

2005

Maurice Joseph Gelpi, III v. Utah Board of Pardons, et al. : Unknown

Utah Court of Appeals

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Maurice Joseph Gelpi III; pro se.

Eric D. Petersen; assistant attorney general; Mark L. Shurtleff; attorney general; attorneys for appellees.

Recommended Citation

Legal Brief, *Gelpi v. Board of Pardons*, No. 20050219 (Utah Court of Appeals, 2005).
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**UTAH COURT OF APPEALS
BRIEF**

**UTAH
DOCUMENT
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**.A10
DOCKET NO. 20050219**

Addenda

**FILED
UTAH APPELLATE COURTS
MAY 20 2005**

Addendum A

FILED DISTRICT COURT
Third Judicial District

FEB 23 2005

SALT LAKE COUNTY

By Deputy Clerk

ERIC D. PETERSEN (#7424)
Assistant Attorney General
MARK L. SHURTLEFF (#4666)
Attorney General
Attorneys for Respondents
PO Box 140812
160 East 300 South
Salt Lake City, Utah 84114-0812
Telephone: (801) 366-0216

IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH

MAURICE JOSEPH GELPI, III,	:	FINDINGS OF FACT, CONCLUSIONS
	:	OF LAW, ORDER OF THE COURT
Petitioner,	:	
vs.	:	Case No. 040920604 RN
UTAH BOARD OF PARDONS, et al,	:	
Respondents.	:	Judge J. DENNIS FREDERICK

Having carefully reviewed the pleadings submitted by both parties, being fully advised in the premises, and good cause appearing, the Court hereby enters the following Findings of Fact, Conclusions of Law, Order of the Court.

Petitioner filed a Writ of Habeus Corpus on September 30, 2004, wherein the Petitioner challenged his arrest and detention. The Petitioner argued that the Warrant for Arrest issued by the Board of Pardons was not valid. Petitioner's arguments included that the Board of Pardons

and Parole (Board) lacked jurisdiction to issue any warrant; that the issuance and execution of the warrant violated the Due Process Clause of the Fourth Amendment; and that the Board lacked subject matter jurisdiction to continue to imprison the Petitioner.

FINDINGS OF FACT

- ①. Petitioner is an inmate at the Utah State Prison where is he serving an indeterminate term of 1-15 years based on his August 13, 1997 conviction for Theft of an Operable Motor Vehicle, a second degree felony. Petitioner is also serving an indeterminate term not to exceed five years based on his August 13, 1997 conviction for and Falsely Signing Credit Card, a third degree felony. The prison terms were ordered to run concurrent
- 2 On June 2, 1998, the Board of Pardons issued an Order of Parole. The Board set a tentative parole date for the petitioner of March 23, 1999.
- ③. On March 25, 1999, the petitioner executed a Parole Agreement, wherein he signed and initialed each of the conditions of parole.
- ④. On March 25, 1999, the petitioner also signed an Agreement fo Return Waiver of Extradition, wherein the petitioner agreed:
 1. That [he] will, when instructed by Adult Probation and Parole of Utah or its duly-authorized agents, return at any time to the State of Utah.
 2. That I hereby waive extradition to the State of Utah from any jurisdiction in or

outside the United States of America where I may be found and I will not contest any effort by any jurisdiction to return me to the State of Utah.

3. That failure to comply with the above will be deemed to be a violation of the terms and conditions of probation/parole for which I may be returned to the State of Utah.

This Agreement to Return was signed and dated by the Petitioner and witnessed.

~~5.~~

On September 12, 2000, following a parole violation hearing, the Board revoked the petitioner's parole date of June 22, 1999 and moved the effective parole date to November 7, 2000.

6. On March 7, 2002, a Warrant for Arrest was issued by the Board based on an affidavit that there was reason to believe that the petitioner had violated parole by committing the offense of Theft (Deception) on or about August 18, 2001.

On June 21, 2000, another Warrant for Arrest was issued by the Board based on an affidavit that there was reason to believe that the petitioner had violated parole by having used or possessed methamphetamines; by having committed domestic violence; and by having consumed or possessed alcoholic beverages on or about May 2, 2000.

On June 27, 2002, the Board revoked the November 7, 2000 parole and issued a new effective date of July 9, 2002.

FC Issued and
Petition Performed Hays
Filing #4, 12. Extension Contract
New Contracts Entered
Warrants signed to
Petitioner Added to
his Contract.

9. On December 30, 2003, another Warrant for Arrest was issued by the Board based on an affidavit that there was reason to believe that the petitioner had violated parole for committing four technical violations of his parole agreement.

10. On April 2, 2004, the petitioner was arrested in Dallas, Texas. He was arrested on the outstanding NCIC parole fugitive warrant and a warrant issued by Judge Pat Brian of the Third Judicial Court of Utah, West Valley City Department, for a violation that occurred in 2002.

11. The petitioner was extradited back to Utah by the United States Marshal's Service on May 6, 2004, and was returned to the Utah State Prison on the same day.

12. The petitioner filed a Writ of Habeas Corpus on September 30, 2004, wherein the petitioner challenges his arrest and detention, arguing that the Warrant for Arrest issued by the Board of Pardons is not valid. Petitioner's arguments include that the Board of Pardons and Parole lacks jurisdiction to issue any kind of warrant; that the issuance and execution of the warrant violates the Due Process Clause and the Fourth Amendment; and that the Board of Pardons and Parole lacks subject matter jurisdiction to continue to imprison the petitioner

13. A minute entry ruling was made by this court on October 6, 2004, wherein counsel for respondent was ordered to file an appropriate responsive pleading within thirty days

CONCLUSIONS OF LAW

- W.B.V.R.
1. The petitioner executed an Agreement to Return and Waiver of Extradition on March 25, 1999, wherein the petitioner agreed:
 1. That [he] will, when instructed by Adult Probation and Parole of Utah or its duly-authorized agents, return at any time to the State of Utah.
 2. That I hereby waive extradition to the State of Utah from any jurisdiction in or outside the United States of America where I may be found and I will not contest any effort by any jurisdiction to return me to the State of Utah.
 3. That failure to comply with the above will be deemed to be a violation of the terms and conditions of probation/parole for which I may be returned to the State of Utah.

This Agreement to Return was signed and dated by the Petitioner and witnessed.

- W.B.V.R.
2. Because the petitioner signed an agreement whereby he agreed, as part of his parole agreement, to return to the state of Utah *at any time* (emphasis added), the defendant's arguments regarding the validity of warrants issued by the Board of Pardons is moot.
 3. Petitioner makes several arguments in his request for extraordinary relief which are wholly unsupported by fact or law, and his claims are confusing, if not

Bullshit

unintelligible. The petitioner merely cites case law and statutory law, but with no connection whatsoever to his arguments. Respondent has therefore failed to state a claim upon which relief can be granted.

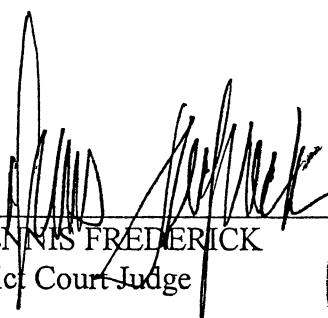
no

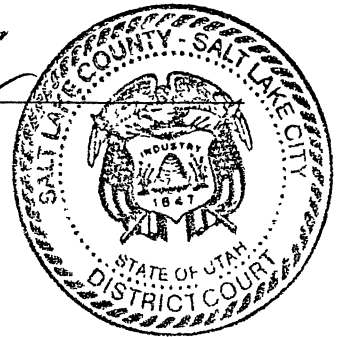
4. Petitioner's claims are without merit, and Respondent is entitled to summary judgment as a matter of law.

ORDER

Based on the foregoing, and based upon the court's Minute Entry Ruling, dated January 12, 2005, Petitioner's claims fail as a matter of law. Respondent's Motion for Summary Judgment is therefore granted.

DATED this 16th day of Feb., 2005.

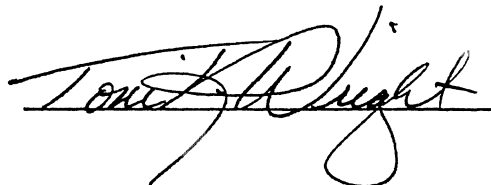

J. DENNIS FREDERICK
District Court Judge



CERTIFICATE OF MAILING

I certify that I mailed a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER**, postage prepaid, on this 24th day of January, 2005 to the following:

Maurice Joseph Gelpi, III
Inmate #26669
Utah State Prison
P.O. Box 250
Draper, UT 84020

A handwritten signature in cursive script, appearing to read "Tom H. Wright", is written over a horizontal line.

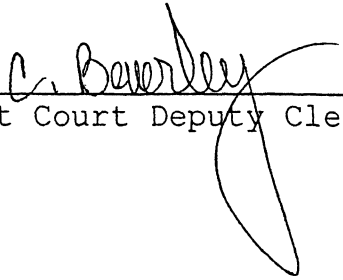
Case No. 040920604 RN

CERTIFICATE OF MAILING

I certify that on the 23rd day of February, 2005, I sent by first class mail, a true and correct copy of the attached document to the following:

Eric D. Petersen
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140812
Salt Lake City, UT 84114-0812

Maurice Joseph Gelpi, III
Inmate #26669
Utah State Prison
P.O. Box 250
Draper, UT 84020



District Court Deputy Clerk

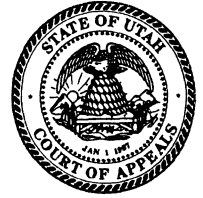
Addendum B

Judith M. Billings
Presiding Judge
Russell W. Bench
Associate Presiding Judge
James Z. Davis
Judge
Pamela T. Greenwood
Judge
Norman H. Jackson
Judge
Gregory K. Orme
Judge
William A. Thorne, Jr.
Judge

Utah Court of Appeals

450 South State Street
P.O. Box 140230
Salt Lake City, Utah 84114-0230

Appellate Clerks' Office (801) 578-3900
Judges' Reception (801) 578-3950
FAX (801) 578-3999
TDD (801) 578-3940



Marilyn M. Branch
Appellate Court Administrator
Paulette Stagg
Clerk of the Court

March 8, 2005

Maurice Joseph Gelpi 26669
PO Box 250
Draper UT 84020

RE: Gelpi v. Board of Pardons Court of Appeals Case No. 20050219

Dear Mr. Gelpi:

Please be advised that the notice of appeal in this case has been filed with the Utah Court of Appeals. The case number is 20050219 and should be indicated on future filings and correspondence.

It appears that you will not have the assistance of an attorney in preparing papers for filing in this court. Enclosed is a pro se guide concerning appeal procedures. We hope it will be helpful to you in presenting your case. Please be aware that failure to file designated papers within the time limits established under the Utah Rules of Appellate Procedure may result in dismissal of your appeal.

Rule 11(e)(1) of the Utah Rules of Appellate Procedure requires that, within ten (10) days of the filing of the notice of appeal, appellant must submit a transcript request for such parts of the proceedings not already on file as the appellant deems necessary. The transcript request should be directed to the court executive in the trial court. A copy of the request should also be mailed to the clerk of the appellate court.

The request for transcript was made on March 8, 2005. Rule 12(a) of the Utah Rules of Appellate Procedure allows the court reporter 30 days to prepare the transcript. As the appellant's counsel, and a party requesting the transcript, it is your responsibility to ensure the timely filing of the transcript.

March 8, 2005
Case No. 20050219-CA
Page 2

Pursuant to Rule 21, of the Utah Rules of Appellate Procedure, copies of all papers filed with this court in connection with the appeal must be served on all other parties to the appeal. All papers filed must be accompanied by a certificate of service in the form of a statement of the date and manner of service, the names of the persons served, and the addresses at which they were served. All documents filed in this court must be served (mailed or hand-delivered) on the opposing party to allow the party an opportunity to respond. In turn, all papers filed by the opposing party must be served on you so that you may respond.


Be advised that it is your responsibility to notify this court immediately in writing if you have a change of address during the appeal process.

This court will permit documents of 10 pages (including attachments) or less that do not require a filing fee to be filed by fax. The faxed documents, which must bear a facsimile of the required signature, will be accepted as an "original" document until the true original and any required copies are received by the court. The original must be received by this court within 5 business days from the date of the transmission by fax. If the original is not received within that period, the court will treat the filing as void. A faxed filing is considered "received" when stamped by the clerk's office. The time for stamping is limited to regular office hours (weekdays 8:00 a.m. to 5:00 p.m.). All risks associated with filing by fax are borne by the sender. The fax number for this court is 578-3999.

An original and two copies of the docketing statement, with attachments, are due within twenty-one (21) days after the filing of the notice of appeal in the trial court. Therefore, the docketing statement is due **March 29, 2005**.

Please note, failure to comply with the Utah Rules of Appellate Procedure during the appeal process may result in dismissal of the appeal.

Sincerely,

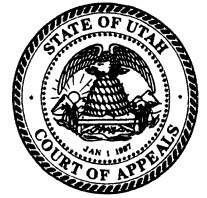

Janet Alexander
Deputy Clerk

cc: ANNINA M MITCHELL
ERIC D PETERSEN
THIRD DISTRICT COURT

Judith M. Billings
Presiding Judge
Russell W. Bench
Associate Presiding Judge
James Z. Davis
Judge
Pamela T. Greenwood
Judge
Norman H. Jackson
Judge
Gregory K. Orme
Judge
William A. Thorne, Jr.
Judge

Utah Court of Appeals

450 South State Street
P.O. Box 140230
Salt Lake City, Utah 84114-0230
Appellate Clerks' Office (801) 578-3900
Judges' Reception (801) 578-3950
FAX (801) 578-3999
TDD (801) 578-3940



Marilyn M. Branch
Appellate Court Administrator
Paulette Staggs
Clerk of the Court

April 21, 2005

MAURICE JOSEPH GELPI 26669
PO BOX 250
DRAPER UT 84020

RE: Gelpi v. Board of Pardons

Appellate Case No. 20050219

Dear Mr. Gelpi:

The record index (#040920604) on this appeal was filed in this court. The record remains on file with the trial court for your use in preparing your brief. The purpose of this letter, therefore, is to set the briefing schedule.

Pursuant to Rules 13 and 26, Utah Rules of Appellate Procedure, the appellant's brief must be served and filed on or before **June 3, 2005**. This due date takes into consideration the three days mailing provision of Rule 22(d).

Parties are advised to refer to Rules 24, 26 and 27, Utah R. App. P., for content and format requirements. These requirements are strictly enforced, and the brief may be returned pursuant to Rule 27(d) if not properly prepared.

All parties are specifically advised that the typeface requirements of Rule 27(b), Utah R. App. P., will be strictly enforced and noncomplying briefs will be rejected. A proportionally spaced typeface must be 13-point or larger for text and footnotes. A monospaced typeface may not contain more than ten characters per inch for both text and footnotes.

Motions for additional time to file briefs must comply with the requirements of Rules 22(b) or 26(a) of the Utah Rules of Appellate Procedure.

April 21, 2005
Case No. 20050219-CA
Page 2

Parties may request oral argument and/or published decision by so indicating at the bottom on the cover of their brief. The court will not formally respond to such requests, but will consider the same during its regular calendaring process.

This court is interested in evaluating the usefulness of receiving briefs in electronic form. To assist in this evaluation, you are encouraged to submit a CD which contains the electronic version of your brief at the same time you file the required number of written briefs. The electronic version of the brief must be in Word or WordPerfect format. Your participation in this study will be appreciated.

Failure to perfect an appeal at any time during the appeal process may result in dismissal of the appeal.

Sincerely,

A handwritten signature in black ink that reads "Janet Alexander". The signature is fluid and cursive, with a large, stylized initial "J" and "A".

Janet Alexander
Deputy Clerk

cc: ANNINA M MITCHELL
ERIC D PETERSEN

Judith M. Billings
Presiding Judge
Russell W. Bench
Associate Presiding Judge
James Z. Davis
Judge
Pamela T. Greenwood
Judge
Norman H. Jackson
Judge
Gregory K. Orme
Judge
William A. Thorne, Jr.
Judge

Utah Court of Appeals

450 South State Street
P.O. Box 140230
Salt Lake City, Utah 84114-0230

Appellate Clerks' Office (801) 578-3900
Judges' Reception (801) 578-3950
FAX (801) 578-3999
TDD (801) 578-3940



Marilyn M. Branch
Appellate Court Administrator
Paulette Stagg
Clerk of the Court

March 8, 2005

Maurice Joseph Gelpi 26669
PO Box 250
Draper UT 84020

Re: Gelpi v. Board of Pardons Appellate Case No. 20050219-CA

Dear Mr. Gelpi:

The Court of Appeals is in receipt of the motion for appointment of counsel filed, March 8, 2005. However, such document does not include a certificate of service indicating that it was served on the opposing party.

Rule 21 of the Utah Rules of Appellate Procedure provides that copies of all papers filed in the Court of Appeals must be served on all other parties to the appeal. Service on a party represented by counsel must be made by such counsel, or, if the party is not represented by counsel, then, upon the party at the last known address. See Utah Rules of Appellate Procedure 21 (b). All papers filed must be accompanied by a certificate of service which states the date and manner of service, the names of the persons served and the addresses at which they were served. Id. at 21 (d). A sample form of a certificate of service is enclosed for your information.

In an effort to expedite this matter I am forwarding your motion for appointment of counsel to opposing party. In the future be advised that absent our receipt of a certificate of service, your documents may not be acted upon by the court.

Sincerely,

Janet Alexander
Janet Alexander
Deputy Clerk

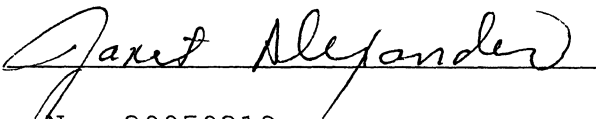
CERTIFICATE OF MAILING

I hereby certify that on March 8, 2005, a true and correct copy of the foregoing MOTION was deposited in the United States mail to the parties listed below:

ANNINA M MITCHELL
ASSISTANT ATTORNEY GENERAL
160 E 300 S 6TH FL
PO BOX 140854
SALT LAKE CITY UT 84114-0854

ERIC D PETERSEN
ASSISTANT ATTORNEY GENERAL
160 E 300 S 5TH FL
PO BOX 140814
SALT LAKE CITY UT 84114-0814

Dated this March 8, 2005.

By 
Case No. 20050219

FILED
UTAH APPELLATE COURTS
APR 12 2005

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Maurice Joseph Gelphi,)	ORDER
)	
Petitioner and Appellant,)	
)	Case No. 20050219-CA
v.)	
)	
Board of Pardons, et al.,)	
)	
Respondents and Appellees.)	

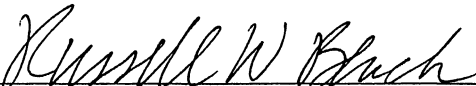
This matter is before the court on Appellant's motion for reconsideration of his request for appointment of counsel.

As set forth in this court's order denying the request for counsel, Appellant has no statutory right to the appointment of counsel. Appellant fails to raise any "points of law or fact which the court has overlooked or misapprehended." Utah R. App. P. 35.

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED this 11th day of April, 2005.

FOR THE COURT:



Russell W. Bench,
Associate Presiding Judge

FILED
UTAH APPELLATE COURTS
MAR 23 2005

IN THE UTAH COURT OF APPEALS

---oo0oo---

Maurice Joseph Gelpi III,)	ORDER
)	
Petitioner and Appellant,)	Case No. 20050219-CA
)	
v.)	
)	
The Board of Pardons, Clint)	
Friel Warden USP, David E.)	
Yocum, District Attorney,)	
)	
Respondents and Appellees.)	

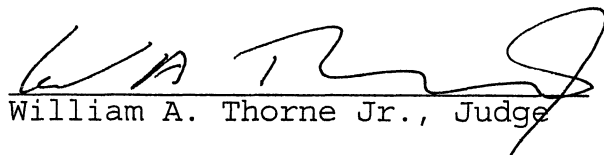
This matter is before the court upon Appellant's motion, filed March 8, 2005, for appointment of counsel. Appellee did not object or otherwise respond to the motion.

The court notes that the matter is a civil rather than criminal appeal and Appellant has no statutory right to the appointment of counsel.

Now, therefore, IT IS HEREBY ORDERED that Appellant's motion is denied.

Dated this 22 day of March, 2005.

FOR THE COURT:


William A. Thorne Jr., Judge

1

WAYNE A. FREESTONE, P.C.
DAVID J. ANGERHOFER, P.C.
CONTRACT ATTORNEYS
11075 South State Street, #11
Sandy, Utah 84070
(801) 428-1730

M E M O R A N D U M

TO: MAURICE GELPI USP #26669

DATE: July 7, 2004

RE: REQUESTED LEGAL SERVICES

In response to your letter dated June 22, 2004, received in our office June 30, 2004, on information for crimes, etc. Please be advised that we are not a law library. If you have a specific issue regarding initial pleadings on post conviction relief or extraordinary relief petitions regarding conditions of confinement we can research. However, just providing information and case law is beyond the scope of our contract.

Thank you.

CONTRACT ATTORNEYS

A handwritten signature in black ink, appearing to be a stylized 'J' or 'G' with a loop at the end.

NOTICE REGARDING LEGAL SERVICES

Laws, including statutes of limitations, can and do change. Do not rely upon information or legal materials that you may have received in the past. Before filing any initial pleading in state or federal court regarding post conviction relief or conditions of confinement, always check with the contract attorneys or other competent legal authority to obtain current information concerning the status of the law. Failure to do so may result in your action being dismissed with prejudice

STANDARD FORM NO. 1
J. Box 250 DRAPER Utah 84020

In The Utah Court of Appeals

MR MAURICE JOSEPH GELPI III
Plaintiff / Appellant

Motion - Invoking Rule 4(f)
Utah Rules of Appellate Procedure

Utah Board of Pardons
Int Friel - Warden of U.S.P.
David E. Yocom - Salt Lake D.A.
Defendants / Appellee

Appeals Court Case No:
20050219

Pursuant to Rule 4(f) Utah Rules of Appellate
Procedure.

Plaintiff and Appellant MAURICE JOSEPH GELPI III, is
in fact an inmate confined in an institution (Utah State Prison)
and is hereby respectfully invoking Rule 4(f).
On this 14th day of March 2005.

Signature / date MR MAURICE JOSEPH GELPI III 3-14-2005
Attorney Pro Se

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing Motion
Invoking Rule 4(f) was mailed by first class mail or hand delivered to the
following:

ANNINA M. MITCHEL and ERIC D. PETERSEN
Attorney Generals Office
160 East 300 South 5th floor
PO. Box 140814
Salt Lake City, Utah,
84114-0814

prepared by Plaintiff / Appellant
MR MAURICE JOSEPH GELPI III
3-14-2005

ATTORNEY PRO SE
O. Box 250 DRAPER Utah 84026

IN THE UTAH COURT OF APPEALS

MR MAURICE JOSEPH GELPI^{III}
Plaintiff / Appellant

Motion - Demanding a Jury Trial,

vs.

Utah Board of Pardons
UNIT FRIEL - WARDEN of U.S.P.
Sgt E. Yocom - Salt Lake D.A.
Defendants / Appellee

Appeals Court Case NO:
20050219

Plaintiff and Appellant, MAURICE JOSEPH GELPI^{III}
does hereby respectfully Motion the Utah Court of Appeals,
Demanding a Jury Trial on Appeals Court Case NO: 20050219

MR GELPI attempts to be heard on his EXERCISING the
United States Constitutional law has been ignored by Utah's
1st District Court. Utah admits that the United States
Constitutional Law is the SUPREME law of the Land.

Appellant is EXERCISING his Constitutional Right to
Jury Trial. Respectfully submitted this 14th day of March 2005.

signature / date: MR MAURICE JOSEPH GELPI^{III} 3-14-2005

Certificate of Service

I do hereby certify that a true and correct copy of the foregoing Motion
Demanding a Jury Trial, was mailed by first class mail or hand delivered to
the following:

ANALINA M. MITCHELL and ERIC D. PETERSEN
Attorney General's Office
160 EAST 300 South 5th Floor
msn ~~300~~ P.O. Box 140814
Salt Lake City, Utah,
84114-0814

prepared by plaintiff / Appellant
MR MAURICE JOSEPH GELPI^{III}

Addendum C

Signed documents

1) PAROLE AGREEMENT

* PLEASE SEE #12. SPECIAL CONDITIONS - THE REASON FOR THE signing OF A WAIVER OF EXTRADITION / AGREEMENT TO RETURN WAS DUE TO MR GELPI, INTERSTATE PAROLE TO THE STATE OF CALIFORNIA - ENTERED MARCH 25, 1999

1) AGREEMENT TO RETURN / WAIVER OF EXTRADITION

* PLEASE SEE #1, 2, AND 3. - YOU WILL FIND NO RELINQUISHMENT OF UNITED STATES CONSTITUTIONAL RIGHTS, NOR IS THERE ANY AGREEMENT TO RETURN DIRECTLY TO UTAH STATE PRISON WITHOUT DUE PROCESS OF LAW.

1) ORIGINAL HEARING - RESULTS

* PLEASE SEE #1, 2, 3, 4 YOU WILL FIND THE REASON FOR THE signing OF THE ABOVE DOCUMENTS - REASON BEING IS MR GELPI WAS PAROLING TO THE STATE OF UTAH.

Michael O. Leavitt
Governor
Michael R. Sibbett
Chairman



Members
Donald E. Blanchard
Curtis L. Gardner
Cheryl Hansen
Keith N. Hamilton

BEFORE THE BOARD OF PARDONS AND PAROLE OF THE STATE OF UTAH

PAROLE AGREEMENT

Name: GELPI, MAURICE JOSEPH OBSCIS No. 125014 USP No. 26669

I agree to be directed and supervised by agents of the Utah State Department of Corrections and will abide the following conditions of my parole:

1. RELEASE: On the day of my release from the institution or confinement, I will report to my assigned Parole Agent, unless otherwise approved in writing from the parole office.
2. ABSCONDING: I will not abscond from parole supervision:
 - A. Reporting: I will report as directed by the Department of Corrections
 - B. Residence: I will establish and reside at a residence of record and will not change my residence without first obtaining permission from my parole agent.
 - C. Leaving the State: I will not leave my state of residence, even briefly, or any other state to which I am released or transferred without prior written permission from my parole agent.
3. CONDUCT: I will obey all State, Federal and municipal laws. If arrested, cited or questioned by a peace officer, I will notify my parole agent within 48 hours of the incident.
4. HOME VISITS: I will permit visits to my place of residence by agents of Adult Probation and Parole for the purpose of ensuring compliance with the conditions of my parole. I will not interfere with requirement; i.e. having vicious dogs, perimeter security doors, refusing to open the door, etc.
5. SEARCHES: I will permit agents of Adult Probation and Parole to search my person, residence, vehicle or any other property under my control, without a warrant, at any time, day or night, upon reasonable suspicion to ensure compliance with the conditions of my parole.
6. WEAPONS: I will not own, possess, have under my control or in my custody any explosives, firearms or dangerous weapons as defined in Utah Code Annotated, Section 76-10-501, as amended.
7. EMPLOYMENT: Unless otherwise authorized by my parole agent, I will seek, obtain and maintain verifiable, lawful full-time employment (32 hours per week minimum) as approved by my parole agent. I will notify my parole agent of any change in employment within 48 hours.
8. ASSOCIATION: I will not knowingly associate with any person who is involved in criminal activity or who has been convicted of a felony, without approval from my parole agent.
9. CHEMICAL ANALYSIS: I will submit to test of my breath, body fluids or hair to ensure compliance with my parole agreement.
10. TRUTHFULNESS: I will be cooperative, compliant and truthful in all my dealings with Adult Probation and Parole.
11. FEES: I will pay supervision fees as determined by the Department of Corrections.
12. SPECIAL CONDITIONS: I will:
 - 1 Successfully complete ISP Program if residing in Utah.
 - 2 Successfully complete Elec. Monit. if residing in Utah.
 - 3 Enter CCC until stabilized if not picked up by California on the detainer.

I have read, understand and agree to be bound by this agreement. If I violate any of the conditions of this agreement, the Board of Pardons may revoke my parole or the Department of Corrections may take other appropriate action against me.

3.25.99

DATE

SIGNED:

Maurice J. Gelpi

USP NO: 26669

3/25/99

DATE

WITNESSED BY:

Larry L. Gardner IPI

AUTHORIZED BY:

M. R. Sibbett

BOARD OF PARDONS



Michael O. Leavitt
Governor

H. L. Haun
Executive Director

Frederick Van Der Veur
Division Director

State of Utah

DEPARTMENT OF CORRECTIONS
DIVISION OF INSTITUTIONAL OPERATIONS

P.O. Box 350
Draper, Utah 84020
(801) 576-7470
FAX (801) 571-0047

AGREEMENT TO RETURN WAIVER OF EXTRADITION STATE OF UTAH

I MAURICE GELPI in consideration of
being granted probation/parole do hereby agree:

1. That I will, when instructed by Adult Probation and Parole of Utah or its duly-authorized agents, return at any time to the State of Utah
2. That I hereby waive extradition to the State of Utah from any jurisdiction in or outside the United States of America where I may be found and I will not contest any effort by any jurisdiction to return me to the State of Utah.
3. That failure to comply with the above will be deemed to be a violation of the terms and conditions of probation/parole for which I may be returned to the State of Utah.

Maurice J. Gelpi
Signature

3-25-99
Date

WITNESSES:

James H. EPP



BEFORE THE BOARD OF PARDONS OF THE STATE OF UTAH

UTAH STATE OBSCIS NO. 125014

Consideration of the Status of GELPI, MAURICE JOSEPH PRISON NO. 26669

The above-entitled matter came on for consideration before the Utah State Board of Pardons on the 2nd day of June, 1998, for:

ORIGINAL HEARING

After a review of the submitted information and good cause appearing, the Board makes the following decision and order:

RESULTS

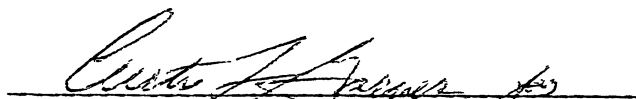
Parole effective 03/23/1999.
Other: Release to Costa County,
California detainer.
Final decision of the hearing held on
05/19/1998.

- 1 Successfully complete ISP Program if residing in Utah.
- 2 Successfully complete Elec. Monit. if residing in Utah.
- 3 Enter CCC until stabilized if not picked up on California detainer.
- 4 Pay restitution of TBD by AP&P and waiver signed by Mr. Gelpi to add to the Parole Agreement - CASE#'S 97-CR-93 and 97-CR-94.

No Crime	Sent Case No.	Judge	Expiration
1 THEFT OF AN AUTOMOBILE	1-15 97-CR-93	EVES	06/26/2012
2 FRAUD/FINANCIAL TRANS C	0-5 97-CR-94	EVES	06/26/2002

This decision is subject to review and modification by the Board of Pardons at any time until actual release from custody.

By order of the Board of Pardons of the State of Utah, I have this date 2nd day of June, 1998, affixed my signature as Chairman for and on behalf of the State of Utah, Board of Pardons.


M. R. Sibbett, Chairman