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Court briefing for 10/9

Daily Herald
Oct 9, 2002

SENTENCING: A mental health worker who had sex with a 16-year-old female patient was sentenced Wednesday to a year in jail.

Orem resident Joseph J. Butler, 26, pleaded guilty July 25 to attempted rape, a second-degree felony, and making a written false statement, a class-A misdemeanor. A plea bargain reduced the original charge of first-degree felony rape.

Fourth District Judge Gary Stott ordered Butler taken into custody immediately. He said Butler could have work-release privileges after serving 180 days but also must enter the jail's sex offender therapy program and register with the state as a sex offender.

Butler had sex with the patient in the kitchen of the Discovery Academy, a private mental health clinic in Provo, said Sherry Ragan, chief of the criminal division in the Utah County Attorney's Office. The girl had gone to the kitchen for a drink.

SENTENCING: A Springville man was sentenced Tuesday to 180 days in jail for having sex with a runaway 14-year-old girl.

Travis Richmond, 21, pleaded guilty Aug. 27 to three counts of unlawful sexual activity with a minor, one third-degree felony and two class-A misdemeanors.

Judge Stott ordered 36 months of supervised probation for Richmond, who also must enroll in sex offender therapy and undergo a substance abuse evaluation. Stott said Richmond would be allowed to leave jail for 40 hours a week to work.

Richmond lived with the runaway girl in his car for a week in April. The vehicle was parked on a dirt road near a Mapleton residential area, according to police reports. Richmond originally was charged with seven counts of unlawful sexual activity with a minor, all third-degree felonies. The charges were reduced in a plea agreement.

Richmond will report to the jail when an opening is available in the work-release program.

GUILTY PLEA: A former BYU student pleaded guilty Wednesday to burglary and lying to police.

Joshua Meyer, 26, who now lives in Colorado, is scheduled to be sentenced Nov. 19 for burglary, a third-degree felony, and written false statements to police, a class-B misdemeanor.

Meyer initially gave BYU police a written statement that he did not steal four video games from the apartment of a fellow student in March 2000. In a police interview in November 2001, he admitted he took the woman's keys from her coat in the Richards Building, where the two worked as custodians, went into her home and took the games.

Meyer told police he threw away the keys and later donated the games to Deseret Industries because he felt guilty.

In the same November 2001 interview, Meyer denied raping a fellow student that month. He is scheduled to stand trial in that case on Oct. 28.

This story appeared in The Daily Herald on page A2.

4TH DISTRICT COURT - PROVO
UTAH COUNTY, STATE OF UTAH

STATE OF UTAH vs. JOSEPH J BUTLER

CASE NUMBER 011404539 State Felony

CHARGES

Charge 1 - 76-5-402 - ATTEMPTED - RAPE - 1st Degree Felony (amended to) - 2nd Degree Felony

Offense Date: September 26, 2001

Plea: July 25, 2002 Guilty

Disposition: July 25, 2002 Guilty

Charge 2 - 76-8-504 - WRITTEN FALSE STATEMENTS - Class A Misdemeanor

Offense Date: September 26, 2001

Plea: July 25, 2002 Guilty

Disposition: July 25, 2002 Guilty

CURRENT ASSIGNED JUDGE

THOMAS LOW

PARTIES

Plaintiff - STATE OF UTAH

Defendant - JOSEPH J BUTLER

Represented by: PATRICK LINDSAY

Represented by: PHILIP J DANIELSON

Represented by: JASON WHITE

Also Known As - JOEY BUTLER(JOSEPH J BUTLER)

DEFENDANT INFORMATION

Defendant Name: JOSEPH J BUTLER

Offense Tracking Number: 9877887

Date of Birth: October 10, 1975

Law Enforcement Agency: PROVO CITY POLICE

Prosecuting Agency: UTAH COUNTY

Violation Date: 09-26-2001

ACCOUNT SUMMARY

Total Revenue Amount Due:	1.75
Amount Paid:	1.75
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COPY FEE	
Original Amount Due:	1.75
Amended Amount Due:	1.75
Amount Paid:	1.75
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

11-06-2001 Case filed by jefft
11-06-2001 Filed: From an Information
11-06-2001 Judge GUY R. BURNINGHAM assigned.
11-06-2001 Filed: Verification of Victim's and Witnesses' Rights
11-08-2001 Issued: Summons
Judge RAY HARDING
Hearing Date December 18, 2001 08:30 AM
11-08-2001 INITIAL APPEARANCE scheduled on December 18, 2001 at 08:30 AM
with Judge RAY HARDING
11-09-2001 Filed: Amended Information
11-28-2001 Filed return: Summons
Party Served: Heather Butler (sister)
Service Type: Personal
Service Date: November 15, 2001
Garnishee:
12-18-2001 Minute Entry - Minutes for Initial Appearance
Judge: RAY HARDING
PRESENT
Clerk: tippyl
Prosecutor: BUHMAN, JEFFREY R
Defendant Present
Defendant's Attorney(s): DANIELSON, PHILIP
Video
Tape Number: 54 Tape Count: 9:10
INITIAL APPEARANCE
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.
WAIVE PRELIM HEARING.
Date: 1/28/02
Time: 10:00 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING
The reason for the change is Correct calendar
12-20-2001 Note: Calendar Judge assignment changed from GUY R. BURNINGHAM
to RAY HARDING for appearance on 01/28/2002
12-20-2001 Note: WAIVE PRELIM HEARING calendar modified.
12-20-2001 WAIVE PRELIM HEARING scheduled on January 28, 2002 at 10:00 AM
with Judge RAY HARDING
12-31-2001 Judge JAMES R TAYLOR assigned.
01-11-2002 Filed: Notice of Appearance of Counsel, Request for Discovery
(Philip Danielson for defendant)
01-28-2002 Minute Entry - Waive Prelim Hearing continued
Judge: RAY HARDING
PRESENT
Clerk: berniced

Prosecutor: STURGILL, DAVID S.
Defendant Present
Defendant's Attorney(s): DANIELSON, PHILIP
Agency: ADULT PROBATION AND PAROLE
Tape Number: 5 Tape Count: 10:28

CONTINUANCE

Whose Motion:
The Defendant's counsel PHILIP DANIELSON.

Reason for continuance:
Counsel's request
The motion is granted.

WAIVE PRELIM HEARING is scheduled.

Date: 03/19/2002
Time: 10:00 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

02-08-2002 WAIVE PRELIM HEARING scheduled on March 19, 2002 at 10:00 AM
with Judge RAY HARDING

02-08-2002 WAIVE PRELIM HEARING scheduled on January 28, 2002 at 10:00 AM
with Judge RAY HARDING

03-19-2002 Minute Entry - Minutes for Waive Prelim Hearing
Judge: RAY HARDING

PRESENT

Clerk: shonay
Prosecutor: ALLAN, JOHN L
Defendant Present
Defendant's Attorney(s): DANIELSON, PHILIP
Video
Tape Number: 12 Tape Count: 10:29

HEARING

On record JOSEPH J BUTLER, Defendant requests this matter
be set for preliminary hearing, granted.

PRELIMINARY HEARING is scheduled.

Date: 04/30/2002
Time: 01:30 p.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: JAMES R. TAYLOR
The reason for the change is Correct calendar

PRELIMINARY HEARING.

Date: 04/30/2002
Time: 01:30 p.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

03-22-2002 PRELIMINARY HEARING scheduled on April 30, 2002 at 01:30 PM

with Judge RAY HARDING

03-22-2002 Note: Calendar Judge assignment changed from JAMES R. TAYLOR to RAY HARDING for appearance on 04/30/2002

03-22-2002 Note: PRELIMINARY HEARING calendar modified.

04-30-2002 Minute Entry - Minutes for Preliminary Hearing

Judge: RAY HARDING

PRESENT

Clerk: berniced

Reporter: LIVINGSTON, ANNI

Prosecutor: BUHMAN, JEFFREY R

Defendant Present

Defendant's Attorney(s): DANIELSON, PHILIP

Video

HEARING

On record JOSEPH J BUTLER, Defendant present with Counsel Mr. Danielson. Counsel requests scheduling conference. Defendant is advised of his rights and acknowledges he understands. Defendant waives right to a Preliminary Hearing. Waiver found to be freely and voluntarily given. Case set for scheduling conference. All parties are present. No further notice.

SCHEDULING CONFERENCE is scheduled.

Date: 05/28/2002

Time: 08:30 a.m.

Location: Third floor, Rm 302

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: RAY HARDING

05-01-2002 SCHEDULING CONFERENCE scheduled on May 28, 2002 at 08:30 AM with Judge RAY HARDING

05-01-2002 Judge RAY HARDING assigned.

05-28-2002 Minute Entry - Minutes for SCHEDULING CONFERENCE

Judge: RAY HARDING

PRESENT

Clerk: shonay

Prosecutor: STURGILL, DAVID S.

Defendant Present

Defendant's Attorney(s): DANIELSON, PHILIP

Video

Tape Number: 23 Tape Count: 9:13

HEARING

On record JOSEPH J BUTLER, Defendant requests this matter be set for jury trial, granted. All motions to be filed within 30 days.

FINAL PRE-TRIAL CONFERENCE is scheduled.

Date: 08/06/2002

Time: 08:30 a.m.

Location: Third floor, Rm 302

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: RAY HARDING

ORAL ARGUMENTS ON MOTION.

Date: 07/15/2002
Time: 02:00 p.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

3-DAY JURY TRIAL.

Date: 08/14/2002
Time: 08:30 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

3-DAY JURY TRIAL.

Date: 08/15/2002
Time: 08:30 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

3-DAY JURY TRIAL.

Date: 08/16/2002
Time: 08:30 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

05-28-2002 Filed order: Advance Trial Managment Order - Criminal Jury Trial

Judge RAY HARDING
Signed May 28, 2002

05-28-2002 FINAL PRE-TRIAL CONFERENCE scheduled on August 06, 2002 at 08:30 AM with Judge RAY HARDING

05-28-2002 ORAL ARGUMENTS ON MOTION scheduled on July 15, 2002 at 02:00 PM with Judge RAY HARDING

05-28-2002 3-DAY JURY TRIAL scheduled on August 14, 2002 at 08:30 AM with Judge RAY HARDING

05-28-2002 3-DAY JURY TRIAL scheduled on August 15, 2002 at 08:30 AM with Judge RAY HARDING

05-28-2002 3-DAY JURY TRIAL scheduled on August 16, 2002 at 08:30 AM with Judge RAY HARDING

07-15-2002 Minute Entry -

Judge: JAMES R. TAYLOR

PRESENT

Clerk: berniced
Prosecutor: STURGILL, DAVID S.
Defendant Present
Defendant's Attorney(s): LINDSAY, PATRICK
Video
Tape Number: 30 Tape Count: 3:00

ARRAIGNMENT

Defendant waives reading of Information.
Advised of rights and penalties.
Defendant waives preliminary hearing.
The defendant is advised of right to counsel.
Defendant is arraigned.
Defendant waives right to a trial by jury.
Defendant waives time for sentence.
Presentence Investigation ordered.
The Judge orders ADULT PROBATION AND PAROLE to prepare the report.
Agreement reached. Information amended via interlineation.
Motion to reduce count#1 to a 2nd degree attempted, granted.
Court finds defendant has voluntarily entered pleas. Pleas received and accepted after factual basis approved.

SENTENCING is scheduled.

Date: 10/01/2002
Time: 08:30 a.m.
Location: Third floor, Rm 302
FOURTH DISTRICT COURT
125 N 100 W
PROVO, UT 84601
Before Judge: RAY HARDING

- 07-15-2002 Filed order: Statement of Defendant in Support of Guilty Plea and Certificate of Counsel
Judge JAMES R TAYLOR
Signed July 15, 2002
- 07-25-2002 Charge 1 amended
- 07-25-2002 Charge 1 Disposition is Guilty
- 07-25-2002 Charge 2 Disposition is Guilty
- 07-25-2002 SENTENCING scheduled on October 01, 2002 at 08:30 AM with Judge GARY D STOTT
- 07-25-2002 FINAL PRE-TRIAL CONFERENCE Cancelled
Reason: Case Settled.
- 07-25-2002 3-DAY JURY TRIAL Cancelled
Reason: Case Settled.
- 07-27-2002 Note: Calendar Judge assignment changed from RAY HARDING to GARY D. STOTT for appearance on 10/01/2002
- 07-27-2002 Judge GARY D STOTT assigned.
- 09-25-2002 Filed: AP&P Presentence Report (Sealed)
- 10-01-2002 SENTENCING scheduled on October 08, 2002 at 11:00 AM with Judge GARY D STOTT
- 10-01-2002 Minute Entry - SENTENCING continued
Judge: GARY D. STOTT

PRESENT

Clerk: keris
Prosecutor: EASTON, JOHN
Defendant Present
Defendant's Attorney(s): DANIELSON, PHILIP
Agency: ADULT PROBATION AND PAROLE
Video
Tape Number: 39 Tape Count: 8:51

CONTINUANCE

Whose Motion:

The Defendant's counsel Phil Danielson.

Reason for continuance:

At the request of the Defendant.

The motion is granted.

SENTENCING is scheduled.

Date: 10/08/2002

Time: 11:00 a.m.

Location: Third floor, Rm 303

FOURTH DISTRICT COURT

125 N 100 W

PROVO, UT 84601

Before Judge: GARY D. STOTT

10-01-2002 SENTENCING scheduled on October 01, 2002 at 08:30 AM with Judge GARY D STOTT

10-02-2002 Fee Account created Total Due: 1.75

10-02-2002 Fee Account created

10-02-2002 COPY FEE 1.75

10-08-2002 Minute Entry - Minutes for SENTENCING

Judge: GARY D. STOTT

PRESENT

Clerk: keris

Prosecutor: CLARK, DAVID L

Defendant Present

Defendant's Attorney(s): DANIELSON, PHILIP

Agency: ADULT PROBATION AND PAROLE

Video

Tape Number: 40 Tape Count: 10:59, 11:24

HEARING

This matter comes before the Court for sentencing. Counsel address the Court regarding the recommendation.

After hearing from the parties and reviewing the file, the Court imposes sentence. Paragraphs 2 - 13 of the recommendation are adopted; paragraph 1 is modified.

SENTENCE PRISON

Based on the defendant's conviction of ATTEMPTED RAPE a 2nd Degree Felony, the defendant is sentenced to an indeterminate term of not less than one year nor more than fifteen years in the Utah State Prison.

The prison term is suspended.

SENTENCE JAIL

Based on the defendant's conviction of ATTEMPTED RAPE a 2nd Degree Felony, the defendant is sentenced to a term of 180 day(s) in the UTAH COUNTY JAIL.

Based on the defendant's conviction of WRITTEN FALSE STATEMENTS a Class A Misdemeanor, the defendant is sentenced to a term of 365 day(s) in the UTAH COUNTY JAIL. The total time suspended for this charge is 180 day(s).

Commitment is to begin immediately.

SENTENCE JAIL RELEASE TIME NOTE

If the defendant is accepted into one of the Dept of Corrections' community correctional centers, he will be allowed to enter into and successfully complete said program.

SENTENCE JAIL SERVICE NOTE

After serving 180 days straight time, defendant may participate in the Work Release program for 40 hours per week.

The fine is to be paid in full by 10/08/2005.
Complete 120 hour(s) of community service in lieu of \$600.00
Community service to be completed through ADULT PROBATION AND PAROLE.

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).
Probation is to be supervised by ADULT PROBATION AND PAROLE.
Defendant to serve 365 day(s) jail.
Defendant is to report to the UTAH COUNTY JAIL.
Defendant is to pay a fine of 1110.00 which includes the surcharge. Interest may increase the final amount due.
Pay fine on or before October 8, 2005.

PROBATION CONDITIONS

Defendant is ordered to serve jail in the Utah County Jail as ordered by the court.
Fines and fees to be paid as directed by Adult Probation and Parole.
Defendant is ordered to pay a supervision fee at the discretion of the probation officer.
Defendant is ordered to permit agents of Adult Probation and Parole to search his person, residence or his vehicle or any other property under his control without a warrant at any time, day or night, to ensure compliance with the probation agreement.
Defendant is ordered to find and maintain employment.
Perform community service hours.
If accepted into a Dept of Corrections approved community correctional center that he be allowed to enter into and successfully complete said program.
That he pay for any and all counseling costs that may accrue for the victim or her family due to this offense.
That he successfully complete sex offender therapy through an approved provider by the Dept of Corrections and as directed by AP&P.
That he have no unsupervised contact or association with females under the age of 18 years without prior approval from his therapist and AP&P.
That he have no direct or indirect contact with the victim or her family.
That he be required to register as a sex offender.
That he be required to submit to a blood draw for DNA testing and also agree to random polygraph examinations during probation and be responsible for associated costs.
That he not be allowed to possess any sexually explicit materials.
That he be advised by the Court that due to the serious nature of this offense, it may be necessary for the defendant and/or AP&P to inform any employer of the charge.
In some cases, it may be necessary for the defendant to terminate his employment if so ordered by the Court and/or AP&P.

10-17-2002 Filed: Notice of Withdrawal of Counsel
04-22-2003 Filed: Letter from UCSO Re: Work Release Program
06-19-2003 Filed: Utah County Sheriff - Jail Work Programs
07-08-2004 Judge LYNN W DAVIS assigned.
01-04-2005 Filed order: AP&P Progress/Violation Report--Approved-probation terminated successfully
Judge LYNN W DAVIS

Signed January 04, 2005

01-04-2005 Case Closed

Disposition Judge is RAY HARDING

09-30-2006 Judge CLAUDIA LAYCOCK assigned.

12-02-2010 Filed: Notice of Appearance (Jason White)

12-31-2016 Judge THOMAS LOW assigned.