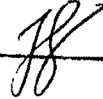


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FIFTH DISTRICT COURT
2011 FEB 18 AM 10:48
WASHINGTON COUNTY

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BY 

FIFTH DISTRICT COURT – ST. GEORGE
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,
Plaintiff,

vs.

ALLEN GLADE STEED,
Defendant.

PLEA AGREEMENT, PLEA IN
ABEYANCE AGREEMENT, STATEMENT
OF DEFENDANT IN SUPPORT OF
GUILTY PLEAS, AND CERTIFICATE OF
COUNSEL

Criminal No. 0715015~~X~~96

Judge G. Rand Beacham

I, ALLEN GLADE STEED, hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights:

NOTIFICATION OF CHARGES

I am pleading guilty to the following crime(s):

<u>Count No.</u>	<u>Crime & Statutory Provision</u>	<u>Degree</u>	<u>Punishment Min/Max and/or Minimum Mandatory</u>
1	Solemnization of Prohibited Marriage, Utah Code Ann. § 30-1-15(1) (1953, as amended)	3 rd Degree Felony	0-5 years in the Utah State Prison and a fine in the amount of \$5,000.00, plus an 85% surcharge

2	Unlawful Sexual Activity with a Minor, Utah Code Ann. § 76-5-401 (1953, as amended)	3 rd Degree Felony	0-5 years in the Utah State Prison and a fine in the amount of \$5,000.00, plus an 85% surcharge
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I have received a copy of the Amended Information against me. I have read it, or had it read to me, and I understand the nature and the elements of the crime(s) to which I am pleading guilty.

The elements of the crime(s) to which I am pleading guilty are:

COUNT 1: SOLEMNIZATION OF PROHIBITED MARRIAGE, a third degree felony, in that the defendant directly committed the offense by knowingly, with or without a license, solemnizing a marriage of a minor prohibited by law, or, acting with the mental state required for the offense, the defendant solicited, requested, commanded, encouraged, or intentionally aided another person to engage in conduct which constitutes solemnization of a prohibited marriage, in violation of Utah Code Annotated Sections 30-1-15 and 76-2-202 (1953, as amended).

COUNT 2: UNLAWFUL SEXUAL ACTIVITY WITH A MINOR, a third degree felony, in that the defendant had sexual intercourse with a person who was 14 years or older but younger than 16 years of age at the time the sexual activity occurred, in violation of Utah Code Annotated Section 76-5-401 (1953, as amended).

I understand that by pleading guilty I will be admitting that I committed the crime(s) listed above. I stipulate and agree that the following facts describe my conduct and the conduct of other persons for which I am criminally liable. These facts provide a basis for the Court to accept my guilty plea and prove the elements of the crime(s) to which I am pleading guilty:

In Washington County, Utah, I intentionally aided another in the solemnization of a prohibited marriage between myself and Elissa Wall by agreeing to participate in the ceremony and thereafter holding myself out as the husband of Elissa Wall in Washington County. The marriage was legally prohibited in both Utah and Nevada.

I had sexual intercourse with Elissa Wall while she was 14 years old and I was 19 years of age.

WAIVER OF CONSTITUTIONAL RIGHTS

I am entering these pleas voluntarily. I understand that I have the following rights under the constitutions of Utah and of the United States. I also understand that if I plead guilty I will give up all the following rights:

Counsel. I know that I have the right to be represented by an attorney and that if I cannot afford one, an attorney will be appointed by the Court at no cost to me. I understand that I might later, if the judge determined that I was able, be required to pay for the appointed lawyer's service to me.

I have not waived my right to counsel. My attorney is James C. Bradshaw. My attorney and I have fully discussed this statement, my rights, and the consequences of my guilty plea. I certify that I have read this statement and that I understand the nature and elements of the charge(s) and crime(s) to which I am pleading guilty. I also understand my rights in this case and other cases and the consequences of my guilty plea.

Jury Trial. I know that I have a right to a speedy and public trial by an impartial (unbiased) jury and that I will be giving up that right by pleading guilty.

Confrontation and cross-examination of witnesses. I know that if I were to have a trial: a) I would have the right to see and observe the witnesses who testified against me; and (b) my attorney, or myself if I waived my right to an attorney, would have the opportunity to cross-examine all of the witnesses who testified against me.

Right to compel witnesses. I know that if I were to have a trial, I could call witnesses if I chose to, and I would be able to obtain subpoenas requiring the attendance and testimony of those witnesses. If I could not afford to pay for the witnesses to appear, the State would pay those costs.

Right to testify and privilege against self-incrimination. I know that if I were to have a trial, I would have the right to testify on my own behalf. I also know that if I chose not to testify, no one could make me testify or make me give evidence against myself. I also know that if I chose not to testify, the jury would be told that they could not hold my refusal to testify against me.

Presumption of innocence and burden of proof. I know that if I do not plead guilty, I am presumed innocent until the State proves that I am guilty of the charged crime(s). If I choose to fight the charges against me, I need only plead "not guilty," and my case will be set for a trial. At a trial, the State would have the burden of proving each element of the charge(s) beyond a

reasonable doubt. If the trial is before a jury, the verdict must be unanimous, meaning that each juror would have to find me guilty.

I understand that if I plead guilty, I give up the presumption of innocence and will be admitting that I committed the crime(s) stated above.

Sentencing. I know that I have the right to be sentenced in not less than two (2) days, and not more than forty-five (45) days from the entry of a plea, and I am giving up that right with regard to any guilty plea which is held in abeyance.

Appeal. I know that under the Utah Constitution, if I were convicted by a jury or judge, I would have the right to appeal my conviction and sentence. If I could not afford the costs of an appeal, the State would pay those costs for me. I understand that I am giving up my right to appeal my conviction if I plead guilty. I understand that if I wish to appeal my sentence I must file a notice of appeal within 30 days after my sentence is entered.

I know and understand that by pleading guilty, I am waiving and giving up all the statutory and constitutional rights as explained above.

CONSEQUENCES OF ENTERING A GUILTY PLEA

Potential penalties. I know the maximum sentence that may be imposed for each crime to which I am pleading guilty. I know that by pleading guilty to a crime that carries a mandatory penalty, I will be subjecting myself to serving a mandatory penalty for that crime. I know my sentence may include a prison term, fine, or both.

I know that in addition to a fine, an eighty-five percent (85%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim(s) of my crimes, including any restitution that may be owed on charges that are dismissed as part of a plea agreement.

Consecutive/concurrent prison terms. I know that if there is more than one crime involved, the sentences may be imposed one after another (consecutively), or they may run at the same time (concurrently). I know that I may be charged an additional fine for each crime that I plead to. I also know that if I am on probation or parole, or awaiting sentencing on another offense of which I have been convicted or which I have plead guilty, my guilty plea now may result in consecutive sentences being imposed on me. If the offense(s) to which I am now pleading guilty occurred when I was imprisoned or on parole, I know the law requires the Court to impose consecutive sentences unless the Court finds and states on the record that consecutive sentences would be inappropriate.

Plea Agreement. My guilty pleas are the result of a plea agreement between myself and the prosecuting attorney. All the promises, duties, and provisions of the plea agreement, if any, are fully contained in this statement, including those explained below:

- 1) The State agrees to file an Amended Information charging me with the crimes identified in this Plea Agreement thereby dismissing the count of Rape charged in the original Information;
- 2) I specifically and knowingly waive any and all defenses, objections, or defects in the Amended Information, including but not limited to challenges based on limitations of actions;
- 3) I agree to plead 'guilty' to both counts charged in the Amended Information;
- 4) With respect to Count 1, Solemnization of a Prohibited Marriage, the State and I jointly agree to recommend to the Court that I be placed on thirty-six (36) months supervised probation under the following terms:
 - a) That I serve 30 days in the Washington County Purgatory Correctional Facility with eligibility for any work release program that may be available at the discretion of the jail administrators;
 - b) That within 90 days following release from jail, I obtain an evaluation from a licensed and qualified mental health provider which shall address sexual issues and I agree to follow all recommendations;
 - c) That I cooperate with AP&P in regards to my probation including the signing of a probation agreement which shall include their standard conditions of probation;
 - d) That I have no further law violations, except for minor traffic offenses.
- 5) With respect to Count 2, Unlawful Sexual Activity with a Minor, the State and I agree that my guilty plea to Count 2 be held in abeyance for thirty-six (36) months from the date of my sentencing on Count 1. At the end of that thirty-six (36) month period, the State will agree to my motion to withdraw my guilty plea to Count 2 and have Count 2 dismissed if:
 - a) I comply with all the terms of probation with respect to Count 1; and
 - b) I have no further law violations, except for minor traffic offenses.

Trial judge not bound. I know that any charge or sentencing concession or recommendation of probation or suspended sentence, including a reduction of the charges for sentencing, made or sought by either defense counsel or the prosecuting attorney are not binding on the judge. I also know that any opinions they express to me as to what they believe the judge may do are not binding on the judge.

DEFENDANT'S CERTIFICATION OF VOLUNTARINESS

I am entering these pleas of my own free will and choice. No force, threats, or unlawful influence of any kind have been made to get me to plead guilty. No promises except those contained in this statement have been made to me.

I have read this statement, or I have had it read to me by my attorney, and I understand its contents and adopt each statement in it as my own. I know that I am free to change or delete anything contained in this statement, but I do not wish to make any changes because all of the statements are correct.

I am satisfied with the advice and assistance of my attorney.

I am 29^{GRB} years of age. I have attended school through the 10th^{GRB} grade. I can read and understand the English language. If I do not understand English, an interpreter has been provided to me. I was not under the influence of any drugs, medication, or intoxicants which would impair my judgment when I decided to plead guilty. I am not presently under the influence of any drug, medication, or intoxicants which impair my judgment.

I believe myself to be of sound and discerning mind and to be mentally capable of understanding these proceedings and the consequences of my plea. I am free of any mental disease, defect, or impairment that would prevent me from understanding what I am doing or from knowingly, intelligently, and voluntarily entering my plea.

I understand that if I want to withdraw my guilty plea, I must file a written motion to withdraw my plea before sentence is announced. I understand that for a plea held in abeyance, a motion to withdraw from the plea agreement must be made within 30 days of pleading guilty. I will only be allowed to withdraw my pleas if I show that they were not

knowingly and voluntarily made. I understand that any challenge to my pleas made after sentencing must be pursued under the Post-Conviction Remedies Act in Title 78, Chapter 35a, and Rule 65C of the Utah Rules of Civil Procedure.

Feb 18 2011
Date

Allen Steed
ALLEN GLADE STEED
Defendant

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I am the attorney for ALLEN GLADE STEED, the defendant above, and that I know he\she has read the statement or that I have read it to him\her; I have discussed it with him\her and believe that he\she fully understands the meaning of its contents and is mentally and physically competent. To the best of my knowledge and belief, after an appropriate investigation, the elements of the crime(s) and the factual synopsis of the defendant's criminal conduct are correctly stated; and these, along with the other representations and declarations made by the defendant in the foregoing affidavit, are accurate and true.

Feb 18 2011
Date

James C. Bradshaw
JAMES C. BRADSHAW, No. 3768
Attorney for Defendant

CERTIFICATE OF PROSECUTING ATTORNEY

I certify that I am the attorney for the State of Utah in this case against ALLEN GLADE STEED, defendant. I have reviewed this Statement of Defendant and find that the factual basis of the defendant's criminal conduct which constitutes the offense(s) is true and correct. No improper inducements, threats, or coercion to encourage a plea has been offered defendant. The plea negotiations are fully contained in the Statement in the attached Plea Agreement or as supplemented on the record before the Court. There is reasonable cause to believe that the evidence would support the conviction of defendant for the offense(s) for which the plea is entered and that the acceptance of the plea would serve the public interest.

Feb. 18, 2011
Date

Brock R. Belnap
BROCK R. BELNAP, No. 6179
Prosecuting Attorney


ORDER

Based on the facts set forth in the foregoing Statement and the certification of the defendant and counsel, and based on any oral representations in court, the Court witnesses the signatures and finds that defendant's guilty plea is freely, knowingly, and voluntarily made.

IT IS HEREBY ORDERED, the defendant's guilty plea to Count 1 be accepted and entered; and

IT IS HEREBY ORDERED with regard to Count 2, that the defendant's guilty plea to Count II be accepted and held in abeyance for a period of thirty-six (36) months under the terms set forth in this agreement.

2/18/11
Date


District Court Judge
JUDGE G. RAND BEAHM

