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

JEFFREY D. GASTON,

Plaintiff,

vs.

JASON HALL, an individual, NATALIE
HALL, an individual, GEORGE
SCHLIESSER, an individual, and
WOODCRAFT MILL & CABINET, INC., a
Utah corporation, and BLUFFDALE CITY, a
municipality of the State of Utah,

Defendants.

**PLAINTIFF'S MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
MOTION TO STAY CASE**

Civil No. 230905528

Judge Chelsea Koch

(HEARING REQUESTED)

Plaintiff Jeffrey D. Gaston ("Gaston"), by and through his counsel of record, Scott L. Sackett II of and for YOUNG HOFFMAN, LLC, hereby responds to the Hall Parties' Motion to Stay Case Pending Resolution of Related Criminal Proceedings (the "Motion").

GROUND AND RELIEF REQUESTED

As grounds for this Memorandum in Opposition (the "Opposition"), Plaintiff asserts that of all the named defendants in this action, only one is the subject of criminal proceedings. Application of a stay in this matter is unwarranted as Plaintiff should not be prohibited from

pursuing claims brought, in large part, against defendants with no valid basis for requesting a stay. Further, imposition of a stay will subject Plaintiff to undue prejudice which outweighs any alleged harm the Hall Parties might suffer. Finally, application of the facts of this case to the six-factor test utilized by Courts in determining whether or not to grant a stay weigh in favor of its denial. Accordingly, Plaintiff respectfully requests that this Court deny the Motion in its entirety.

CONCISE STATEMENT OF RELEVANT FACTS

1. Plaintiff filed a complaint in this matter in July 2023. See *Docket* attached hereto as Exhibit “A”.
2. Plaintiff immediately amended the complaint due to an inadvertent error in the caption. *Id.*
3. Plaintiff again amended the complaint in November 2023 to include claims against a governmental entity. See *Second Amended Complaint* (the caption of which has been attached hereto as Exhibit “B”).
4. Plaintiff had to wait to file the *Second Amended Complaint* to allow the 60-day response period afforded under the Governmental Immunity Act to expire. See *Utah Code Ann.* §63G-7-403 et seq.
5. The Complaint asserts claims against five separate defendants. See *Ex. B.*
6. In the Complaint, Plaintiff has alleged the destruction and attempted destruction of evidence relevant to this case. See relevant excerpts of the *Second Amended Complaint*, a copy of which has been attached hereto as Exhibit “C”.
7. Plaintiff has alleged that one or all of the Hall Parties have destroyed or attempted to

destroy evidence responsive to this litigation. *Id.*

8. Plaintiff has alleged that employees of Bluffdale City have destroyed or attempted to destroy evidence responsive to this litigation. *Id.*

9. Plaintiff's claims are asserted against five defendants, only one of which, Defendant Jason Hall ("Defendant Hall"), is the current subject of criminal proceedings. See *Ex. B.*

10. Defendant Hall's criminal proceeding was initiated in June 2022. A copy of the docket in Defendant Hall's criminal proceeding has been attached hereto as Exhibit "D".

11. The proceedings in Defendant Hall's criminal case have been delayed or cancelled numerous times, including but not limited to the following delays:

- Cancellation of scheduling conference 8/2022;
- Motion to continue preliminary hearing 10/2022;
- Motion to continue preliminary hearing 12/2022;
- Motion to continue preliminary hearing 4/2023;
- Cancellation of pretrial conference 4/2023;
- Continuation of pretrial conference 5/2023;
- Cancellation of final pretrial conference 5/2023;
- Cancellation of final pretrial conference 12/2023;
- Cancellation of final pretrial conference 1/2024;
- Cancellation of pretrial conference 5/2024.

Id.

12. The jury trial scheduled in Defendant Hall's criminal proceeding has been continued on multiple occasions, including, for example:

- 12/2023 trial continued;
- 1/2024 trial continued;
- 5/2024 trial continued.

Id.

13. Trial in Defendant Hall's criminal proceeding is now scheduled for June 2024. *Id.*

ARGUMENT

The Hall Parties bear the burden of showing entitlement to the requested stay, and have no constitutional right to a stay of civil proceedings while parallel criminal proceedings are ongoing. A stay is solely a form of discretionary relief. "Determining whether to grant or deny a motion to stay in a civil matter 'until fear of criminal prosecution is gone' is a discretionary matter for the trial court." *Tibbs v. Vaughn*, No. 2:08CV787, 2012 WL 4480360 at *2 (D. Utah September 28, 2012). "When applying for a stay, a party must show 'a clear case of hardship or inequity' if 'even a fair possibility' exists that the stay would damage another party." *Creative Consumer Concepts, Inc. v. Kreiser*, 563 F.3d 1070, 1080 (10th Cir.2009). Here, Defendant Hall is unable to show a clear case of hardship or inequity sufficient to satisfy the legal threshold for granting the Motion nor is he able to show that the prejudice to Plaintiff is outweighed by any harm he might suffer.

I. THE SIX-FACTOR TEST UTILIZED BY COURTS TO DETERMINE WHETHER OR NOT A STAY IS APPROPRIATE WEIGH IN FAVOR OF DENIAL OF THE MOTION

In determining whether to grant or deny a motion to stay, several courts (including Utah courts) have employed a six-factor test in which they weigh: (1) The extent to which issues in the criminal case overlap with those presented in the civil case; (2) The status of the case, including whether the defendant has been indicted; (3) The private interests of the plaintiff in proceeding expeditiously versus the prejudice to plaintiff caused by the delay; (4) The private interests of, and burden on, the defendant; (5) The interests of the Court; and (6) The public's interest. See *In*

re CFS-Related Securities Fraud Litigation, 256 F. Supp.2d 1227 (N.D. Oklahoma 2003).

Plaintiff addresses each of these elements in turn.

A. Overlap of Criminal and Civil Proceedings

Plaintiff does not contest that the civil and criminal proceedings overlap as they arise from the same set of facts and allege similar harm to the Plaintiff. However, this in and of itself is not sufficient to grant a stay. See *Tibbs v. Vaughn*, 2012 WL 440360 and *In re CFS*, 256 F.Supp.2d 1227 (the courts in both of these cases found significant if not identical overlap of the issues in the civil and criminal proceeding yet still denied the request for a stay).

In addition, Plaintiff's claims include factual allegations against the other defendants in this case which stem from separate occurrences outside the scope of the criminal proceeding. While overlap does exist, significant factual events outside the scope of the criminal proceedings are present, and multiple courts have denied motions requesting a stay of civil proceedings despite this factor weighing heavily in favor of the moving party. See *Id.*

B. The Status of Defendant Hall's Criminal Proceeding Does Not Impact the Remaining Defendants in this Matter, and Denial of the Motion is Appropriate.

While Courts often consider whether an indictment in a criminal proceeding has been issued, that alone is not determinative of whether this factor weighs in favor of granting a stay. Defendant Hall's situation is similar to the defendant in *In Re CFS*, where, as in this case, the defendant was already indicted and trial in the criminal matter had been scheduled. See *In Re CFS*, 256 F.Supp.2d 1227. Despite the existing indictment and the already scheduled trial date, the court denied the request for a stay of the civil proceedings after weighing the other factors.

Id.

In fact, courts are split as to the propriety of imposing a stay after a criminal indictment has been filed. See *In Re CFS*, 256 F.Supp.2d at 1238. See also, “*Travelers Cas. & Sur., Inc.*, 2002 WL 844345, at *2 (declining to stay civil proceedings where defendants were under indictment); *Boesky*, 660 F.Supp. at 1496–1500 (declining to stay civil proceedings where defendant was facing sentencing); *Paine, Webber, Jackson & Curtis, Inc. v. Malon S. Andrus, Inc.*, 486 F.Supp. 1118, 1119 (S.D.N.Y.1980) (declining to **impose** a **stay** where defendant was under indictment); with *Travelers Cas. & Sur. Co.*, 2002 WL 844345, at *2 (S.D.N.Y. May 2, 2002) (granting stay where defendants were under indictment and where stay was requested by district attorney); *Transworld Mech., Inc.*, 886 F.Supp. at 1141 (granting stay following indictment of individual defendants); *Volmar Distribs., Inc.*, 152 F.R.D. at 39 (S.D.N.Y.1993).”

Id.

Generally, in the cases where a stay was imposed, the request for stay was made or joined by the prosecuting office (representing a strong public interest) or was unopposed by Plaintiff. *In Re CFS*, 256 F.Supp.2d at 1238. That is not the case here.

While Defendant Hall has been indicted and is scheduled for trial, this case is asserted against multiple other defendants (as in *In Re CFS*), who are not parties to the parallel criminal proceeding. See *In Re CFS*, 256 F.Supp.2d 1227. The status of a criminal proceeding against a sole defendant in a multi-defendant litigation should not prevent Plaintiff from promptly pursuing his claims asserted in his complaint. *Id.* Finally, no prosecuting agency has joined in the Motion, nor does Plaintiff stipulate to the relief requested in the Motion. Presented with similar

facts, the court in *In Re CFS* denied the motion to stay despite the existence of an indictment and a trial date. *Id.* Similarly, the Motion in this case should be denied.

C. Plaintiff has a Clear Interest in the Speedy Resolution of his Civil Claim and a Stay will Cause Significant Prejudice to his Position in this Litigation.

The third factor considered by the court addresses the private interests of the Plaintiff in moving forward with the civil proceedings and the prejudice suffered by Plaintiff in the event a stay is granted. *In Re CFS*, 256 F.Supp.2d at 1238-39. Through the mere act of opposing the Motion, Plaintiff evinces his interest in the prompt resolution of the proceedings. See *DTC Entergy Group, Inc. v. Hirschfeld*, No. 17-cv-01718-PAB-KLM, 2019 WL 9512846 *2 (D. Colorado August 19, 2019). While the Motion alleges a number of purported Plaintiff-driven delays in this matter, Plaintiff has moved forward in the most economical and judicially efficient manner considering the nature of the claims and defendants in this case. See *Concise Statement of Relevant Facts* at ¶¶1-4.

In addition, permitting a stay of this proceeding negates the potential benefit to Plaintiff of the negative inferences obtained should Defendant choose to invoke his Fifth Amendment privilege. See *In Re CFS* 256 F.Supp.2d at 1239. Granting a stay would deprive Plaintiff of his ability to depose the most central figure of this case at the outset of discovery and preclude Plaintiff's right to the negative inferences. See *Id.* Should this Court grant the Motion, and deposition or other discovery against Defendant Hall be delayed, even in the event of a partial stay of this matter, the negative inferences obtained, if any, would be of less impact. *Id.* Plaintiff additionally suffers prejudice through the potential additional destruction of evidence,

which has been pled as a valid concern in this matter. *Concise Statement of Relevant Facts* at ¶¶6-8.

Further, Plaintiff suffers significant prejudice through imposition of a stay with no certain date for resolution of the criminal proceedings. Defendant Hall's criminal case has been delayed regularly through cancellation and continuation of pretrial conferences, scheduling conferences and most recently, the delay, yet again, of trial. *Id* at ¶¶10-13. Trial was originally scheduled for Dember 2023. *Id*. The original trial date was continued and rescheduled for January 2024. *Id*. It was then continued and rescheduled for May 2024. *Id*. It has been continued yet again and rescheduled for June 2024. *Id*. This trial date is four months removed from the date of this Opposition, and there is no guarantee that the trial will not again be delayed for any number of reasons. Requiring Plaintiff to sit by as additional evidence is lost or destroyed enables Defendant Hall to take further advantage of the passage of time, promotes further delay of the criminal proceeding, and prejudices Plaintiff as the memories of witnesses fade and the destruction of additional evidence is possible. As a result, the significant prejudice imposed upon Plaintiff by a stay of this matter dictates denial of the Motion.

D. Any Burden on Defendant Hall Resulting from a Stay is Minimal and may be Alleviated through other Discovery Mechanisms.

The Motion's primary basis for requesting a stay relies on Defendant Hall's possible need to either invoke his Fifth Amendment right or harm his position in the criminal proceeding by testifying in this civil matter. Although "the Fifth Amendment protects a party from self-incrimination; it does not protect someone from having to invoke the right to avoid self-

incrimination in the first place.” *Securities and Exchange Commission v. Kimmel*, No. 19-mc-00113-CMA, 2020 WL 28000813 at *3 (D. Colorado, May 29, 2020). “A defendant has no absolute right not to be forced to choose between testifying in a civil matter and asserting his Fifth Amendment privilege.” *Hirshfeld*, 2019 WL 9512846 *3 (quoting *Creative Consumer Concepts*, 563 F.3d 1070 at 1080). “[W]e believe that the law does not require postponement of civil discovery until fear of prosecution is gone.” *Mid-America’s Process Service v. Ellison*, 767 F.2d 684 (10th Cir.1985). Defendant Hall’s possible need to invoke his Fifth Amendment privilege is not a bar to contemporaneous criminal and civil proceedings.

While this Court must consider the extent “to which [Defendant Hall’s] Fifth Amendment rights are implicated”, that consideration is “only one consideration to be weighed against others. Hence, [a] movant must carry a heavy burden to succeed in such an endeavor.” *Creative Consumer Concepts, Inc.*, 563 F.3d 1070 at 1080; See *Wirth v. Taylor*, No. 2:09-cv-127 TS, 2011 WL 222323 at *1 (D.Utah Jan. 21, 2011). It is entirely possible that Defendant Hall may be forced to choose between testifying in the civil proceeding or invoking his Fifth Amendment privilege. Yet, as referenced above, this alone does not mandate a delay of the civil proceedings. There is no allegation in the Motion that the remaining defendants intend to or will assert any Fifth Amendment privilege, and they are not harmed by the advancement of this litigation.

Another potential concern raised by criminal defendants requesting a stay is the use of civil discovery in the criminal proceedings. In *Tibbs*, the court declined to grant the motion for stay despite the overlapping nature of the criminal and civil proceedings because, in part, the government was not a plaintiff in the civil action, which weighed against a stay “because there is

no risk that the government will use the broad scope of civil discovery to obtain information for its use in the criminal prosecution.” No. 2:08CV787, 2012 WL 4480360 at *2 (D. Utah September 28, 2012); See *United States ex rel. Shank v. Lewis Enters., Inc.*, No. 04-cv-4105-JPG, 2006 WL 1064072 at *4 (S.D.Ill.2006). The same is true here. The State is not a party to this action and there is no risk that it will use the broad scope of civil discovery to further its interests in the criminal case against Defendant Hall.

Finally, the law requires that Defendant Hall “be required to make a specific showing of the harm [he] will suffer without a stay and why other methods of protecting [his] interests are insufficient.” *Hirschfeld*, 2019 WL 9512846 at *3 While the Motion references purported harm that Defendant Hall might suffer, it has failed to consider or even provide any alternate methods of protecting his interests, nor does the Motion identify why the other methods are insufficient to prevent any alleged harm. Absent such a showing, the request for a stay is inappropriate.

E. Interests of this Court in Denying the Motion to Stay

A court generally has an interest in promoting the resolution of the litigation before it. “The Court has a strong interest in keeping litigation moving to conclusion without necessary delay.” *In Re CFS*, 256 F.Supp.2d at 1241. “A policy of freely granting stays solely because a litigant is defending simultaneous multiple suits interferes with judicial administration.” *Id.* at 1242. “The interest of the [Plaintiff] in the expeditious resolution of the lawsuit, and the interest of the Court in efficiently proceeding with the civil case, outweigh any detriment to [the defendant].” *Id.* (citing *Digital Equip. Corp.*, 142 F.R.D. at 14, wherein the court noted the lack of persuasion by defendant’s argument that resolution of the criminal proceedings might

streamline issues for the civil litigation).

The Motion seeks to prevent the prompt resolution of this matter. This case involves multiple defendants and multiple factual allegations unrelated to the criminal proceeding. Resolution of the criminal proceeding will neither narrow the issues in this litigation nor streamline any discovery as many of the parties and allegations in this matter are separate and distinct from those in Defendant Hall's criminal case. It is in the Court's interest to efficiently proceed with the expeditious resolution of the civil matter before it, and the Motion should be denied.

F. Public Interest in Denying the Motion to Stay

The final consideration in the six-factor test utilized by the courts to determine whether a stay is appropriate is the public interest in granting or denying the stay. The public interest favors moving a case toward conclusion and obtaining a "prompt resolution of both civil litigation and the prosecution of criminal cases." *Tibbs*, 2012 WL 4480360 at *2; See *In Re CFS*, 256 F.Supp.2d at 1242. In similar federal actions, the level of the public's interest in granting a stay "is measured by the interest the United States Attorney has in the request for a stay." *Tibbs*, 2012 WL 4480360 at *2. An analogous interpretation of such a holding applied to this case would be the interest that the State of Utah and its prosecutors have in the request for a stay. In similar fashion to *Tibbs*, the prosecuting authority has not joined Defendant Hall's request for a stay, and this factor should weigh significantly in Plaintiff's favor in recognition of the public interest in promoting the prompt resolution of civil cases.

II. NONE OF THE REMAINING DEFENDANTS HAVE ALLEGED ANY PREJUDICE THAT WOULD BE SUFFERED ABSENT ENTRY OF AN ORDER STAYING THIS MATTER

Entirely absent from the Motion is any allegation that the defendants, other than Defendant Hall, will suffer any prejudice should this matter proceed. As a result, and in the alternative, should a stay issue, the stay should be extremely limited in scope. Plaintiff should not be prejudiced as against the remaining defendants as no allegation has been made that the other defendants are harmed by allowing Plaintiff to move forward with this case.

III. OTHER MECHANISMS ARE AVAILABLE TO DEFENDANT HALL IN LIEU OF A STAY

Finally, and also in the alternative, should this Court ultimately decide that absent protection Defendant Hall would be unduly prejudiced, he has other options available to him to obtain the requested relief. “A general stay is just one of several procedures available. Other options may be utilized in lieu of imposing a stay.” *In re CFS*, 256 F.Supp.2d at 1236. Some of these options include protective orders or sealed interrogatories and depositions.

Defendant Hall can avail himself of numerous other remedies available to him, including a request for a protective order, to alleviate any alleged or perceived prejudice or detriment he might suffer.

SUMMARY

The Hall Parties are subject to a “heavy burden” in establishing the right to a stay as requested in the Motion. Defendant Hall fails to meet this burden as he primarily relies on the allegation that he will be forced to invoke his Fifth Amendment privilege or risk harming his

position in the criminal proceedings by testifying in this civil matter. Such a dilemma is not novel, and the courts have consistently found that while this is a factor to consider, it does not bar the continuation of the civil proceedings. The denial of a stay is even more appropriate where there is no risk that the State will benefit from civil discovery, there is no request by the State or stipulation by the Plaintiff to the Motion, and Plaintiff will suffer severe prejudice should a stay issue. A stay of this matter essentially bars Plaintiff from taking any action to protect himself against any additional loss of evidence (an occurrence already alleged in his complaint), promotes delay of the criminal proceedings, results in fading memories, and prevents Plaintiff a swift and efficient resolution of his claims.

Based on the foregoing, and considering the prejudice occasioned on Plaintiff by a stay of these proceedings, the multiple other defendants named in this action that are not subject to criminal proceedings, and the minimal prejudice, if any, suffered by Defendant Hall, the factors referenced above weigh in favor of a denial of the Motion to Stay. Accordingly, Plaintiff respectfully requests that this Court deny the Motion in its entirety.

Dated this 22nd day of February, 2024.

YOUNG HOFFMAN, LLC

By /s/ Scott L Sackett II
Scott L. Sackett II
Attorneys for Plaintiff Jeffrey D. Gaston

CERTIFICATE OF SERVICE

I certify that on this 22nd day of February, 2024, I caused a true copy of the foregoing **Plaintiff's Memorandum in Opposition to Defendants' Motion to Stay Case** to be served via the court's electronic filing system upon the following:

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EXHIBIT A

Case Summary

Last Update: 02/22/2024 02:23 PM MST

Title: JEFFREY D GASTON vs. JASON HALL et al.

Case Number: 230905528 **Status:** active

Case Type: General Civil - Intentional Tort **Filed:** 2023-07-26

Case Location: Salt Lake City District Court

Judge: KOCH, CHELSEA

Plaintiff: GASTON, JEFFREY D
UNKNOWN
Represented By: SCOTT SACKETT

Defendant: BLUFFDALE CITY
UNKNOWN
Represented By: GREGORY HOOLE

Defendant: WOODCRAFT MILL & CABINET INC
UNKNOWN
Represented By: TRINITY JORDAN , AARON CLARK , JORDAN WESTGATE

Defendant: SCHLIESSER, GEORGE
UNKNOWN

Defendant: HALL, JASON
UNKNOWN
Represented By: TRINITY JORDAN , AARON CLARK , JORDAN WESTGATE

Defendant: HALL, NATALIE
UNKNOWN
Represented By: GREGORY HOOLE , TRINITY JORDAN , AARON CLARK , JORDAN WESTGATE

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Docket

Seq. ID	File Date	Docket Type	Document Description
1	07/26/2023 05:17 PM MDT	DOCUMENT	Complaint
	07/26/2023 05:17 PM MDT	ACCOUNT	Fee Account created
	07/26/2023 05:17 PM MDT	ACCOUNT	Fee Payment

2	07/26/2023 05:21 PM MDT	DOCUMENT	Return of Electronic Notification
3	07/27/2023 02:06 PM MDT	DOCUMENT	Amended Complaint First Amended Complaint
4	07/27/2023 02:08 PM MDT	DOCUMENT	Return of Electronic Notification
5	11/15/2023 02:26 PM MST	DOCUMENT	Motion to Amend First Amended Complaint
6	11/15/2023 02:31 PM MST	DOCUMENT	Return of Electronic Notification
7	11/15/2023 03:04 PM MST	DOCUMENT	Request/Notice to Submit Request to Submit for Decision Motion to Amend First Amended Complaint
	11/15/2023 03:04 PM MST	TRACKING	Tracking started -- Request to Submit
8	11/15/2023 03:06 PM MST	DOCUMENT	Return of Electronic Notification
9	12/06/2023 08:17 AM MST	DOCUMENT	Granting Motion to Amend First Amended Complaint
10	12/08/2023 12:09 AM MST	DOCUMENT	Return of Electronic Notification
11	12/11/2023 12:00 PM MST	DOCUMENT	Amended Complaint Second Amended Complaint
12	12/11/2023 12:07 PM MST	DOCUMENT	Return of Electronic Notification
13	12/21/2023 03:42 PM MST	DOCUMENT	Acceptance of Service Acceptance of Service (Bluffdale City)
14	12/21/2023 03:46 PM MST	DOCUMENT	Return of Electronic Notification
	12/27/2023 02:06 PM MST	TRACKING	Tracking ended -- Request to Submit
15	01/26/2024 12:33 PM MST	DOCUMENT	Appearance of Counsel/Notice of Limited Appearance
16	01/26/2024 12:36 PM MST	DOCUMENT	Return of Electronic Notification
17	01/31/2024 08:05 PM MST	DOCUMENT	Motion to Dismiss
18	01/31/2024 08:06 PM MST	DOCUMENT	Return of Electronic Notification
19	02/07/2024 02:49 PM MST	DOCUMENT	Motion to Stay Case Pending Resolution of Related Criminal Proceedings
20	02/07/2024 02:52 PM MST	DOCUMENT	Return of Electronic Notification
21	02/14/2024 11:10 AM MST	DOCUMENT	Motion to Dismiss
22	02/14/2024 11:10 AM MST	DOCUMENT	Ex. A (Notice of Claim)
23	02/14/2024 11:12 AM MST	DOCUMENT	Return of Electronic Notification

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EXHIBIT B

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AGAINST YOU AS REQUESTED**

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

JEFFREY D. GASTON

Plaintiff,

vs.

JASON HALL, an individual, NATALIE
HALL, an individual, GEORGE
SCHLIESSER, an individual,
WOODCRAFT MILL & CABINET, INC.,
a Utah corporation, and BLUFFDALE
CITY, a municipality of the State of Utah,
Defendants.

SECOND AMENDED COMPLAINT

Case No. 230905528

Judge: Chelsea Koch

Tier: 3

Plaintiff Jeffrey D. Gaston (“Gaston”), by and through his counsel of record, Scott L. Sackett II of and for Young Hoffman, LLC, complains against defendants Jason Hall, Natalie Hall, George Schliesser, Woodcraft Mill & Cabinet, Inc., and Bluffdale City (collectively “Defendants”) and for causes of action allege as follows:

THE PARTIES

1. Jeffrey D. Gaston (“Gaston”) is an individual residing in Salt Lake County, State of Utah.
2. Jason Hall (“Mr. Hall”) is an individual residing in Salt Lake County, State of

EXHIBIT C

and communications directed at and delivered to Gaston.

109. Schliesser hid his identity while making the deliveries by, among other things, wearing oversized clothing, wearing a mask, obscuring his license plate, and paying for postage with cash.

110. Schliesser hid his identity at the instruction of the other Hall Defendants.

111. At all times relevant hereto, Schliesser was paid by Woodcraft for the delivery of the packages and/or communications to Gaston.

112. In addition, one or more employees of Woodcraft engaged in the creation of, at least in part, the above-referenced communications and packages which were delivered to, or directed toward, Gaston.

113. Woodcraft's computers and software were used in the creation of threatening communications to Gaston.

114. In approximately November 2021, law enforcement, through its investigation into the unlawful communications received by Gaston, connected Schliesser, Mr. Hall, and Mrs. Hall to the improper and unlawful communications and packages that were sent or directed to Gaston.

115. Upon learning that law enforcement had connected them to the unlawful threats and communications to Gaston, the Hall Defendants destroyed a Woodcraft computer used in the creation of those unlawful threats and communications.

116. The Hall Defendants were aware of the investigation into the criminal actions committed against Gaston.

117. The Hall Defendants were aware that the above referenced computer had

information relevant to the investigation into the criminal conduct committed against Gaston.

118. The destruction of Woodcraft's computer was done to hide the Hall Defendants' unlawful conduct.

119. It was not until approximately November 2021, that Gaston learned that the Hall Defendants were behind the unlawful communications and packages.

120. Upon information and belief, at the very least, the March 5, 2021, and March 8, 2021, e-mails described herein were sent from Woodcraft's server.

121. In approximately July 2022, Mr. Hall was charged with various crimes related to unlawful conduct toward Gaston.

122. The charges were widely reported in various media outlets.

123. The Hall Defendants' actions caused such severe emotional distress to Gaston that he requested a police escort to future Bluffdale meetings.

124. This was especially true once Gaston became aware that the Hall Defendants were the source of the threats as his position as an elected city council member required him to regularly be in contact with some of the Hall Defendants, including Mrs. Hall who had since been elected mayor of Bluffdale.

125. In early July 2022, Mrs. Hall publicly accused Gaston of threatening her, attacking her, wrongly accusing her, and bullying her, creating a hostile workplace.

126. Mrs. Hall made these accusations with her official Bluffdale Mayor account on social media.

127. Mrs. Hall further falsely stated that Mr. Hall had never sent any threatening

162. Bluffdale's request was unlawful and without authority.

163. Bluffdale's demands were intended to impede the investigation into the threatening conduct against Gaston, and to further cast Gaston in a false light.

164. After the first package containing demeaning comments and/or threats against Gaston was delivered to Bluffdale City Hall, Bluffdale, through Reid, demanded that law enforcement not show or produce video footage of the package delivery to Gaston.

165. Bluffdale's instructions were unlawful.

166. Bluffdale's instructions were intended to impede Gaston's ability to determine the source of the threatening communications.

167. As part of the investigation into the threatening communications directed at Gaston, local law enforcement was provided a package directed to Gaston.

168. This package was evidence in law enforcement's investigation into the criminal conduct occasioned on Gaston.

169. Bluffdale demanded that law enforcement turn over the package.

170. Law enforcement gave the package to Reid.

171. Despite Bluffdale's knowledge of the nature of the package as evidence in the investigation regarding the threats made to Gaston, it, through Reid, destroyed the package and its contents.

172. The destruction of the package by Bluffdale was unlawful and was made to impede the investigation into the threats against Gaston.

173. Upon information and belief, Bluffdale, through its management, attempted to

access the law enforcement evidence storage locker located in Bluffdale City Hall.

174. The evidence storage locker could only be accessed by law enforcement.

175. The attempted break-in occurred shortly after a search warrant was served on Schliesser.

176. Upon information and belief, various electronic items and other evidence were obtained from Schliesser and his residence.

177. In addition, upon information and belief, law enforcement found a firearm in Schliesser's residence.

178. As referenced above, Schliesser was employed by Woodcraft, and was complicit in the threatening conduct and communications toward Gaston.

179. Upon information and belief, certain evidence related to the investigation into the threats against Gaston, was stored in the evidence storage locker.

180. At the time of the attempted break-in to the evidence storage locker, the security cameras that surveilled that area were turned off.

181. This was unusual as the surveillance cameras operated 24/7 and were never turned off.

182. Bluffdale management has sole access to its security cameras.

183. Upon information and belief, Bluffdale, through its city management attempted to access the evidence storage locker to impede the investigation into the threats against Gaston.

184. Bluffdale further impeded the investigation into the Hall Defendants' unlawful conduct through improper refusal to comply with lawful GRAMA requests.

185. Bluffdale received GRAMA requests for Mrs. Hall's electronic documents and other electronic information stored on Bluffdale's computers.

186. Bluffdale improperly refused to comply with the lawful GRAMA requests.

187. Bluffdale additionally attempted to hold closed door city council meetings without Gaston.

188. Bluffdale left Gaston out of e-mail chains related to city business.

189. The attempts to hold closed door meetings without Gaston and without notice to Gaston, were unlawful.

190. Bluffdale's failure to include Gaston in communications with city council members related to city business was unlawful.

191. Bluffdale's intended exclusion of Gaston was meant to ostracize him and further cause him emotional distress despite Bluffdale's knowledge of the threats received by Gaston.

192. Bluffdale further caused Gaston to be cast in a false light to numerous Bluffdale residents as well as in front of various media outlets.

193. As of the date of the Meeting referenced herein, criminal charges had been levied against Mr. Hall for his participation in the threatening conduct occasioned upon Gaston.

194. During the Meeting, numerous Bluffdale residents attempted to ask questions of Mrs. Hall.

195. Mrs. Hall refused to respond, stating that she, the city council, and Bluffdale management were there to simply listen to the complaints posed by Bluffdale residents.

196. During the Meeting, as more fully described above, Mrs. Hall improperly and

EXHIBIT D

3RD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH ATTORNEY GENERAL vs. JASON CHRISTOPHER HALL

CASE NUMBER 221906445 State Felony

CHARGES

Charge 1 - 76-8-313 - THREATEN ELECTED OFFICIALS - 3rd Degree Felony

Offense Date: August 14, 2021

Location: Salt Lake

Plea: February 14, 2023 Not Guilty

Mandatory Appearance

Charge 2 - 76-5-106.5 - STALKING - Class A Misdemeanor

Offense Date: March 01, 2021

Location: Salt Lake

Plea: February 14, 2023 Not Guilty

Mandatory Appearance

Charge 3 - 76-8-104 - THREATS TO INFLUENCE OFFICIAL ACTION - Class A Misdemeanor

Offense Date: March 05, 2021

Location: Salt Lake

Plea: February 14, 2023 Not Guilty

Mandatory Appearance

CURRENT ASSIGNED JUDGE

PAUL B PARKER

PARTIES

Plaintiff - STATE OF UTAH ATTORNEY GENERAL

Represented by: STEVEN WUTHRICH

Represented by: HEATHER WAITE-GROVER

Defendant - JASON CHRISTOPHER HALL

Represented by: TRINITY JORDAN

Represented by: D LOREN WASHBURN

Represented by: JACOB LEE

Represented by: AARON CLARK

DEFENDANT INFORMATION

Defendant Name: JASON CHRISTOPHER HALL

Offense Tracking Number: 53719126

Date of Birth: January 22, 1975

Law Enforcement Agency: ATTORNEY GENERAL

LEA Case Number: 2021-699

Prosecuting Agency: ATTORNEY GENERAL

Agency Case Number: 2021-699

Violation Date: 03-01-2021

ACCOUNT SUMMARY

Total Revenue Amount Due:	75.00
Amount Paid:	75.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: ELEC STORAGE MEDIUM

Original Amount Due:	30.00
Amended Amount Due:	30.00
Amount Paid:	30.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

06-30-2022 Filed: INFORMATION/INDICTMENT
06-30-2022 Filed: SUMMONS - TO ISSUE (PROPOSED)
06-30-2022 Case filed by efiler
06-30-2022 Filed: From an Information
06-30-2022 Judge PAUL B PARKER assigned.
07-13-2022 NOTICE for Case 221906445 ID 22915252
Judge: ARRAIGNMENT ARR
INITIAL APPEARANCE/SUMMONS is scheduled.
Date: 08/08/2022
Time: 02:00 p.m.
Location: FAC - S31
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: ARRAIGNMENT ARR

07-13-2022 INITIAL APPEARANCE/SUMMONS scheduled on August 08, 2022 at 02:00 PM in FAC - S31 with Judge ARRAIGNMENT ARR
07-13-2022 Filed: Notice for Case 221906445 FS Judge: ARRAIGNMENT ARR
07-13-2022 Issued: Summons Issued
Clerk DENICE RICHARDS
07-13-2022 Filed: Return of Electronic Notification
07-13-2022 Filed: Appearance of Counsel/Notice of Limited Appearance
Notice of Appearance as Counsel of Record and Request for Discovery
07-13-2022 Filed: Return of Electronic Notification
07-14-2022 Filed: Return of Electronic Notification
07-19-2022 Filed: Certificate of Service of State of Utahs Mandatory Disclosures
07-19-2022 Filed: Return of Electronic Notification
08-04-2022 Filed: Certificate of Service of State of Utahs First Supplemental Disclosure
08-04-2022 Filed: Return of Electronic Notification
08-08-2022 Minute Entry - INITIAL APPEARANCE
Judge: ROYAL I HANSEN
PRESENT
Clerk: anniej
Prosecutor: STEVEN WUTHRICH
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): D LOREN WASHBURN
Audio
Tape Number: S31 Tape Count: 1.52
INITIAL APPEARANCE
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
HEARING
Defendant has been booked and released and has given the court the completion form.
SCHEDULING CONFERENCE 1 is scheduled.
Date: 08/29/2022
Time: 09:00 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER
CUSTODY
The defendant is not in custody.
08-08-2022 Cancelled: SCHEDULING CONFERENCE 1 scheduled on August 29, 2022 at 09:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
08-08-2022 Filed: Court Ordered Fingerprint Completion Form
08-09-2022 Filed: Return of Electronic Notification
08-16-2022 NOTICE for Case 221906445 ID 23006813
08-16-2022 NOTICE for Case 221906445 ID 23006814
Date:
The reason for the change is Stipulation of counsel
08-16-2022 SCHEDULING CONFERENCE 2 scheduled on September 12, 2022 at 09:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
08-17-2022 Filed: Return of Electronic Notification

08-17-2022 Filed: Certificate of Service of State of Utahs Second Supplemental Disclosure
08-17-2022 Filed: Return of Electronic Notification
09-07-2022 Filed: Certificate of Service of State of Utahs Third Supplemental Disclosure
09-07-2022 Filed: Return of Electronic Notification
09-08-2022 Filed: Request/Notice to Submit Motion Requesting Scheduled Conference Be Held Via WebEx
09-08-2022 Filed: Motion Requesting Scheduled Conference Be Held Via WebEx
Filed by: STATE OF UTAH ATTORNEY GENERAL
09-08-2022 Filed: Order (Proposed) Granting Motion Requesting Scheduled Conference Be Held Via WebEx
09-08-2022 Filed: Return of Electronic Notification
09-08-2022 Filed order: Order Granting Motion Requesting Scheduled Conference Be Held Via WebEx
Judge PAUL B PARKER
Signed September 08, 2022
09-08-2022 Filed: Return of Electronic Notification
09-12-2022 Cancelled: PRELIMINARY HEARING scheduled on November 01, 2022 at 10:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
09-12-2022 Minute Entry - SCHEDULING CONFERENCE
Judge: PAUL B PARKER
PRESENT
Clerk: barbaran
Prosecutor: STEVEN WUTHRICH
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): TRINITY JORDAN
Audio
Tape Number: S34 Tape Count: 9.19-9.21
HEARING
A preliminary hearing is set at the stipulation of counsel.
PRELIMINARY HEARING is scheduled.
Date: 11/01/2022
Time: 10:00 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER
09-12-2022 Filed: Certificate of Service of State of Utahs Fourth Supplemental Disclosure
09-12-2022 Filed: Return of Electronic Notification
09-13-2022 Filed: Return of Electronic Notification
09-13-2022 Filed: Certificate of Service of State of Utahs Fifth Supplemental Disclosure
09-13-2022 Filed: Return of Electronic Notification
09-21-2022 Filed: Notice of Service
09-21-2022 Filed: Return of Electronic Notification
10-06-2022 Filed: Certificate of Service for State of Utahs Sixth Supplemental Disclosure
10-06-2022 Filed: Return of Electronic Notification
10-11-2022 Filed return: Return of Service Acceptance of Service of Subpoena to Appear - G. Schliesser
Party Served: STATE OF UTAH ATTORNEY GENERAL

Service Type: Mail

Service Date: October 04, 2022

Garnishee:

10-11-2022 Filed: Return of Electronic Notification
10-11-2022 Filed: Subpoena to Appear - G. Schliesser
10-11-2022 Filed: Return of Electronic Notification
10-11-2022 Filed: Motion For Custodial Transport of Inmate George M. Schliesser to Preliminary Hearing

Filed by: STATE OF UTAH ATTORNEY GENERAL

10-11-2022 Filed: Return of Electronic Notification
10-11-2022 Filed: Order (Proposed) For Transport
10-11-2022 Filed: Return of Electronic Notification
10-11-2022 Filed: Request/Notice to Submit
10-11-2022 Filed: Return of Electronic Notification
10-11-2022 Filed order: Order For Transport

Judge PAUL B PARKER

Signed October 11, 2022

10-11-2022 Filed: Return of Electronic Notification
10-13-2022 Filed: Certificate of Service of State of Utahs Seventh Supplemental Disclosure
10-13-2022 Filed: Return of Electronic Notification
10-18-2022 Filed: Motion Stipulated Motion for Protective Order

Filed by: JASON CHRISTOPHER HALL

10-18-2022 Filed: Protective Order (Proposed) Order Granting Stipulated Motion for Protective Order
10-18-2022 Filed: Request/Notice to Submit RE: Stipulated Motion for Protective Order
10-18-2022 Filed: Return of Electronic Notification
10-19-2022 Filed protective order: Protective Order Order Granting Stipulated Motion for Protective Order

Judge PAUL B PARKER

Signed October 19, 2022

10-19-2022 Filed: Return of Electronic Notification
10-20-2022 **** PRIVATE **** Filed: Stipulation on Motion to Continue Preliminary Hearing
10-20-2022 Filed: Order (Proposed) on Granting Stipulated Motion to Continue Preliminary Hearing
10-20-2022 Filed: Return of Electronic Notification
10-20-2022 Filed: Return of Electronic Notification
10-20-2022 Filed: Request/Notice to Submit
10-20-2022 Filed: Return of Electronic Notification
10-21-2022 Filed order: Order on Granting Stipulated Motion to Continue Preliminary Hearing

Judge PAUL B PARKER

Signed October 21, 2022

10-21-2022 Filed: Return of Electronic Notification
10-21-2022 NOTICE for Case 221906445 ID 23191771
10-21-2022 NOTICE for Case 221906445 ID 23191772

Date:

The reason for the change is Court Ordered

10-21-2022 Rescheduled: PRELIMINARY HEARING rescheduled to December 06, 2022 at 09:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
10-26-2022 Filed: Amended Subpoena to Appear - G. Schliesser
10-26-2022 Filed: Return of Electronic Notification

10-26-2022 Filed: Amended Motion for Custodial Transport of Inmate G. Schliesser to Prelim Hearing

10-26-2022 Ruling Entry - RULING

Judge: PARKER, PAUL B

Before this court is the State's Amended Motion for Custodial Transport of Inmate George M. Schliesser to Preliminary Hearing. The Motion is GRANTED. The State will prepare the needed order for the court's signature. Please include complete identifying information included any inmate numbers, etc. so the correct inmate can be ordered

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 221906445 by the method and on the date specified.

EMAIL: TRINITY JORDAN TJORDAN@ATLLP.COM

EMAIL: D LOREN WASHBURN LWASHBURN@ATLLP.COM

EMAIL: EMILY NUVAN ENUVAN@ATLLP.COM

EMAIL: STEVEN WUTHRICH SWUTHRICH@AGUTAH.GOV

10/26/22

/s/

AUSTIN MELINE

Date: _____

Signature

10-26-2022 Filed order: RULING

Judge PAUL B PARKER

Signed October 26, 2022

10-26-2022 Filed: Order (Proposed) Amended Transport Order

10-26-2022 Filed: Return of Electronic Notification

10-26-2022 Filed order: Order Amended Transport Order

Judge PAUL B PARKER

Signed October 26, 2022

10-26-2022 Filed: Request/Notice to Submit

10-26-2022 Filed: Return of Electronic Notification

10-26-2022 Filed: Return of Electronic Notification

10-26-2022 Filed: Return of Electronic Notification

10-27-2022 Filed: Return of Electronic Notification

11-02-2022 Filed: Certificate of Service of State of Utahs Eighth Supplemental Disclosure

11-02-2022 Filed: Return of Electronic Notification

11-03-2022 Filed: Return of Service- Acceptance of Service of Subpoena to Appear - G. Schliesser

11-03-2022 Filed: Return of Electronic Notification

11-08-2022 Filed: Certificate of Service of State of Utahs Ninth Supplemental Disclosure

11-08-2022 Filed: Return of Electronic Notification

11-18-2022 Filed: Notice of Withdrawal of Counsel

11-18-2022 Filed: Return of Electronic Notification

11-22-2022 Filed return: Return of Service - Bruce Kartchner

Party Served: STATE OF UTAH ATTORNEY GENERAL

Service Type: Mail

Service Date: November 17, 2022

Garnishee:

11-22-2022 Filed: Subpoena to Appear and Subpoena Duces Tecum
11-22-2022 Filed: Return of Electronic Notification
11-22-2022 Filed return: Return of Service - Acceptance of Service of
Subpoena to Appear at Preliminary Hearing - Tyson Downey
Party Served: STATE OF UTAH ATTORNEY GENERAL
Service Type: Mail
Service Date: November 22, 2022
Garnishee:
11-22-2022 Filed: Subpoena to Appear at Preliminary Hearing
11-22-2022 Filed: Return of Electronic Notification
11-22-2022 Filed: Certificate of Service for State of Utahs Tenth
Supplemental Disclosure
11-22-2022 Filed: Return of Electronic Notification
11-22-2022 Filed: Exhibit 1
11-22-2022 Filed: Exhibit 2
11-22-2022 Filed: Motion to Quash Subpoena
11-22-2022 Filed: Return of Electronic Notification
11-23-2022 Filed: Appearance of Counsel/Notice of Limited Appearance
Notice of Appearance
11-23-2022 Filed: Return of Electronic Notification
11-29-2022 Filed: Motion to Compel Compliance of Subpoena to Testify
Filed by: JASON CHRISTOPHER HALL
11-29-2022 Filed: Return of Electronic Notification
11-29-2022 Filed: Order (Proposed) Denying the States Motion to Quash and
Granting Defendants Motion to Compel Compliance pf Subpoena to
Testify
11-29-2022 Filed: Return of Electronic Notification
11-29-2022 Filed: Request/Notice to Submit Request To Submit
11-29-2022 Filed: Return of Electronic Notification
11-30-2022 Ruling Entry - RULING
Judge: PARKER, PAUL B

Before this court are the State's Motion to Quash the Defendant's subpoena requiring the alleged victim in this case to appear and testify at the upcoming preliminary hearing and the Defendant's Motion to Compel compliance with the same subpoena. Both motions argue whether or not the Defendant's subpoena should be quashed.

The motions are governed by State v. Lopez, 2020 UT 61, 747 P.3d. 949. In Lopez, the Supreme Court found that a criminal defendant's right to subpoena a witness at a preliminary hearing was not absolute. Rather a defendant's subpoena to the alleged victim of a crime could be quashed if it was unreasonable. Id. at paragraph 42. Furthermore, a subpoena to an alleged victim is per se unreasonable when it seeks testimony that is immaterial to the probable-cause determination. Id. at paragraph 53. The decision whether or not to quash should be made after the prosecution has presented its case. Id. at paragraph 54. If the State has presented sufficient evidence to establish probable cause, then the magistrate can decide if the proposed subpoena is unreasonable. Id. A subpoena to an alleged victim can be reasonable if a defendant shows that additional live testimony from the alleged victim is necessary to present evidence material to the probable-cause determination, that is reasonably likely to defeat the State's showing of probable cause. Id.

Defendant states that the primary purpose in calling the alleged victim is because live testimony will demonstrate that the alleged assault and threats did not occur and that the alleged victim has motive to fabricate his testimony. This is nothing more than a challenge to the credibility of the alleged victim's testimony and would not be sufficient to stop the magistrate from finding probable cause that the crimes occurred and probable cause that the Defendant committed those crimes. However, that determination must be made after the State presents their evidence and only if the magistrate finds the evidence supports a prima facie showing of probable cause.

The State's Motion to Quash the Defendant's subpoena for the alleged victim to testify at the preliminary hearing is GRANTED. Defendant may make another motion for a subpoena after the State has presented its case. Defendant's requested second subpoena, for certain records, was not addressed by either parties in argument or motion and is not part of this ruling.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 221906445 by the method and on the date specified.

EMAIL: TRINITY JORDAN TJORDAN@ATLLP.COM

EMAIL: D LOREN WASHBURN LWASHBURN@ATLLP.COM

EMAIL: JACOB LEE JACOBREXLEE@GMAIL.COM

EMAIL: STEVEN WUTHRICH SWUTHRICH@AGUTAH.GOV

AUSTIN MELINE

12/01/22

/s/

Date: _____

Signature

12-01-2022 Filed order: RULING

Judge PAUL B PARKER

Signed December 01, 2022

12-02-2022 Filed: Return of Electronic Notification
12-06-2022 Filed: Motion Expedited Motion to Continue the Preliminary Hearing
Filed by: JASON CHRISTOPHER HALL
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 Filed: Order (Proposed) Granting Expedited Motion to Continue the Preliminary Hearing
12-06-2022 Filed: Request/Notice to Submit
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 Filed: Motion To Cancel Transport Order
Filed by: STATE OF UTAH ATTORNEY GENERAL
12-06-2022 Filed: Order (Proposed) To Cancel Transport Order
12-06-2022 Filed: Request/Notice to Submit Expedited Motion To Cancel Transport Order
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 Filed order: Order To Cancel Transport Order
Judge PAUL B PARKER
Signed December 06, 2022
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 Filed order: Order Granting Expedited Motion to Continue the Preliminary Hearing
Judge PAUL B PARKER
Signed December 06, 2022
12-06-2022 Filed: Return of Electronic Notification
12-06-2022 PRELIMINARY HEARING 2 scheduled on February 14, 2023 at 09:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
12-06-2022 Minute Entry - PRELIMINARY HEARING/CONT.
Judge: PAUL B PARKER
PRESENT
Clerk: barbaran
Prosecutor: STEVEN WUTHRICH
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): TRINITY JORDAN
Audio
Tape Number: S34 Tape Count: 10.03-10.05
HEARING
Court grants the motion of Defense to continue the preliminary hearing without objection due to illness.
PRELIMINARY HEARING 2 is scheduled.
Date: 02/14/2023
Time: 09:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER
12-07-2022 Filed: Return of Electronic Notification
12-08-2022 Filed: Certificate of Compliance
12-08-2022 Filed: Return of Electronic Notification
12-08-2022 Filed: Certificate of Service of State of Utahs Eleventh Supplemental Disclosure
12-08-2022 Filed: Return of Electronic Notification

12-16-2022 Filed return: Return of Service for George Schliesser
Party Served: STATE OF UTAH ATTORNEY GENERAL
Service Type: Personal
Service Date: December 14, 2022
Garnishee:

12-16-2022 Filed: Subpoena to Appear At Preliminary Hearing - George Schliesser

12-16-2022 Filed: Return of Electronic Notification

01-03-2023 Filed return: Return of Service - Acceptance of Service of Subpoena to Appear at Preliminary Hearing - T. Russell
Party Served: STATE OF UTAH ATTORNEY GENERAL
Service Type: Personal
Service Date: December 29, 2022
Garnishee:

01-03-2023 Filed: Subpoena to Appear at Preliminary Hearing T. Russell

01-03-2023 Filed: Return of Electronic Notification

01-05-2023 Filed: Notice of Change of Address

01-05-2023 Filed: Return of Electronic Notification

01-24-2023 Filed: Notice of Change of Firm Affiliation

01-24-2023 Filed: Return of Electronic Notification

02-13-2023 Filed: Appearance of Counsel/Notice of Limited Appearance

02-13-2023 Filed: Return of Electronic Notification

02-14-2023 Cancelled: PRETRIAL CONFERENCE 1 scheduled on April 10, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered

02-14-2023 Minute Entry - PRELIMINARY HEARING/ARRAIGNMENT
Judge: PAUL B PARKER
PRESENT
Clerk: barbaran
Prosecutor: STEVEN WUTHRICH
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): TRINITY JORDAN
Defendant's Attorney(s): AARON CLARK
Audio
Tape Number: S34 Tape Count: 10.00-12.24
ARRAIGNMENT
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Defendant is arraigned.
HEARING

10:00 Matter is before the Court for a preliminary hearing. Discussion ensues regarding State's exhibits.

10:03 Matter is passed to allow time for the State to organize and number exhibits.

10:22 State's exhibits 1, 2, 5, and 9-14 are offered and received

10:24 State's exhibit III is offered and received.

Defendant's exhibit 1 is offered and received.

10:29 Matter is passed to allow time for the Court to review exhibits.

11:15 Matter is recalled. State's witness, T. Russell, is sworn and testifies.

11:21 State's exhibit I is offered and received.

11:22 State's exhibit II is offered and received.

11:24 State's exhibit IV is offered and received.

11:27 State's exhibit V is offered and received.

11:27 Defense on cross-examination.

12:03 Defense exhibits A and B are offered and received.

12:08 State re-directs.

12:09 The defendant waives his right to testify on his own behalf.

12:10 State provides arguments.

12:14 Defense counsel provides arguments.

12:18 The Court finds the State has met its burden, finds probable cause, and binds this case over. State and Defense counsel withdraw exhibits. Defendant waives reading of the information. Defendant is arraigned and enters pleas of not guilty on all charges.

PRETRIAL CONFERENCE 1 is scheduled.

Date: 04/10/2023

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

02-14-2023 Filed order: PRELIMINARY HEARING/ARRAIGNMENT

Judge PAUL B PARKER

Signed February 14, 2023

02-14-2023 Final Exhibit List

02-14-2023 Minute Entry - AMENDED: PRELIMINARY HEARING/ARRAIGNMENT

Judge: PAUL B PARKER

PRESENT

Clerk: barbaran

Prosecutor: STEVEN WUTHRICH

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): TRINITY JORDAN

Defendant's Attorney(s): AARON CLARK

Audio

Tape Number: S34 Tape Count: 10.00-12.24

ARRAIGNMENT

A copy of the Information is given to the defendant.

Defendant waives reading of Information.

Defendant is arraigned.

HEARING

10:00 Matter is before the Court for a preliminary hearing. Discussion ensues regarding State's exhibits.

10:03 Matter is passed to allow time for the State to organize and number exhibits.

10:22 State's exhibits 1, 2, 5, and 9-14 are offered and received

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11:24 State's exhibit IV is offered and received.

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12:03 Defense exhibits A and B are offered and received.

12:08 State re-directs.

12:09 The defendant waives his right to testify on his own behalf.

12:10 State provides arguments.

12:14 Defense counsel provides arguments.

12:18 The Court finds the State has met its burden, finds probable cause, and binds this case over. State and Defense counsel withdraw exhibits. Defendant waives reading of the information. Defendant is arraigned and enters pleas of not guilty on all charges.

PRETRIAL CONFERENCE 1 is scheduled.

Date: 04/10/2023

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

02-14-2023 Filed order: AMENDED: PRELIMINARY HEARING/ARRAIGNMENT

Judge PAUL B PARKER

Signed February 14, 2023

02-14-2023 Filed: Preliminary Hearing Exhibit List

02-15-2023 Filed: Return of Electronic Notification

02-15-2023 Fee Account created Total Due: 15.00

02-15-2023 ELEC STORAGE MEDIUM Payment Received: 15.00

02-20-2023 Filed: Return of Electronic Notification

02-21-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 02-14-2023

02-22-2023 Filed: Return of Electronic Notification

03-07-2023 Filed: Motion For Good Cause Disclosures

Filed by: STATE OF UTAH ATTORNEY GENERAL

03-07-2023 Filed: Return of Electronic Notification

03-14-2023 Filed: Reply Defendants Response to Motion for Good Cause Disclosures

03-14-2023 Filed: Return of Electronic Notification

03-20-2023 Filed: Notice of Intent to Serve Subpoenas Duces Tecum

03-20-2023 Filed: Return of Electronic Notification

03-21-2023 Filed: Reply Memorandum In Support Of Good Cause Disclosure Order

03-21-2023 Filed: Return of Electronic Notification

03-21-2023 Filed: Certificate of Service of State of Utahs Twelfth Supplemental Disclosure

03-21-2023 Filed: Return of Electronic Notification

03-21-2023 Filed: Acceptance of Service - Subpoena Duces Tecum (John

Roberts)
03-21-2023 Filed: Return of Electronic Notification
03-22-2023 Filed: Certificate of Compliance
03-22-2023 Filed: Return of Electronic Notification
03-23-2023 Filed: Notice of Intent to Serve Subpoena Duces Tecum (Greg Hartley)
03-23-2023 Filed: Return of Electronic Notification
03-27-2023 Filed: Return of Service - Subpoena Duces Tecum (Kelly Burtoch)
03-27-2023 Filed: Return of Service - Subpoena Duces Tecum (Wayne Mortimer)
03-27-2023 Filed: Return of Electronic Notification
03-27-2023 Filed: Amended Certificate of Service
03-27-2023 Filed: Return of Electronic Notification
03-27-2023 Filed: Acceptance of Service - Subpoena Duces Tecum (Jeffrey Gaston)
03-27-2023 Filed: Return of Electronic Notification
03-29-2023 Filed: Return of Service - Subpoena Duces Tecum (Connie Pavlakis)
03-29-2023 Filed: Return of Electronic Notification
03-30-2023 Filed: Notice of Intent To Serve Subpoena Duces Tecum
03-30-2023 Filed: Return of Electronic Notification
03-30-2023 Filed: Amended Notice of Intent To Serve Subpoena Duces Tecum
03-30-2023 Filed: Return of Electronic Notification
04-03-2023 Filed: Return of Service - Subpoena Duces Tecum (Bluffdale City Police Department)
04-03-2023 Filed: Return of Electronic Notification
04-04-2023 Filed: Return of Service - Woodcraft Mill Cabinet Inc.
04-04-2023 Filed: Return of Electronic Notification
04-05-2023 Filed: Order (Proposed) Granting Stipulated Motion to Continue Pretrial Conference
04-05-2023 Filed: Request/Notice to Submit
04-05-2023 **** PRIVATE **** Filed: Stipulation Motion to Continue Pretrial Conference
04-05-2023 Filed: Return of Electronic Notification
04-05-2023 Filed: Return of Service - Subpoena Duces Tecum (Nick Stidham)
04-05-2023 Filed: Return of Electronic Notification
04-06-2023 Filed order: Order Granting Stipulated Motion to Continue Pretrial Conference
Judge PAUL B PARKER
Signed April 06, 2023
04-06-2023 Filed: Return of Electronic Notification
04-06-2023 Cancelled: PRETRIAL CONFERENCE 2 scheduled on May 15, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
04-12-2023 Filed: Certificate of Service of State Thirteenth Supplemental Disclosure
04-12-2023 Filed: Return of Electronic Notification
04-12-2023 Filed: Return of Service - Subpoena Duces Tecum (Greg Hartley)
04-12-2023 Filed: Return of Electronic Notification
04-12-2023 Filed: Return of Service - Jazmine Beeny (Subpoena Duces Tecum)
04-12-2023 Filed: Return of Electronic Notification
05-04-2023 Filed: Notice of Intent to Serve Subpoena Duces Tecum (Jeff Gaston)
05-04-2023 Filed: Return of Electronic Notification
05-04-2023 Filed return: Acceptance of Service Subpoena Duces Tecum (Jeff

Gaston)

Party Served: JEFF GASTON, C/O: SCOTT L. SACKETT, ATTO

Service Type:

Service Date: May 04, 2023

Garnishee:

05-04-2023 Filed: Return of Electronic Notification
05-08-2023 Filed: Notice of Intent to Serve Subpoena Duces Tecum (Jazmine Beeny)
05-08-2023 Filed: Return of Electronic Notification
05-08-2023 Filed: Acceptance of Service - Subpoena Duces Tecum (Jazmine Beeny)
05-08-2023 Filed: Return of Electronic Notification
05-09-2023 Filed: Motion to continue pretrial conference
Filed by: JASON CHRISTOPHER HALL
05-09-2023 Filed: Order (Proposed) Proposed Oder
05-09-2023 Filed: Request/Notice to Submit
05-09-2023 Filed: Return of Electronic Notification
05-11-2023 Filed: Certificate of Service of State of Utahs Fourteenth Supplemental Disclosure
05-11-2023 Filed: Return of Electronic Notification
05-12-2023 Filed: Motion Stipulated Motion to Continue Pretrial Conference
Filed by: JASON CHRISTOPHER HALL
05-12-2023 Filed: Notice of Errata
05-12-2023 Filed: Order (Proposed) Granting the Stipulated Motion to Continue Pretrial Conference
05-12-2023 Filed: Return of Electronic Notification
05-12-2023 Filed: Other - Not Signed Order (Proposed) Order
05-12-2023 Filed: Return of Electronic Notification
05-15-2023 Filed order: Order Granting the Stipulated Motion to Continue Pretrial Conference
Judge PAUL B PARKER
Signed May 15, 2023
05-15-2023 PRETRIAL CONFERENCE 2 scheduled on July 17, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
05-15-2023 Filed: Return of Electronic Notification
05-25-2023 **** PRIVATE **** Filed: Motion Ex Parte Motion for Alternative Service
05-25-2023 Filed: Order (Proposed) Granting Ex Parte Motion for Alternative Service
05-25-2023 Filed: Request/Notice to Submit
05-25-2023 **** PRIVATE **** Filed: Motion to Classify Ex Parte Motion to Classify Ex Parte Motion for Alternative Service as Private
05-25-2023 **** PRIVATE **** Filed: Order (Proposed) Granting Ex Parte Motion to Classify Ex Parte Motion for Alternative Service as Private
05-25-2023 **** PRIVATE **** Filed: Request/Notice to Submit Re: Ex Parte Motion to Classify Ex Parte Motion for Alternative Service as Private
05-25-2023 Filed: Return of Electronic Notification
05-25-2023 Filed: Return of Electronic Notification
05-26-2023 Filed order: Order Granting Ex Parte Motion to Classify Ex Parte Motion for Alternative Service as Private
Judge PAUL B PARKER
Signed May 26, 2023
05-26-2023 Filed: Return of Electronic Notification
05-26-2023 Filed order: Order Granting Ex Parte Motion for Alternative

Service

Judge PAUL B PARKER

Signed May 26, 2023

05-26-2023 Filed: Return of Electronic Notification
05-26-2023 Filed: Affidavit/Declaration Declaration of Compliance with Subpoena
05-26-2023 Filed: Return of Electronic Notification
06-20-2023 Filed: Certificate of Service of State of Utahs Fifteenth Supplemental Disclosure
06-20-2023 Filed: Return of Electronic Notification
07-17-2023 Cancelled: MOTION TO SUPPRESS scheduled on August 24, 2023 at 09:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
07-17-2023 Cancelled: FINAL PRETRIAL CONFERENCE scheduled on November 20, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
07-17-2023 Cancelled: JURY SELECTION scheduled on December 06, 2023 at 08:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
07-17-2023 Cancelled: JURY TRIAL scheduled on December 07, 2023 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
07-17-2023 Cancelled: JURY TRIAL scheduled on December 08, 2023 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
07-17-2023 Minute Entry - PRETRIAL CONFERENCE

Judge: PAUL B PARKER

PRESENT

Clerk: barbaran

Prosecutor: STEVEN WUTHRICH

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): AARON CLARK

Audio

Tape Number: S34 Tape Count: 2.24-2.28

HEARING

Jury trial dates are scheduled at the stipulation of counsel. Defense counsel informs the Court they will be filing motions to suppress. The Court orders Defense counsel to file motions by 8/14/23. Defense counsel is further ordered to provide reciprocal discovery to the State by 8/31/23. A special-set motions hearing is set at the stipulation of counsel.

MOTION TO SUPPRESS is scheduled.

Date: 08/24/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 11/20/2023

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY SELECTION is scheduled.

Date: 12/06/2023
Time: 08:00 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL is scheduled.

Date: 12/07/2023
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 12/08/2023
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

07-17-2023 Filed: Return of Electronic Notification
07-21-2023 Filed: Additional Declaration of Compliance with Subpoena
07-21-2023 Filed: Call Log - Redacted
07-21-2023 Filed: Return of Electronic Notification
08-14-2023 Filed: Motion to Suppress Data Retrieved from Cell Phone
Filed by: JASON CHRISTOPHER HALL
08-14-2023 Filed: Motion to Suppress Statements
Filed by: JASON CHRISTOPHER HALL
08-14-2023 Filed: Return of Electronic Notification
08-14-2023 Filed: Motion to Dismiss Counts Two and Three of the
Information
Filed by: JASON CHRISTOPHER HALL
08-14-2023 Filed: Return of Electronic Notification
08-18-2023 Filed: Motion Stipulated Motion to Strike August 24, 2023
Hearing and Extension of Response Deadlines
Filed by: JASON CHRISTOPHER HALL
08-18-2023 Filed: Order (Proposed) Granting Stipulated Motion to Strike
August 24, 2023 Hearing and Extension of Response Deadlines
08-18-2023 Filed: Request/Notice to Submit Re: Stipulated Motion to Strike
August 24, 2023 Hearing and Extension of Response Deadlines
08-18-2023 Filed: Return of Electronic Notification
08-21-2023 Filed order: Order Granting Stipulated Motion to Strike August
24, 2023 Hearing and Extension of Response Deadlines
Judge PAUL B PARKER
Signed August 21, 2023
08-21-2023 Filed: Return of Electronic Notification
08-21-2023 Modified: MOTION TO DISMISS scheduled on September 08, 2023 at
03:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
08-25-2023 Cancelled: FINAL PRETRIAL CONFERENCE 2 scheduled on November
20, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B
PARKER

08-25-2023 NOTICE for Case 221906445 ID 23959426
Judge: PAUL B PARKER
FINAL PRETRIAL CONFERENCE 1 is scheduled.
Date: 11/13/2023
Time: 01:00 p.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

08-25-2023 Cancelled: FINAL PRETRIAL CONFERENCE 1 scheduled on November 13, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: For Calendaring Purposes

08-25-2023 NOTICE for Case 221906445 ID 23959435
Judge: PAUL B PARKER
FINAL PRETRIAL CONFERENCE 1.
Date: 11/13/2023
Time: 01:00 p.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER
The reason for the change is For Calendaring Purposes

08-25-2023 Cancelled: FINAL PRETRIAL CONFERENCE 1 scheduled on November 13, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER

08-25-2023 Filed: Notice for Case 221906445 FS Judge: PAUL B PARKER

08-25-2023 Filed: Notice for Case 221906445 FS Judge: PAUL B PARKER

08-25-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Memorandum In Opposition To Defendants Motion To Dismiss Counts 2 And 3 Of The Information

08-30-2023 Filed: Ex. A Jeff Gaston 1102 Decl.

08-30-2023 Filed: Ex. A1 Email to Gaston March 5, 2021

08-30-2023 Filed: Ex. A2 Email to Gaston March 8, 2021

08-30-2023 Filed: Ex. A3 First Pkg Received at Gastons Residence

08-30-2023 Filed: Ex. A4 Gag Gifts

08-30-2023 Filed: Ex. A5 Letter Sent to City Hall Addressed to Gaston

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Ex. A6 Second Email to Gaston June 14, 2021 July 20

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Ex. A7 Arm scratches

08-30-2023 Filed: Ex. A8 Package Sent to Gaston (Court Jester Hat)

08-30-2023 Filed: Ex. A9 Letter to Gaston on Nov 23, 2021

08-30-2023 Filed: Ex. A10 Bluffdale Police Dept Witness Statement

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Return of Electronic Notification
08-30-2023 Filed: Return of Electronic Notification
08-30-2023 Filed: Return of Electronic Notification
08-31-2023 Filed: Certificate of Service - Defendants Discovery Disclosures
08-31-2023 Filed: Notice of Compliance
08-31-2023 Filed: Return of Electronic Notification
09-07-2023 Filed: Reply Defendants Reply in Support of the Motion to Dismiss
09-07-2023 Filed: Return of Electronic Notification
09-08-2023 Cancelled: FINAL PRETRIAL CONFERENCE 1 scheduled on December 26, 2023 at 11:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
12-07-2020 Cancelled: JURY SELECTION scheduled on January 17, 2024 at 08:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-08-2023 Cancelled: FINAL PRETRIAL CONFERENCE 2 scheduled on January 08, 2024 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-08-2023 MOTION TO SUPPRESS scheduled on October 27, 2023 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
09-08-2023 Cancelled: JURY TRIAL scheduled on January 17, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Correct Calendar
09-08-2023 Modified: JURY TRIAL scheduled on January 18, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Correct Calendar
09-08-2023 Minute Entry - MOTION TO DISMISS COUNTS/RESET TRIAL
Judge: PAUL B PARKER
PRESENT
Clerk: austinpm
Prosecutor: STEVEN WUTHRICH
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): JACOB LEE
Defendant's Attorney(s): TRINITY JORDAN
Audio
Tape Number: S34 Tape Count: 02.56-03.42
HEARING
02.56 This is the time set for a hearing on Defendant's Motion to Dismiss Counts Two And Three Of The Information.
02.58 Mr. Lee provides arguments for the motion.
03.18 Mr. Wuthrich responds.
03.29 Mr. Lee replies.
03.34 The Court takes the Motion under advisement and will issue a written ruling at a later date.
03.34 Discussion ensues on scheduling future hearings and trial dates.
FINAL PRETRIAL CONFERENCE 1 is scheduled.
Date: 12/26/2023
Time: 11:00 a.m.
Location: THIRD FLOOR - S34

THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER
The reason for the change is Court Ordered

FINAL PRETRIAL CONFERENCE 2 is scheduled.

Date: 01/08/2024
Time: 01:00 p.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY SELECTION.

Date: 01/17/2024
Time: 08:00 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 01/17/2024
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 01/18/2024
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

MOTION TO SUPPRESS.

Date: 10/27/2023
Time: 01:00 p.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

09-08-2023 Filed order: MOTION TO DISMISS COUNTS/RESET TRIAL
Judge PAUL B PARKER

Signed September 08, 2023

09-08-2023 Filed: Return of Electronic Notification

09-18-2023 Filed: Motion to Compel

Filed by: JASON CHRISTOPHER HALL

09-18-2023 Filed: Order (Proposed) Granting Motion to Compel

09-18-2023 Filed: Return of Electronic Notification
09-19-2023 Filed: Objection to The Proposed Order to Compel
09-19-2023 Filed: Return of Electronic Notification
09-20-2023 Filed: Notice Of Appearance As Co-Counsel For Plaintiff
09-20-2023 Filed: Return of Electronic Notification
09-20-2023 Cancelled: JURY SELECTION scheduled on January 18, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-20-2023 Cancelled: JURY SELECTION scheduled on January 19, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-25-2023 Filed: Ex A Declaration of Thomas Russell Regarding Photographing The Exhibits
09-25-2023 Filed: Ex B Defendants Discovery Disclosures
09-25-2023 Filed: Memorandum In Opposition To Defendants Motion To Compel
09-25-2023 Filed: Return of Electronic Notification
09-26-2023 Filed: Response to Objection to the Proposed Order to Compel
09-26-2023 Filed: Return of Electronic Notification
09-27-2023 Cancelled: JURY TRIAL scheduled on January 18, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-27-2023 Modified: JURY TRIAL scheduled on January 19, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
09-27-2023 Filed: Motion To Strike Defendants Response To Objection To The Proposed Order To Compel
Filed by: STATE OF UTAH ATTORNEY GENERAL
09-27-2023 Filed: Return of Electronic Notification
09-29-2023 Filed: Notice of Withdrawal of Proposed Order Granting Motion to Compel
09-29-2023 Filed: Reply in Support of Defendants Motion to Compel Request for a Hearing
09-29-2023 Filed: Request/Notice to Submit Re: Motion to Compel and Request for Hearing
09-29-2023 Filed: Response to States Motion to Strike Defendants Response to Objection to the Proposed Order to Compel
09-29-2023 Filed: Return of Electronic Notification
10-02-2023 Filed: Withdrawal Of Motion To Strike Defendants Response Objection To The Proposed Order To Compel
10-02-2023 Filed: Return of Electronic Notification
10-04-2023 WEBEX CONF ON MOTION TO COMPEL scheduled on October 13, 2023 at 11:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
10-11-2023 Filed return: Return of Service - Acceptance of Service of Tyson Downey
Party Served: STATE OF UTAH ATTORNEY GENERAL
Service Type: Personal
Service Date: October 11, 2023
Garnishee:
10-11-2023 Filed: Subpoena to Appear at Motion to Suppress Hearing T. Downey
10-11-2023 Filed: Return of Electronic Notification
10-13-2023 Minute Entry - WEBEX CONFERENCE ON MOTION TO COMPEL
Judge: PAUL B PARKER
PRESENT
Clerk: austinpm
Prosecutor: STEVEN WUTHRICH

Prosecutor: HEATHER WAITE-GROVER

Defendant not present

Defendant's Attorney(s): TRINITY JORDAN

Audio

Tape Number: S34 Tape Count: 10.59-11.12

HEARING

10.59 This is the time set for a hearing on the Defendant's Motion to Compel.

11.00 Discussion ensues on the Motion to Compel and methods for taking test samples.

11.07 The State stipulates to providing access for the taking of samples and testing of the documents in question.

11.08 Further discussion ensues on the taking of test samples, use of evidence, and scheduling.

11.09 The Court directs the parties to come to a stipulation regarding the taking of test samples.

11.10 Discussion ensues on upcoming hearing and trial dates.

11.12 Court is in recess.

10-13-2023 Filed: Other - Not Signed Order (Proposed) Granting Motion to Compel

10-13-2023 Note: Not signed. Parties to work together to provide the requested discovery

10-13-2023 Filed: Return of Electronic Notification

10-13-2023 **** PRIVATE **** Filed: Notice of Lodging of Transcript of Jason Hall Interview

10-13-2023 **** PRIVATE **** Filed: Ex. A Transcript of Jason Hall Interview

10-13-2023 Filed: Return of Electronic Notification

10-13-2023 **** PRIVATE **** Filed: Order (Proposed) Granting Emergency Motion to Designate Transcript as Protected Document

10-13-2023 **** PRIVATE **** Filed: Ex Parte Order (Proposed) Granting Ex Parte Motion to Classify Emergency Motion to Designate Transcript as Protected Document as Private

10-13-2023 **** PRIVATE **** Filed: Request/Notice to Submit Re: Ex Parte Motion to Classify Emergency Motion to Designate Transcript as Protected Document as Private

10-13-2023 **** PRIVATE **** Filed: Motion Ex Parte Motion to Classify Emergency Motion to Designate Transcript as Protected Document as Private

10-13-2023 **** PRIVATE **** Filed: Request/Notice to Submit Re: Emergency Motion to Designate Transcript as Protected Document

10-13-2023 **** PRIVATE **** Filed: Motion Emergency Motion to Designate Transcript as Protected Document

10-13-2023 Filed: Return of Electronic Notification

10-16-2023 Filed order: Ex Parte Order Granting Ex Parte Motion to Classify Emergency Motion to Designate Transcript as Protected Document as Private

Judge PAUL B PARKER

Signed October 16, 2023

10-16-2023 Filed: Return of Electronic Notification

10-16-2023 Filed order: Order Granting Emergency Motion to Designate Transcript as Protected Document

Judge PAUL B PARKER

Signed October 16, 2023

10-16-2023 Filed: Return of Electronic Notification

10-24-2023 Filed order: Order Denying the Defendant's Motion to Dismiss
Count Two and Three
Judge PAUL B PARKER
Signed October 24, 2023

10-24-2023 Filed: Return of Electronic Notification

10-27-2023 MOTION TO SUPPRESS scheduled on January 12, 2024 at 10:00 AM in
THIRD FLOOR - S34 with Judge PAUL B PARKER

10-27-2023 Minute Entry - MOTION TO SUPPRESS
Judge: PAUL B PARKER
PRESENT
Clerk: austinpm
Prosecutor: HEATHER WAITE-GROVER
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): TRINITY JORDAN
Defendant's Attorney(s): AARON CLARK
Audio
Tape Number: S34 Tape Count: 01.04-02.13
HEARING

01.04 This is the time set for a hearing on the Defendant's Motions to Suppress. Appearances are taken.

01.05 Exclusionary rule is invoked.

01.05 Ms. Waite-Grover informs the Court that they stipulate to the motion as to the cell phone data. Discussion ensues on the stipulation.

01.08 Discussion ensues on the admission of exhibits. State's exhibits 1-6 and Defense exhibits A-D are offered and received.

01.09 Defendant's witness, T. Russell, is sworn and testifies. Mr. Jordan on direct examination of the witness.

01.21 The Court takes a brief break.

01.46 Back on the record. Discussion ensues on how the parties intent to proceed forward with the hearing.

01.47 Defendant's witness, T. Russell. Provides further testimony. Ms. Waite-Grover on direct examination of the witness.

01.53 Mr. Jordan on re-direct.

01.54 State's witness, T. Downey, is sworn and testifies. Ms. Waite-Grover on direct examination of the witness.

01.58 Mr. Clark on cross-examination.

01.59 Ms. Waite-Grover on re-direct.

02.00 Discussion ensues on how the parties intent to proceed forward with the hearing.

02.02 Discussion ensues on State's exhibit 1 and audio of the interview. The parties review the audio.

02.08 The Court sets a briefing schedule. The State to have their response in my November 17, 2023. Defense to file a response by December 01, 2023.

02.11 Discussion ensues on trial readiness. The Court order the trial dates stricken.

02.13 The parties withdraw the exhibits. Court is in recess.

MOTION TO SUPPRESS is scheduled.

Date: 01/12/2024

Time: 10:00 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

10-27-2023 Filed order: MOTION TO SUPPRESS

Judge PAUL B PARKER

Signed October 27, 2023

10-27-2023 Filed: Return of Electronic Notification

10-30-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 10-27-2023

10-30-2023 Filed: Return of Electronic Notification

11-14-2023 Filed: Certificate of Service of State of Utahs Sixteenth Supplemental Disclosure

11-14-2023 Filed: Return of Electronic Notification

11-17-2023 Filed: Memorandum In Opposition To Defendants Motion to Suppress Statement
11-17-2023 Filed: Return of Electronic Notification
12-01-2023 Filed: Exhibit E - 10.27.2023 Motion to Suppress Hearing Transcript
12-01-2023 Filed: Reply in Support of Motion to Suppress Statement
12-01-2023 Filed: Return of Electronic Notification
12-05-2023 Fee Account created Total Due: 15.00
12-05-2023 ELEC STORAGE MEDIUM Payment Received: 15.00
Note: ELEC STORAGE MEDIUM, Mail Payment;
12-27-2023 Filed: Notice of Intent to Serve Subpoenas Duces Tecum
12-27-2023 Filed: Return of Electronic Notification
01-02-2024 Filed: Return of Service - Subpoena Duces Tecum (Brent Wayne Beeny)
01-02-2024 Filed: Return of Service - Subpoena Duces Tecum (Jolene Miller Beeny)
01-02-2024 Filed: Return of Service - Subpoena Duces Tecum (Connie B. Robbins)
01-02-2024 Filed: Return of Electronic Notification
01-11-2024 Filed: Waiver of Right to be Present at 1/12/2024 Hearing
01-11-2024 Filed: Return of Electronic Notification
01-12-2024 Cancelled: STATUS HEARING scheduled on April 15, 2024 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
01-12-2024 Cancelled: FINAL PRETRIAL CONFERENCE scheduled on May 13, 2024 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Cancelled: JURY SELECTION scheduled on May 22, 2024 at 08:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Cancelled: JURY TRIAL scheduled on May 23, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
Reason: Court Ordered
01-12-2024 Cancelled: JURY TRIAL scheduled on May 24, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Cancelled: JURY TRIAL scheduled on May 29, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Cancelled: JURY TRIAL scheduled on May 30, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Cancelled: JURY TRIAL scheduled on May 31, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-12-2024 Minute Entry - MOTION TO SUPPRESS
Judge: PAUL B PARKER
PRESENT
Clerk: austinpm
Prosecutor: HEATHER WAITE-GROVER
The defendant is not in custody
Defendant not present
Defendant's Attorney(s): AARON CLARK
Defendant's Attorney(s): TRINITY JORDAN
Audio
Tape Number: S34 Tape Count: 10.00-10.48
HEARING

10.00 This is the time set for a further hearing on the Defendant's Motion to Suppress. Appearances are taken.

10.01 Mr. Clark provides arguments for the motion.

10.08 Ms, Waite-Grover responds.

10.21 Mr. Clark replies.

10.25 The Court denies the motion to suppress in part and grants the motion in part. Defense counsel to prepare the appropriate findings.

10.39 Discussion ensues on the ruling.

10.40 Discussion ensues on discovery issues and scheduling. All discovery and witness disclosures, with the exception of privileged witnesses, are due by April 15, 2024.

10.48 Court is in recess

STATUS HEARING is scheduled.

Date: 04/15/2024

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 05/13/2024

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY SELECTION is scheduled.

Date: 05/22/2024

Time: 08:00 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL is scheduled.

Date: 05/23/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 05/24/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 05/29/2024
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 05/30/2024
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 05/31/2024
Time: 08:30 a.m.
Location: THIRD FLOOR - S34
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84111-1860
Before Judge: PAUL B PARKER

01-12-2024 Fee Account created Total Due: 15.00
01-12-2024 ELEC STORAGE MEDIUM Payment Received: 15.00
01-12-2024 Filed: Return of Electronic Notification
01-16-2024 Filed: Request for Copy of Audio Record
01-16-2024 Filed: Return of Electronic Notification
01-17-2024 Filed: Affidavit/Declaration of Greg Rogers in Support of Ex Parte Motion for Alternative Service
01-17-2024 Filed: Affidavit/Declaration of Jacob R. Lee in Support of Ex Parte Motion for Alternative Service
01-17-2024 Filed: Motion Ex Parte Motion for Alternative Service
Filed by: JASON CHRISTOPHER HALL
01-17-2024 Filed: Order (Proposed) Granting Ex Parte Motion for Alternative Service
01-17-2024 Filed: Request/Notice to Submit Re: Ex Parte Motion for Alternative Service, Declaration of Greg Rogers in Support of Ex Parte Motion for Alternative Service, and Declaration of Jacob Lee in Support of Ex Parte Motion for Alternative Service
01-17-2024 Filed: Return of Electronic Notification
01-24-2024 Filed: Order (Proposed) Granting Motion to Suppress
01-24-2024 Filed: Return of Electronic Notification
01-25-2024 Filed order: Order Granting Motion to Suppress
Judge PAUL B PARKER
Signed January 25, 2024
01-25-2024 Filed: Return of Electronic Notification
01-25-2024 STATUS HEARING scheduled on February 12, 2024 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
01-30-2024 Filed: Notice of Intent to Serve Subpoena Duces Tecum

(Renaissance Signs Inc.)
01-30-2024 Filed: Return of Electronic Notification
02-02-2024 MOTION FOR ALTERNATIVE SERVICE scheduled on February 07, 2024 at 11:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-05-2024 Filed: Notice of Intent to Serve Subpoena Duces Tecum (Utah Department of Public Safety - Bureau of Forensic Services Laboratory System)
02-05-2024 Filed: Return of Electronic Notification
02-05-2024 Filed: Notice of Intent to Serve Subpoena Duces Tecum (Saratoga Springs Police Department)
02-05-2024 Filed: Return of Electronic Notification
02-06-2024 Filed: Return of Service - Subpoena Duces Tecum (Renaissance Signs Inc.)
02-06-2024 Filed: Return of Electronic Notification
02-07-2024 Minute Entry - MOTION FOR ALTERNATIVE SERVICE
Judge: PAUL B PARKER
PRESENT
Clerk: barbaran
Prosecutor: HEATHER WAITE-GROVER
Prosecutor: SCOTT SACKETT
The defendant is not in custody
Defendant not present
Defendant's Attorney(s): TRINITY JORDAN
Audio
Tape Number: S34 Tape Count: 11.01-11.09
HEARING
11:01 The Court requested this hearing to discuss the defendant's motion for alternative service.
11:02 Ms. Grover responds to the motion.
11:04 Mr. Jordan replies.
11:06 Mr. Sackett responds.
11:07 The Court denies the motion for the reasons stated on the record. All parties to appear at the status hearing on Monday to discuss rescheduling the jury trial.
02-07-2024 Filed order: MOTION FOR ALTERNATIVE SERVICE
Judge PAUL B PARKER
Signed February 07, 2024
02-07-2024 Filed: Other - Not Signed Order (Proposed) Granting Ex Parte Motion for Alternative Service
02-07-2024 Filed: Return of Electronic Notification
02-08-2024 Filed: Return of Electronic Notification
02-08-2024 Fee Account created Total Due: 30.00
02-08-2024 ELEC STORAGE MEDIUM Payment Received: 30.00
Note: ELEC STORAGE MEDIUM, Mail Payment;
02-12-2024 FINAL PRETRIAL CONFERENCE scheduled on June 03, 2024 at 01:00 PM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 Modified: JURY SELECTION scheduled on June 19, 2024 at 08:00 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 JURY TRIAL scheduled on June 20, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 JURY TRIAL scheduled on June 21, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 JURY TRIAL scheduled on June 27, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 JURY TRIAL scheduled on June 28, 2024 at 08:30 AM in THIRD FLOOR - S34 with Judge PAUL B PARKER
02-12-2024 Minute Entry - STATUS HEARING/TRIAL RESET

Judge: PAUL B PARKER

PRESENT

Clerk: austinpm

Prosecutor: HEATHER WAITE-GROVER

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): TRINITY JORDAN

Audio

Tape Number: S34 Tape Count: 01.45-01.50

HEARING

Counsel request the trial dates be reset. The Court grants the motion.

A new disclosure date of May 20, 2024 is set.

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 06/03/2024

Time: 01:00 p.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

The reason for the change is Court Ordered

JURY SELECTION is scheduled.

Date: 06/19/2024

Time: 08:00 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 06/20/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 06/21/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 06/27/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

JURY TRIAL.

Date: 06/28/2024

Time: 08:30 a.m.

Location: THIRD FLOOR - S34

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84111-1860

Before Judge: PAUL B PARKER

UCJA Rule 4-401.02: court proceedings, including electronic proceedings, may NOT be recorded, photographed, or transmitted. Failure to comply with this prohibition may be treated as contempt of court, punishable by fine and time in jail.

02-12-2024 Filed order: STATUS HEARING/TRIAL RESET

Judge PAUL B PARKER

Signed February 12, 2024

02-12-2024 Filed: Return of Electronic Notification

02-13-2024 Filed: Return of Service - Subpoena Duces Tecum (Saratoga Springs Police Department)

02-13-2024 Filed: Return of Electronic Notification