides that "[c]lerical mistakes in judgments . . . may be corrected by the court at any time." Utah R. Crim. P. 30(b). In *State v. Rodrigues*, 2009 UT 62, 218 P.3d 610, our supreme court recognized that

A clerical error is one made in recording a judgment that results in the entry of a judgment which does not conform to the actual intention of the court. On the other hand, a judicial error is one made in rendering the judgment and results in a substantively incorrect judgment.

Id. at ¶ 14, 218 P.3d 610 (quoting *Thomas A. Paulsen Co. v. Industrial Comm'n*, 770 P.2d 125, 130 (Utah 1989)); *see also State v. Perkins*, 2014 UT App 60, ¶ 10, 322 P.3d 1184.

⁸*See* Addendum C.

In determining whether an error was clerical, the reviewing court generally focuses on three factors: “(1) whether the order or judgment that was rendered reflects what was done or intended, (2) whether the error is the result of judicial reasoning and decision making, and (3) whether the error is clear from the record.” *Rodriguez*, 2009 UT 62 at ¶ 14, 218 P.3d 610.

As to the first factor, the Judgment stating that “[a]ll cases and charges may run concurrent” reflected what occurred at the sentencing on February 2, 2015, because it accurately reflected the fact that the trial court had imposed “a suspended term of zero to five years in the Utah State Prison” as well as placing Defendant on “probation” and to the RSAT program in addition to a 365-day jail term (R. 89-90). Consequently, the imposition of concurrent sentences accurately reflected the trial court’s suspended sentence. After all, “it is ultimately the *intent* of the court or fact finder that is binding.” *Rodriguez*, 2009 UT 62 at ¶ 15, 218 P.3d 610 (emphasis added). That intent was expressed in the nature of the sentence imposed shortly before the court ordered, “All cases and charges may run concurrent.” *See generally id.* at ¶ 23 (“We have specifically defined a judicial error as the deliberate result of the exercise of judicial reasoning and determination.” (citation and internal quotation marks omitted)). Based on the nature and language utilized at sentencing, the trial judge intended to give Defendant the benefit of concurrent sentences.

With respect to the second factor, the concurrent sentencing was a result of judicial reasoning and decision making inasmuch as the trial judge – shortly before ordering

concurrent sentences – imposed a suspended prison sentence that included jail and probation. This suspended sentence and its attendant conditions demonstrates the judicial reasoning supporting the imposition of concurrent sentences. Thus, the ordering of concurrent sentences was a result of the trial court’s judicial reasoning and decision making; indeed, concurrent sentencing was consistent with the reasoning the trial judge actually expressed in his decision.

Finally, as to the third factor, any claimed error is not apparent from the record because such a claim of error is inconsistent with the trial court’s suspended prison sentence. To argue otherwise would be to refuse to give weight to the reasoning expressed by the trial court in imposing the suspended prison sentence before ordering the concurrent sentences. Moreover, this is consistent with the legal principle to be employed in this case, namely, “it is ultimately the intent of the court or fact finder that is binding.” *Id.* at ¶ 15, 218 P.3d 610.

In sum, the order of concurrent sentences reflected what the trial court intended, that ordering concurrent sentences was the result of judicial reasoning and decision making, and the record demonstrates the trial court’s intention to provide Defendant with the benefit of concurrent sentencing. Therefore, the trial court’s order that “[a]ll cases and charges may run concurrent” did not constitute a clerical error and the trial judge was not authorized to “excise the improperly included language regarding concurrent sentencing.” While Utah Rule of Criminal Procedure 30(b) allows for the correction of clerical errors, it does not

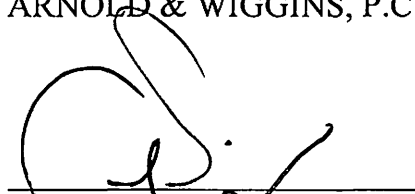
provide the opportunity for the court to reconsider its prior sentence. *See* Utah R. Crim. P. 30(b); *see also* *Atkin v. Parrish Oil Tools, Inc.*, 680 P.2d 401, 402 (Utah 1984) (“The fact that an intention was subsequently found to be mistaken would not cause the mistake to be ‘clerical.’” (citation omitted)).

CONCLUSION

Based on the foregoing, Defendant respectfully requests that this Court set aside the trial court’s Judgment imposing consecutive sentences and remand the case for further proceedings consistent with this Court’s instructions as set forth in its opinion. Defendant also requests that the Court provide him with any other remedy that the Court deems just and appropriate under the circumstances.

RESPECTFULLY SUBMITTED this 30th day of June, 2016.

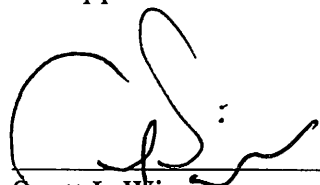
ARNOLD & WIGGINS, P.C.



Scott L. Wiggins
Counsel for Appellant

CERTIFICATE OF COMPLIANCE

The undersigned, Scott L Wiggins, hereby certifies, pursuant to Utah Rule of Appellate Procedure 24(f)(1)(C), that the Brief of Appellant complies with the applicable type-volume limitation set forth in Utah Rule of Appellate Procedure 24(f)(1)(A) by containing 4,116 words.



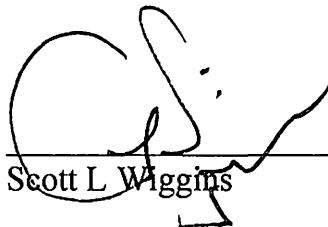
Scott L Wiggins

CERTIFICATE OF SERVICE

I, SCOTT L WIGGINS, hereby certify that I personally caused to be mailed by First-Class Mail, postage prepaid, two (2) true and correct copies of the foregoing **BRIEF OF APPELLANT** to the following on this 30th day of June, 2016:

Thomas B. Brunker
Assistant Attorney General
160 East 300 South, 6th Floor
P.O. Box 140854
Salt Lake City, UT 84114-0854
Counsel for the State of Utah

The undersigned also certifies that he included a digital copy of the Brief of Appellant.



Scott L Wiggins

ADDENDA

- Addendum A: Amended – Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 19-20, signed and entered February 2, 2015
- Addendum B: Minutes – Change of Plea – Sentence, Judgment, Commitment, R. 28-29, signed February 3, 2015, and entered February 4, 2015
- Addendum C: Minutes – Post Sentencing Judgment / Commitment, R. 32-33, signed and entered February 12, 2015
- Addendum D: Defendant's pro se Motion to Correct an Illegal Sentence, R. 35-47

Tab A

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

FILED

FEB - 2 2015

**SECOND
DISTRICT COURT**

Amended

STATE OF UTAH,
Plaintiff,

vs.
JARED MICHAEL WATRING,
Defendant.
Custody: Davis County Jail

: MINUTES
: CHANGE OF PLEA
: SENTENCE, JUDGMENT, COMMITMENT
:
: Case No: 151700133 FS
: Judge: JOHN R MORRIS
: Date: February 2, 2015

PRESENT

Clerk: jennifts
Prosecutor: MAJOR, STEVEN V
Defendant
Defendant's Attorney(s): FUJINO, RONALD S

DEFENDANT INFORMATION

Date of birth: November 19, 1986
Video
Tape Number: CRT 6 Tape Count: 946-950

CHARGES

1. POSSESSION OR USE OF A CONTROLLED SUBSTANCE (amended) - 3rd Degree Felony
Plea: Guilty - Disposition: 02/02/2015 Guilty
Court advises defendant of rights and penalties.
Defendant waives time for sentence.
Change of Plea Note
The defendant will waive time and be sentenced today.
SENTENCE PRISON

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
The prison term is suspended.

SENTENCE JAIL

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to a term of 365 day(s) in the Davis County Jail.
Commitment is to begin immediately.

Printed: 09/21/15 08:49:39

Page 1 of 2

SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

Fine payments are to be made to Adult Probation and Parole.
ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).
Probation is to be supervised by Adult Probation and Parole.
Defendant to serve 365 day(s) jail.
Defendant is to report to the Davis County Jail.

PROBATION CONDITIONS

CONDUCT: Commit no further violations of the law.

OTHER: Enter into and complete RSAT.

REVIEW HEARING is scheduled.

Date: 02/03/2015

Time: 02:00 p.m.

Location: Courtroom 6

Justice Complex

800 West State Street

Farmington, UT 84025

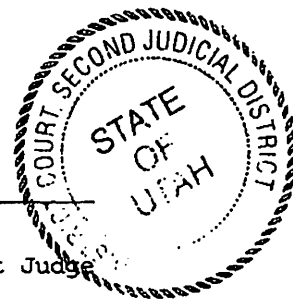
Before Judge: JOHN R MORRIS

Date: 2/2/15



JOHN R MORRIS

District Court Judge



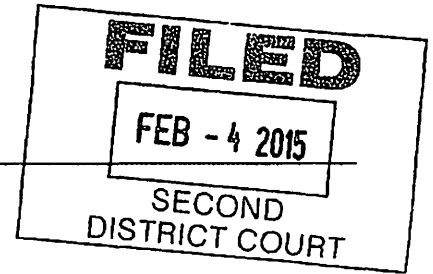
Individuals needing special accommodations (including auxiliary communicative aids and services) should call Kim Sheffield at 801-447-3822 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128. The general information phone number is 801-447-3800.

Printed: 09/21/15 08:49:39

Page 2 of 2

Tab B

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH



STATE OF UTAH,
Plaintiff,

: MINUTES
: CHANGE OF PLEA
: SENTENCE, JUDGMENT, COMMITMENT
: NOTICE
:

vs.

JARED MICHAEL WATRING,
Defendant.

: Case No: 151700133 FS
: Judge: JOHN R MORRIS
: Date: February 2, 2015

Custody: Davis County Jail

PRESENT

Clerk: jennifts

Prosecutor: MAJOR, STEVEN V

Defendant

Defendant's Attorney(s): FUJINO, RONALD S

DEFENDANT INFORMATION

Date of birth: November 19, 1986

Video

Tape Number: CRT 6 Tape Count: 946-950

CHARGES

1. POSSESSION OR USE OF A CONTROLLED SUBSTANCE (amended) - 3rd Degree Felony

Plea: Guilty - Disposition: 02/02/2015 Guilty

Court advises defendant of rights and penalties.

Defendant waives time for sentence.

Change of Plea Note

The defendant will waive time and be sentenced today.

SENTENCE PRISON

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
The prison term is suspended.

SENTENCE JAIL

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to a term of 365 day(s) in the Davis County Jail.

Commitment is to begin immediately.

SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

All cases and charges may run concurrent.

Fine payments are to be made to Adult Probation and Parole.

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).

Probation is to be supervised by Adult Probation and Parole.

Defendant to serve 365 day(s) jail.

Defendant is to report to the Davis County Jail.

PROBATION CONDITIONS

CONDUCT: Commit no further violations of the law.

OTHER: Enter into and complete RSAT.

REVIEW HEARING is scheduled.

Date: 02/03/2015

Time: 02:00 p.m.

Location: Courtroom 6

Justice Complex

800 West State Street

Farmington, UT 84025

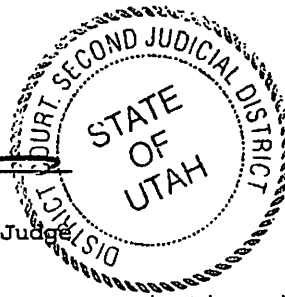
Before Judge: JOHN R MORRIS

Date: 2/3/15



JOHN R MORRIS

District Court Judge



Individuals needing special accommodations (including auxiliary communicative aids and services) should call Kim Sheffield at 801-447-3822 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128. The general information phone number is 801-447-3800.

Tab C

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

FILED

FEB 12 2015

**SECOND
DISTRICT COURT**

STATE OF UTAH, : MINUTES
Plaintiff, : POST SENTENCING JUDGMENT/COMMITMENT
vs. :
JARED MICHAEL WATRING, : Case No: 151700133 FS
Defendant. : Judge: JOHN R MORRIS
Custody: Davis County Jail : Date: February 10, 2015

PRESENT

Clerk: jennifts
Prosecutor: LARSEN, RICHARD L
Defendant
Defendant's Attorney(s): BUSHELL, RYAN J

DEFENDANT INFORMATION

Date of birth: November 19, 1986
Video
Tape Number: CRT 6 Tape Count: 245-251

CHARGES

1. POSSESSION OR USE OF A CONTROLLED SUBSTANCE (amended) - 3rd Degree Felony
Plea: Guilty - Disposition: 02/02/2015 Guilty
SENTENCE, JUDGMENT and COMMITMENT

The defendant admits the following numbered allegations as stated in the Affidavit and Order to Show Cause: all

The defendant's probation is revoked.

The defendant is to serve the sentence as imposed in the original Sentence, Judgment and Commitment.

COMMITMENT is to begin immediately.

This case will run consecutive to case # 101701211. The Court recommends the defendant enter the Conquest Program while in the Utah State Prison.
ORIGINAL SENTENCE OF PRISON

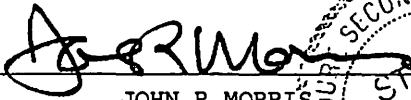
Printed: 02/11/15 10:15:08

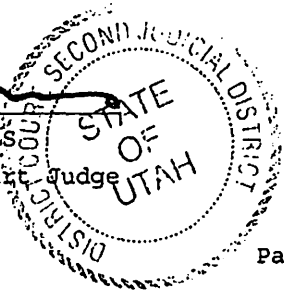
Page 1 of 2

Case No: 151700133 Date: Feb 10, 2015

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

Date: 2/12/15


JOHN R MORRIS
District Court Judge

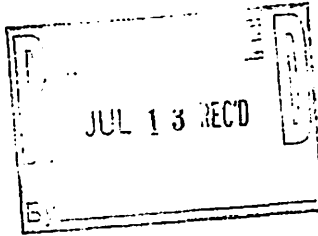


Printed: 02/11/15 10:15:08

Page 2 of 2

Tab D

Jared Michael Watring #200803
Attorney Pro Se
Utah State Prison
P.O. Box 250
Draper, UT 84020



JUL - 8 2015

IN THE SECOND JUDICIAL DISTRICT COURT
DAVIS COUNTY, STATE OF UTAH, FARMINGTON DIVISION

STATE OF UTAH,

Plaintiff,

vs.

JARED WATRING,

Defendant.

*
*
*
*
*
*
*
*
*
*

MOTION TO CORRECT ILLEGAL
SENTENCE
Under URCrP 22(e)

Case Nos.: 101801211 and 151800133

101701211, 151700133

COMES NOW Jared Watring, attorney pro se, and hereby moves this Honorable Court to correct the sentence in the above-referenced cases under Rule 22(e) of the Utah Rules of Criminal Procedure, as follows:

I was originally sentenced with both cases
running concurrent, but sentence imposed was consecutive.

I believe this sentence to be illegally imposed because:

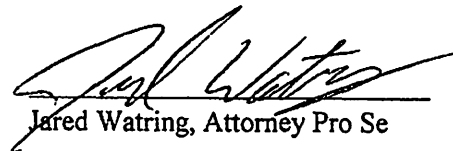
On February 2nd 2015 I was sentenced to a 3rd
degree felony to run concurrent with the other felonies
I was on probation for. On February 3rd my probation
was revoked and sentencing was scheduled for February
10th. On February 10th I was sentenced to prison
and the new case was run consecutive.

I have provided court copies of the minutes
of all these hearings on these dates. It clearly states:

"The defendant is to serve the sentence as imposed in the Original Sentence, Judgment and Commitment." I was originally sentenced to have all charges running concurrent. This is the basis of my argument that the sentence was illegally imposed. I am seeking to have the sentence corrected under Rule 22(e).

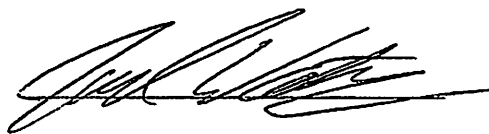
Thank you for your time and consideration.

DATED this 26th day of JUNE, 2015.

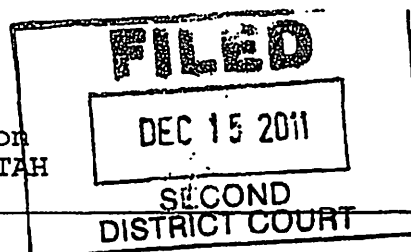

Jared Watring, Attorney Pro Se

CERTIFICATE OF MAILING

I do hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, to
The Davis County Attorney Davis County Attorney's Office at P. O. Box 618, Farmington, Utah 84025
on this 26th day of June, 2015.

A handwritten signature in black ink, appearing to be "Paul [unclear]", written in a cursive style.

2nd District - Farmington
DAVIS COUNTY, STATE OF UTAH



STATE OF UTAH, : MINUTES
Plaintiff, : SENTENCE, JUDGMENT, COMMITMENT
vs. :
JARED MICHAEL WATRING, : Case No: 101701211 FS
Defendant. : Judge: JOHN R MORRIS
Custody: Bail : Date: December 5, 2011

PRESENT

Clerk: jennifts
Prosecutor: NELSON, JASON C
Defendant
Defendant's Attorney(s): SULLIVAN, KEVIN P

DEFENDANT INFORMATION

Date of birth: November 19, 1986
Video
Tape Number: 6-120511 Tape Count: 10:14-10:16

CHARGES

1. POSSESSION OR USE OF A CONTROLLED SUBSTANCE (amended) - 3rd Degree Felony
Plea: Guilty - Disposition: 07/11/2011 Guilty
2. POSSESSION OR USE OF A CONTROLLED SUBSTANCE (amended) - 3rd Degree Felony
Plea: Guilty - Disposition: 07/11/2011 Guilty
4. DRIVING UNDER THE INFLUENCE OF ALC/DRUGS - Class B Misdemeanor
Plea: Guilty - Disposition: 01/03/2011 Guilty

SENTENCE PRISON

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
The prison term is suspended.

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
The prison term is suspended.

SENTENCE JAIL

Based on the defendant's conviction of DRIVING UNDER THE INFLUENCE OF ALC/DRUGS a Class B Misdemeanor, the defendant is sentenced to a term of 182 day(s) The total time suspended for this charge is 180 day(s).

SENTENCE JAIL SERVICE NOTE

The defendant was sentenced on the Class B misdemeanor at an earlier date. Restitution will remain open.

Charge # 1
Charge # 2
Charge # 4 Fine: \$1295.00
 Suspended: \$0.00
 Surcharge: \$627.47
 Due: \$1295.00

 Total Fine: \$1295.00
 Total Suspended: \$0
 Total Surcharge: \$627.47
Total Principal Due: \$1295.00
 Plus Interest

SCHEDULED TIMEPAY

The following cases are on timepay 101701211.
The defendant is to pay \$50.00 monthly on the 15th.
The number of payments scheduled is 29 plus a final payment of \$14.41.
The first payment is due on 01/15/2012 the final payment of \$14.41 is due on 06/15/2014. The final payment may vary based on interest.

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).
Probation is to be supervised by Adult Probation & Parole.
Defendant to serve 2 day(s) jail.


Defendant is to pay a fine of 1295.00 which includes the surcharge.
Interest may increase the final amount due.
Pay fine to The Court.

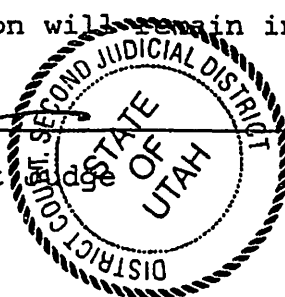
OTHER: Defendant is to enter in and complete the Weber County Drug Court program.

Case No: 101701211 Date: Dec 05, 2011

OTHER: All other terms and conditions of probation will remain in full force and effect.

Date: 12/12/11


JOHN R MORRIS
District Court Judge



The seal is circular with a double-lined border. The outer ring contains the text "SECOND JUDICIAL DISTRICT" at the top and "DISTRICT COURT" at the bottom. The center of the seal contains the text "STATE OF UTAH".

2nd District- Farmington
DAVIS COUNTY, STATE OF UTAH

STATE OF UTAH vs. JARED MICHAEL WATRING

CASE NUMBER 151700133 State Felony

CHARGES

Charge 1 - 58-37-8(2)(A)(I) - POSSESSION OR USE OF A CONTROLLED
SUBSTANCE 2nd Degree Felony (amended) to 3rd Degree Felony

Offense Date: December 16, 2014

Plea: February 02, 2015 Guilty

Disposition: February 02, 2015 Guilty

Charge 2 - 58-37-8(2)(A)(I) - POSSESSION OR USE OF A CONTROLLED
SUBSTANCE Class B Misdemeanor

Offense Date: December 16, 2014

Disposition: February 02, 2015 Dismissed (w/o prej)

CURRENT ASSIGNED JUDGE

JOHN R MORRIS

PARTIES

Defendant - JARED MICHAEL WATRING

Represented by: RONALD S FUJINO

Plaintiff - STATE OF UTAH

Represented by: STEVEN V MAJOR

DEFENDANT INFORMATION

Defendant Name: JARED MICHAEL WATRING

Date of Birth: November 19, 1986

Law Enforcement Agency: AP&P FARMINGTON

LEA Case Number: 293346

Prosecuting Agency: DAVIS COUNTY

Agency Case Number: 15111635

ACCOUNT SUMMARY

CASE NOTE

DC JAIL other JRM case

PROCEEDINGS

01-22-15 Filed: INFORMATION/INDICTMENT

01-22-15 Case filed

Printed: 06/18/15 16:16:59

Page 1

CASE NUMBER 151700133 State Felony

01-22-15 Filed: From an Information

01-22-15 Judge DAVID HAMILTON assigned.

01-22-15 Judge JOHN R MORRIS assigned.

01-22-15 INITIAL APPEARANCE scheduled on January 26, 2015 at 01:29 PM in
Central Calendar with Judge JUDGE.

01-26-15 Filed: Substitution of Counsel

01-26-15 Filed: Summons - To Issue (Proposed)

01-26-15 Filed: Return of Electronic Notification

01-26-15 Issued: Summons - To Issue

Judge DAVID CONNORS

01-26-15 Filed: Return of Electronic Notification

01-26-15 ARRAIGNMENT scheduled on February 02, 2015 at 09:00 AM in
Courtroom 6 with Judge MORRIS.

01-26-15 Minute Entry - Minutes for Initial Appearance

Judge: DAVID CONNORS

PRESENT

Clerk: jennaw

Prosecutor: MAJOR, STEVEN V

Defendant

Defendant's Attorney(s): FUJINO, RONALD S

Audio

Tape Number: F5-012615 Tape Count: 215-216

INITIAL APPEARANCE

A copy of the Information is given to the defendant.

Defendant waives reading of Information.

Advised of charges and penalties.

The defendant conditionally waives the preliminary hearing.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints RONALD S FUJINO to
represent the defendant.

Appointed Counsel:

Name: RONALD S FUJINO

Printed: 06/18/15 16:17:00

Page 2

CASE NUMBER 151700133 State Felony

Address: 4764 S 900 E STE 2

City: SALT LAKE CITY UT 84117

Phone: (801)268-6735

CASE BOUNDOVER

Defendant waived preliminary hearing, State consenting thereto.
This case is bound over. An Arraignment hearing has been set on
2/2/2015 at 9:00 AM in courtroom 6 before Judge JOHN R MORRIS.
CUSTODY

The defendant is present in the custody of the Davis County jail.
Hold defendant pending further order.

01-26-15 Note: JARED MICHAEL WATRING DEF Custody Location Jail Custody
location Davis County Jail

01-26-15 Note: Case Bound Over

01-27-15 **** PRIVATE **** Filed: Financial Affidavit

01-27-15 Filed order: Commitment

Judge DAVID CONNORS

Signed January 26, 2015

01-27-15 ARRAIGNMENT scheduled on February 02, 2015 at 09:02 AM in
Courtroom 6 with Judge MORRIS.

01-29-15 Filed order: Bind Over Order

Judge DAVID CONNORS

Signed January 28, 2015

02-02-15 Charge 1 Disposition is Guilty

02-02-15 Charge 1 amended to 3rd Degree Felony

02-02-15 Charge 2 Disposition is Dismissed (w/o

02-02-15 Minute Entry - Minutes for Change of Plea

Judge: JOHN R MORRIS

PRESENT

Clerk: jennifts

Prosecutor: MAJOR, STEVEN V

Defendant

Defendant's Attorney(s): FUJINO, RONALD S

Video

Tape Number: CRT 6 Tape Count: 946-950

Printed: 06/18/15 16:17:00

Page 3

Court advises defendant of rights and penalties.

Defendant waives time for sentence.

Change of Plea Note

The defendant will waive time and be sentenced today.

SENTENCE PRISON

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

SENTENCE JAIL

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to a term of 365 day(s) in the Davis County Jail. Commitment is to begin immediately.

SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

All cases and charges may run concurrent.

Fine payments are to be made to Adult Probation and Parole.

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).

Probation is to be supervised by Adult Probation and Parole.

Defendant to serve 365 day(s) jail.

Defendant is to report to the Davis County Jail.

PROBATION CONDITIONS

CONDUCT: Commit no further violations of the law.

OTHER: Enter into and complete RSAT.

REVIEW HEARING is scheduled.

Date: 02/03/2015

Time: 02:00 p.m.

Location: Courtroom 6

Justice Complex

CASE NUMBER 151700133 State Felony

800 West State Street
Farmington, UT 84025

Before Judge: JOHN R MORRIS

02-02-15 REVIEW HEARING scheduled on February 03, 2015 at 02:00 PM in
Courtroom 6 with Judge MORRIS.

02-03-15 Minute Entry - Post Sentencing

Judge: JOHN R MORRIS

PRESENT

Clerk: jennifts

Prosecutor: LARSEN, RICHARD L

Defendant

Defendant's Attorney(s): BUSHELL, RYAN J

Video

Tape Number: CRT 6 Tape Count: 240-241

SENTENCE, JUDGMENT and COMMITMENT

The defendant admits the following numbered allegations as stated
in the Affidavit and Order to Show Cause: all

The defendant's probation is revoked.

02-03-15 Filed order: Statement of Defendant in Support of Guilty Plea
and Certificate of Counsel

Judge JOHN R MORRIS

Signed February 03, 2015

02-04-15 Filed order: Minutes 2/2/15 Change of Plea Sentence, Judgment,
Commitment

Judge JOHN R MORRIS

Signed February 03, 2015

02-04-15 SENTENCING scheduled on February 10, 2015 at 01:30 PM in
Courtroom 6 with Judge MORRIS.

02-10-15 Minute Entry - Post Sentencing

Judge: JOHN R MORRIS

PRESENT

Clerk: jennifts

Prosecutor: LARSEN, RICHARD L

Defendant

Defendant's Attorney(s): BUSHELL, RYAN J

Printed: 06/18/15 16:17:01

Page 5

Video

Tape Number: CRT 6 Tape Count: 245-251

SENTENCE, JUDGMENT and COMMITMENT

The defendant admits the following numbered allegations as stated in the Affidavit and Order to Show Cause: all

The defendant's probation is revoked.

The defendant is to serve the sentence as imposed in the original Sentence, Judgment and Commitment.

COMMITMENT is to begin immediately.

This case will run consecutive to case # 101701211. The Court recommends the defendant enter the Conquest Program while in the Utah State Prison.

ORIGINAL SENTENCE OF PRISON

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

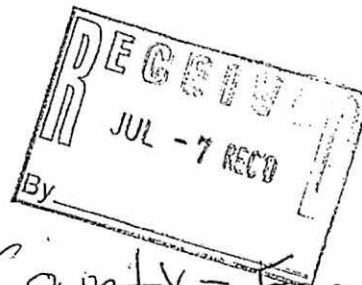
02-12-15 Filed order: Minutes 2/10/14 Post Sentencing
Judgment/Commitment

Judge JOHN R MORRIS

Signed February 12, 2015

05-13-15 **** PRIVATE **** Filed: Letter from Defendant

Inmate Name Jared Watring
Inmate Offender Number 200853
Inmate Housing 021 305 T
Utah State Prison
P. O. Box 250
Draper, Utah 84020-0250



Bountiful

AK



Davis County - Farmington District Court
800 West State Street, P.O. Box 769
Farmington, UT 84025

US POSTAGE
\$ 00.44
FIRST CLASS
Mailed From 84020
07/02/015
031A 0002305665

