

THIRD JUDICIAL DISTRICT - SALT LAKE COUNTY DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH  
APPEALED: CASE # 20240313

STATE OF UTAH vs. KEVIN TOMMY NEAL

CASE NUMBER 221905284 State Felony

This case is linked to the following cases: 201901586

Defendants KEVIN TOMMY NEAL, MICHAEL WITT are linked.

CHARGES

Charge 1 - 76-5-203 - MURDER - 1st Degree Felony

Offense Date: May 14, 2022

Location: 1626 SOUTH STATE STREET

Plea: December 06, 2023 Guilty

Disposition: December 06, 2023 Guilty - Jury

Charge 2 - 76-8-306(1) - OBSTRUCTING JUSTICE - Class A Misdemeanor

Offense Date: May 14, 2022

Location: 1626 SOUTH STATE STREET

Plea: April 21, 2023 Not Guilty

Disposition: December 06, 2023 Not Guilty - Jury

CURRENT ASSIGNED JUDGE

JAMES BLANCH

PARTIES

Plaintiff - STATE OF UTAH

Represented by: SIMARJIT GILL

Represented by: JOHN HAM

Represented by: ABBY BRINKERHOFF

Represented by: COURTNEY WHITTIER

Represented by: BRANDON MERRILL

Represented by: C BETHANY WARR

Defendant - KEVIN TOMMY NEAL

Represented by: DARWIN OVERSON

DEFENDANT INFORMATION

Defendant Name: KEVIN TOMMY NEAL

Offense Tracking Number: 61557872

Date of Birth: September 11, 1985

Jail Booking Number: 22017774

Law Enforcement Agency: SALT LAKE CITY PD

LEA Case Number: 22-89086

Officer Name: DET WILSON

Prosecuting Agency: SALT LAKE COUNTY

Agency Case Number: 22007943

Violation Date: 05-14-2022

Sheriff Number: 401016

## ACCOUNT SUMMARY

Total Revenue 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

## CASE NOTE

## PROCEEDINGS

Judge: KARA PETTIT

To any Peace Officer in the State of Utah:

You are commanded to arrest and deliver the defendant to the Salt Lake County Jail.

A juvenile may not be confined in an adult facility.

Defendant may be transported within the state.

The defendant must appear in Court before Judge KARA PETTIT on the next available court date.

Based on the probable cause statement

Court orders a non-bailable warrant to issue.

No pre-trial service release.

This warrant may be served any time, day or night.

Issued: May 25, 2022

Law Enforcement Agency: SALT LAKE CITY PD

Defendant Details:

KEVIN TOMMY NEAL

Citation No:

754 SOUTH 900 WEST

Date of Birth: 09-11-1985

Driver License No:

SALT LAKE CITY UT 84104

Social Security No: xxx-xx-0944

Home Phone:

Vehicle License:

Warrant Number: 985797808

05-25-2022 Warrant Ordered on: May 25, 2022 Warrant Num: 985797808 No Bail

05-25-2022 Warrant Issued on: May 25, 2022 Warrant Num: 985797808 No Bail

Judge KARA PETTIT

Issue Reason: Based on the probable cause statement

05-25-2022 INITIAL APPEARANCE/JAIL scheduled on May 27, 2022 at 01:00 PM in FAC - S31 with Judge JUDGE VIDEO

05-25-2022 Note: The warrant was emailed to the SLCO jail

05-25-2022 Filed: Probable Cause Affidavit

05-25-2022 Filed: Order to Hold Without Bail

05-25-2022 Filed: Public Safety Assessment (PC: 341548)

05-26-2022 Filed: Return of Electronic Notification

05-26-2022 Judge JAMES BLANCH assigned.

05-26-2022 Note: Judge assignment made per rotation

05-27-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on June 03, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

05-27-2022 Minute Entry - INITIAL APPEARANCE

Judge: DIANNA GIBSON

PRESENT

Clerk: cameronj

Prosecutor: OLSEN, TODD

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Sheriff Office#: 401016

Audio

Tape Number: S31 Tape Count: 144

INITIAL APPEARANCE

A copy of the Information is given to the defendant.

Defendant waives reading of Information.

HEARING

Defendant was appointed LDA.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints Salt Lake Legal Defenders to represent the defendant.

Appointed Counsel:

Name: Salt Lake Legal Defenders

Address: 275 East 200 South

City: Salt Lake City UT 84111

Phone: 801-532-5444

Affidavit of indigency is to be submitted by the defendant  
SCHEDULING CONF/ DET HRG 1 is scheduled.

Date: 06/03/2022

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

CUSTODY

The defendant is remanded to the custody of the Salt Lake County Jail.

05-28-2022 Filed: Return of Electronic Notification

06-01-2022 NOTICE for Case 221905284 ID 22807161

06-01-2022 NOTICE for Case 221905284 ID 22807162

Date:

The reason for the change is Court Ordered

06-01-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on June 17, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

06-02-2022 Filed: Return of Electronic Notification

06-03-2022 Filed: Appearance of Counsel/Notice of Limited Appearance

06-03-2022 Filed: Return of Electronic Notification

06-03-2022 Filed: Appearance of Counsel/Notice of Limited Appearance

06-03-2022 Filed: Notice of Hearing

06-03-2022 Filed: Request for Discovery

06-03-2022 Filed: Return of Electronic Notification

06-07-2022 Filed: Initial Discovery

06-07-2022 Filed: Return of Electronic Notification

06-14-2022 NOTICE for Case 221905284 ID 22841833

06-14-2022 NOTICE for Case 221905284 ID 22841834

Date:

The reason for the change is Stipulation of counsel

06-14-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on July 01, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

06-15-2022 Filed: Return of Electronic Notification

06-15-2022 Filed: Appearance of Counsel/Notice of Limited Appearance:  
Appearance of Counsel in Substitution of Counsel

06-15-2022 Filed: Request for Discovery

06-15-2022 Filed: Return of Electronic Notification

06-28-2022 NOTICE for Case 221905284 ID 22875044

06-28-2022 NOTICE for Case 221905284 ID 22875045

Date:

The reason for the change is Stipulation of counsel

06-28-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on August 12, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

06-29-2022 Filed: Return of Electronic Notification

06-29-2022 Filed: Motion To Withdraw As Court Appointed Counsel  
Filed by: KEVIN TOMMY NEAL

06-29-2022 Filed: Order (Proposed) To Withdraw As Court Appointed Counsel

06-29-2022 Filed: Return of Electronic Notification

06-29-2022 Filed order: Order To Withdraw As Court Appointed Counsel  
Judge JAMES BLANCH  
Signed June 29, 2022

06-29-2022 Filed: Return of Electronic Notification

06-30-2022 Filed: First Supplemental Response to Request for Discovery

06-30-2022 Filed: Return of Electronic Notification

07-21-2022 Filed: Second Supplemental Response to Request for Discovery

07-21-2022 Filed: Return of Electronic Notification

08-10-2022 NOTICE for Case 221905284 ID 22990771

08-10-2022 NOTICE for Case 221905284 ID 22990772  
Date:  
The reason for the change is Court Ordered

08-10-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on August 26, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

08-11-2022 Filed: Return of Electronic Notification

08-22-2022 Filed: Motion: Stipulated Motion to Continue Scheduling Conference Presently Set for August 26, 2022 Until September 23, 2022  
Filed by: KEVIN TOMMY NEAL

08-22-2022 Filed: Order (Proposed) Granting Stipulated Motion to Continue Scheduling Conference Presently Set for August 26, 2022 Until September 23, 2022

08-22-2022 Filed: Request/Notice to Submit

08-22-2022 Filed: Return of Electronic Notification

08-23-2022 Filed order: Order Granting Stipulated Motion to Continue Scheduling Conference Presently Set for August 26, 2022 Until September 23, 2022  
Judge JAMES BLANCH  
Signed August 23, 2022

08-23-2022 Filed: Return of Electronic Notification

08-24-2022 NOTICE for Case 221905284 ID 23028242

08-24-2022 NOTICE for Case 221905284 ID 23028243  
Date:  
The reason for the change is ATD requested continuance.

08-24-2022 Cancelled: SCHEDULING CONF/ DET HRG 1 scheduled on September 23, 2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

08-25-2022 Filed: Return of Electronic Notification

09-21-2022 Filed: Third Supplemental Response to Request for Discovery

09-21-2022 Filed: Return of Electronic Notification

09-21-2022 NOTICE for Case 221905284 ID 23103787

09-21-2022 NOTICE for Case 221905284 ID 23103789  
Date:  
The reason for the change is Stipulation of counsel

09-21-2022 SCHEDULING CONF/ DET HRG 1 scheduled on October 28, 2022 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH

09-22-2022 Filed: Return of Electronic Notification

10-27-2022 Warrant Recalled on : October 27, 2022 Warrant Num: 985797808  
No Bail  
Recall Reason: Defendant was booked

10-28-2022 Cancelled: PRELIMINARY HEARING scheduled on December 07, 2022

at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

Reason: Stipulation of counsel

10-28-2022 Minute Entry - SCHEDULING CONFERENCE/DET HEARING 1

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:41-9:44

HEARING

This matter is before the court for a scheduling  
conference. Defense requests a preliminary hearing.  
Matter set over.

PRELIMINARY HEARING is scheduled.

Date: 12/07/2022

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

10-29-2022 Filed: Return of Electronic Notification

12-01-2022 Filed: Fourth Supplemental Response to Request for Discovery

12-01-2022 Filed: Return of Electronic Notification

12-05-2022 Filed: Fifth Supplemental Response to Request for Discovery

12-05-2022 Filed: Return of Electronic Notification

12-05-2022 NOTICE for Case 221905284 ID 23311314

12-05-2022 NOTICE for Case 221905284 ID 23311315

Date:

The reason for the change is Stipulation of counsel

12-05-2022 Cancelled: SCHEDULING CONFERENCE 2 scheduled on December 23,  
2022 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

12-15-2022 Filed: Sixth Supplemental Response to Request for Discovery

12-15-2022 Filed: Return of Electronic Notification

12-23-2022 SCHEDULING CONFERENCE 3 scheduled on January 20, 2023 at 09:00  
AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

12-23-2022 Minute Entry - SCHEDULING CONFERENCE 2

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:07-9:08

CONTINUANCE

Whose Motion:

The Defendant's counsel DARWIN OVERSON.

Reason for continuance:

Stipulation of counsel

The motion is granted.

HEARING

This matter is before the court for a scheduling conference. Defense requests additional time in order to review discovery in new case. Matter continued.

SCHEDULING CONFERENCE 3 is scheduled.

Date: 01/20/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

01-20-2023 PRELIMINARY HEARING scheduled on March 02, 2023 at 01:00 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH

01-20-2023 Minute Entry - SCHEDULING CONFERENCE 3

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 10:03-10:06

HEARING

This matter is before the court for a scheduling conference. Defense requests to set a preliminary hearing. Matter set.

PRELIMINARY HEARING is scheduled.

Date: 03/02/2023

Time: 01:00 p.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

01-20-2023 Filed: Appearance of Counsel/Notice of Limited Appearance

01-20-2023 Filed: Return of Electronic Notification

03-02-2023 Filed: Appearance of Counsel/Notice of Limited Appearance  
Notice of Appearance on Behalf of Deceased Victims Family

03-02-2023 Filed: Return of Electronic Notification

03-02-2023 ARRAIGNMENT scheduled on April 21, 2023 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-02-2023 Note: Case Bound Over

03-02-2023 Minute Entry - PRELIMINARY HEARING

Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: ABBY BRINKERHOFF

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 1:45-2:54

HEARING

This matter is before the court for a preliminary hearing.  
All parties are present in person.

1:45 PM Case called and appearances stated.

1:54 PM Detective W. Wilson sworn and examined on behalf of  
the State.

1:55 PM State exhibits 2 and 13 are offered and received.

2:08 PM State exhibits 3-12 are offered and received.

2:22 PM The witness identifies the Defendant.

2:25 PM State exhibits 14-17 offered and received.

2:35 PM State exhibits 18-19 offered and received. Cross-  
examination.

2:49 PM Re-direct.

2:51 PM Re-cross.

2:52 PM State exhibit 20 offered and received.

2:53 PM The State rests. The Defendant waives his right to  
testify at this time.

2:54 PM The court finds probable cause to bind the case  
over for arraignment. The State's exhibits are returned to  
the State to be the custodian of them.

CASE BOUNDOVER

This case is bound over. An Arraignment hearing has been  
set on 4/21/2023 at 9:00 AM in courtroom W33 before Judge  
JAMES BLANCH.

03-02-2023 Filed order: PRELIMINARY HEARING

Judge JAMES BLANCH

Signed March 02, 2023

03-03-2023 Filed: Return of Electronic Notification

03-22-2023 Filed: Supp Disco, 7th

03-22-2023 Filed: Return of Electronic Notification

04-12-2023 Filed: Crime Victims Notice of Appearance

04-12-2023 Filed: Return of Electronic Notification

04-21-2023 STATUS HEARING scheduled on September 22, 2023 at 09:00 AM in  
THIRD FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 FINAL PRETRIAL CONFERENCE scheduled on November 17, 2023 at  
09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 JURY SELECTION scheduled on November 27, 2023 at 09:00 AM in  
THIRD FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 TRIAL-JURY scheduled on December 04, 2023 at 09:00 AM in THIRD  
FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 TRIAL-JURY scheduled on December 05, 2023 at 09:00 AM in THIRD  
FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 TRIAL-JURY scheduled on December 06, 2023 at 09:00 AM in THIRD  
FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 TRIAL-JURY scheduled on December 07, 2023 at 09:00 AM in THIRD  
FLOOR - W33 with Judge JAMES BLANCH

04-21-2023 Minute Entry - ARRAIGNMENT

Judge: JAMES BLANCH

PRESENT

Clerk: camdynm

Prosecutor: MCDONALD, MICHAEL

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: w33 Tape Count: 10:15-10:17

ARRAIGNMENT HEARING

The case is set for trial.

STATUS HEARING is scheduled.

Date: 09/22/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 11/17/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

JURY SELECTION is scheduled.

Date: 11/27/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

TRIAL-JURY is scheduled.

Date: 12/04/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

TRIAL-JURY is scheduled.

Date: 12/05/2023

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

TRIAL-JURY.

Date: 12/06/2023  
Time: 09:00 a.m.  
Location: THIRD FLOOR - W33  
Before Judge: JAMES BLANCH  
THIRD DISTRICT COURT  
450 SOUTH STATE STREET  
SALT LAKE CITY, UT 84114-1860

TRIAL-JURY.

Date: 12/07/2023  
Time: 09:00 a.m.  
Location: THIRD FLOOR - W33  
Before Judge: JAMES BLANCH  
THIRD DISTRICT COURT  
450 SOUTH STATE STREET  
SALT LAKE CITY, UT 84114-1860

04-21-2023 Filed: Return of Electronic Notification

04-23-2023 Filed order: ARRAIGNMENT

Judge JAMES BLANCH  
Signed April 23, 2023

04-25-2023 Filed: Return of Electronic Notification

08-30-2023 Filed: Eighth Supplemental Response to Request for Discovery

08-30-2023 Filed: Return of Electronic Notification

09-07-2023 Filed: Memorandum in Support of States Motion to Discover

09-07-2023 Filed: Motion States Motion to Discover

Filed by: STATE OF UTAH

09-07-2023 Filed: Return of Electronic Notification

09-08-2023 Filed: Motion States Motion in Limine to Exclude the  
Introduction of Rumors Relating to the Victims Reputation

Filed by: STATE OF UTAH

09-08-2023 Filed: Return of Electronic Notification

09-15-2023 Filed: Ninth Supplemental Response to Request for Discovery

09-15-2023 Filed: Return of Electronic Notification

09-22-2023 Minute Entry - STATUS HEARING

Judge: JAMES BLANCH

PRESENT

Clerk: skylarc

Prosecutor: JOHN HAM

Prosecutor: ABBY BRINKERHOFF

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: W33 Tape Count: 9.04-9.08

HEARING

A motion is pending. The parties will confer and address  
the motion at the final pretrial conference.

09-22-2023 Filed: Request/Notice to Submit

09-22-2023 Filed: Order (Proposed) Order Regarding States Motion to  
Discover

09-22-2023 Filed: Return of Electronic Notification

09-25-2023 Filed order: Order Regarding States Motion to Discover

Judge JAMES BLANCH

Signed September 25, 2023

09-25-2023 Filed: Return of Electronic Notification  
11-02-2023 Filed: Tenth Supplemental Response to Request for Discovery  
11-02-2023 Filed: Return of Electronic Notification  
11-02-2023 Filed: Notice of Expert Witnesses  
11-02-2023 Filed: Return of Electronic Notification  
11-14-2023 Filed: Eleventh Supplemental Response to Request for Discovery  
11-14-2023 Filed: Return of Electronic Notification  
11-17-2023 Minute Entry - FINAL PRETRIAL CONFERENCE

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: HAM, JOHN

Defendant Present

The defendant is in the custody of the Salt Lake County  
Jail

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:09-9:17

HEARING

This matter is before the court for a final pretrial  
conference. The parties are ready to proceed to trial. If  
anything changes, the parties are to notify court staff no  
later than Wednesday morning. Jury instructions are to be  
filed by Wednesday.

11-17-2023 Filed: Twelfth Supplemental Response to Request for Discovery  
11-17-2023 Filed: Return of Electronic Notification  
11-20-2023 Filed: TRANSADMIN TRANSCRIPT for Hearing 03-02-2023  
11-20-2023 Filed: Exhibit List States Exhibit List  
11-20-2023 Filed: States Witness List  
11-20-2023 Filed: Return of Electronic Notification  
11-20-2023 Filed: Return of Electronic Notification  
11-22-2023 Filed: Jury Instructions States Proposed Jury Instructions  
11-22-2023 Filed: Return of Electronic Notification  
11-25-2023 Filed: Jury Instructions: Stipulated Set  
11-25-2023 Filed: Return of Electronic Notification  
11-25-2023 Filed: Jury Instructions: Defense Requested  
11-25-2023 Filed: Return of Electronic Notification  
11-26-2023 Filed: : Defense Requested Voir Dire  
11-26-2023 Filed: Return of Electronic Notification  
11-26-2023 Filed: : Amended Defense Requested Voir Dire  
11-26-2023 Filed: Return of Electronic Notification  
11-27-2023 Minute Entry - JURY SELECTION

Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: ABBY BRINKERHOFF

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Ankle Monitor-SL  
County Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:01-12:21

TRIAL

This matter is before the court for jury selection.

9:01 AM Court in session and appearances stated. The venire panel is not present, and the court is not logged into webex. The court, the Defendant conseil are present in person, the venire panel will only be present via webex. Housekeeping issues are addressed

9:05 AM The parties have stipulated to striking certain jurors for cause. They are stated on the record.

9:10 AM The court states the numbers of all potential jurors that the parties have stipulated to excuse for cause, or who have failed to appear.

9:11 AM Additional housekeeping issues are addressed.

9:30 AM Proposed voir dire questions addressed.

9:35 AM The court joins webex with the venire panel.

9:40 AM Voir dire begins.

10:20 AM Individual voir dire begins.

11:46 AM Individual voir dire concludes and the entire venire panel is brought back into the main webex meeting while the attorneys conduct preemptory challenges.

12:08 PM The selected juror numbers are read.

12:10 PM The attorneys verify that this is their selected jury.

12:11 PM The jurors not selected are asked to log off.

12:12 PM The court addresses the jury regarding scheduling. They are asked to be present by 8:30 a.m. on Monday, 12/4/23. They are instructed that they are not to discuss the case or research the case or the involved parties, along with other instructions.

12:18 PM The jurors are excused for the day.

12:21 PM Court in recess.

11-27-2023 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Jury List

11-27-2023 Filed: Return of Electronic Notification

12-01-2023 Filed: Exhibit List: Defense

12-01-2023 Filed: Return of Electronic Notification

12-03-2023 Filed: Motion: Defs Motion in Limine to Exclude States 42-48 and 76

Filed by: KEVIN TOMMY NEAL

12-03-2023 Filed: Return of Electronic Notification

12-04-2023 Minute Entry - TRIAL-JURY

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: HAM, JOHN

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 8:42-3:40

TRIAL

This matter is before the court for a jury trial.  
8:42 AM Appearances stated. Preliminary hearing matters are discussed. The State filed a motion in limine. Jury is not present.  
8:50 AM Jury is present, and placed under oath.  
8:54 AM Jury instructions are read.  
9:03 AM Ms. Brinkerhoff makes opening statements on behalf of the State.  
9:12 AM Mr. Overton makes opening statements on behalf of the Defense.  
9:35 AM Mr. Overton invokes the exclusionary rule.  
9:36 AM State's witness Richard Stone is placed under oath and examined by Mr. Ham.  
9:56 AM Cross-examination by Mr. Overton on behalf of the Defense.  
10:03 AM Further direct by Mr. Ham for the State.  
10:07 AM State's witness Aiden Chamberlain is placed under oath and examined by Ms. Brinkerhoff.  
10:08 AM State's exhibits 3, 17-19, and 30-31 are offered and received without objection.  
10:17 AM The witness identifies the Defendant.  
10:17 AM Cross-examination by Mr. Overton on behalf of the Defense.  
10:27 AM Further direct by Ms. Brinkerhoff.  
10:33 AM State's witness Jordan Taylor is placed under oath, and examined by Ms. Brinkerhoff.  
10:35 AM State's exhibits 27-29 are offered and received without objection.  
10:43 AM State's exhibit 36 is offered and received without objection.  
10:47 AM Cross-examination by Mr. Overton on behalf of Defense.  
10:52 AM Defense exhibit 19 is offered and received without objection.  
10:56 AM Further direct by Ms. Brinkerhoff.  
10:58 AM Brief recess.  
11:15 AM Court is back in session. Appearances stated.  
11:16 AM Jury is present.  
11:16 AM State's exhibits 32, 33, 77, 79, 100-102, 80, 90 are offered and received without objection.  
11:17 AM State's witness Darcy Murphy is placed under oath and examined by Mr. Ham.  
11:18 AM Witness identifies the Defendant.  
11:49 AM Cross-examination by Mr. Overton on behalf of the Defense.  
12:08 PM Further direct by Mr. Ham.  
12:11 PM Further cross-examination by Mr. Overton.  
12:14 PM Jury is excused for lunch.  
12:16 PM Recess.  
1:23 PM Court is back in session. Appearances stated.  
1:24 PM Jury is present.  
1:25 PM State's witness Michael Phillips is placed under oath and examined by Mr. Ham.  
1:35 PM Cross-examination by Mr. Overton on behalf of the Defense.  
1:45 PM State's witness Stephen Bigelow is placed under oath and examined by Mr. Ham.  
1:48 PM State's exhibits 34-36 are offered and received without objection.  
1:51 PM Cross-examination by Mr. Overton on behalf of the Defense.  
1:55 PM Defense exhibits 2-6 are offered and received without objection.  
2:03 PM Further direct by Mr. Ham.  
2:05 PM State's witness Sargeant Derek Christensen is placed under oath and examined by Ms. Brinkerhoff.  
2:09 PM State's exhibits 12-16 are offered and received without objection.  
2:20 PM Cross-examination by Mr. Overton.  
2:23 PM Defense exhibit 14 is offered and received without objection.  
2:24 PM Defense exhibit 1 is offered and received without

objection.

2:25 PM Defense exhibits 12-13 are offered and received without objection.

2:30 PM State's witness Steven Parisot is placed under oath and examined by Mr. Ham.

2:37 PM State's exhibits 109-113 are offered and received without objection.

2:55 PM Cross-examination by Mr. Overson. Defense exhibit 18 is offered and received without objection.

3:06 PM Jury is excused for a break. State is to file an amended information in regards to the date of the alleged crime.

3:08 PM Recess.

3:21 PM Court is back in session. Appearances stated.

3:22 PM Jury is present.

3:23 PM State's exhibits Detective Nathan Wiley is placed under oath and examined by Ms. Brinkerhoff.

3:29 PM State's exhibits 49-61 are offered and received without objection.

3:39 PM Jury excused for the day.

3:40 PM Court is in recess.

12-04-2023 Filed: Jury Instructions to be Given at Beginning of Case

\*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Jury Questionnaires

12-04-2023 Filed: Return of Electronic Notification

12-05-2023 Minute Entry - TRIAL-JURY

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Prosecutor: ABBY BRINKERHOFF

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:08-5:45

TRIAL

This matter is before the court for a jury trial.  
9:08 AM Appearances stated.  
9:10 AM Jury is present. Court reads the jury stipulated instruction in regards to fingerprint evidence.  
9:15 AM State's exhibits 2, 5, 87-90, 96, 93, 97-99, 103-108, 39, and 4 are offered and received without objection.  
9:48 AM Cross-examination by Mr. Overton on behalf of the Defense.  
10:27 AM Defense's exhibit 10 is offered and received without objection.  
10:28 AM Further direct by Mr. Ham on behalf of the State.  
10:29 AM Further cross-examination by Mr. Overton.  
10:30 AM Further direct by Mr. Ham.  
10:32 AM Defense's exhibit 11 is offered and received without objection.  
10:34 AM State's witness Stephanie Martinez is placed under oath and examined by Mr. Ham on behalf of the State.  
11:03 AM Cross-examination on behalf of the Defendant.  
11:14 AM Further direct from the State.  
11:15 AM Further cross-examination from the Defense.  
11:15 AM Jury is excused for a break.  
11:37 AM Court is back in session. Appearances stated. Jury is not present. The court updates the parties in regards to questions that were asked by the the jury to the bailiff.  
11:40 AM Jury is present.  
11:41 AM State's witness Dr. Michael Belenky is placed under oath and examined by Mr. Ham on behalf of the State.  
11:41 AM State's exhibits 62-75, and 8 are offered and received without objection.  
12:09 PM Cross-examination by Mr. Overton on behalf of Defense.  
12:15 PM Defense's exhibit 20 is offered and received without objection.  
12:15 PM Further direct by Mr. Ham for the State.  
12:19 PM Jury is excused for lunch.  
12:20 PM Court is in recess.  
1:28 PM Court is back in session. Appearances stated. The court makes a record of the bench conferences that took place during Dr. Belenky's testimony.  
1:33 PM State's witness Fernando Almeida is placed under oath and examined by Mr. Ham on behalf of the State.  
1:34 PM Witness identifies the Defendant.  
1:57 PM Brief recess.  
1:58 PM Court is back in session. Appearances stated.  
1:58 PM Jury is present. Mr. Ham continues direct examination.  
2:09 PM Cross-examination by Mr. Overton on behalf of the Defense.  
2:18 PM Jury is excused for a break.  
2:21 PM Court is in recess to allow for Mr. Overton to review evidence.  
3:11 PM Court is back in session. Appearances stated.  
3:13 PM Jury is present. Mr. Overton continues cross-examination of Mr. Almeida.  
3:28 PM Further direct by Mr. Ham on behalf of the State.  
3:29 PM State's witness Allison Goddard is placed under oath and examined by Ms. Brinkerhoff of behalf of the State.  
3:38 PM Cross-examination by Mr. Overton on behalf of Defense.  
3:39 PM Jury is excused for a brief recess.  
3:40 PM Defense motions for directed verdict.  
3:45 PM State objects.  
3:47 PM Motion for directed verdict is denied for reasons stated on the record.  
3:54 PM Jury is present.  
3:55 PM Defendant Kevin Neal is placed under oath and examined by Mr. Overton.  
4:54 PM Defense's exhibit 16 is offered and received without objection.  
4:54 PM Cross-examination by Mr. Ham for the State.  
5:30 PM Further direct by Mr. Ham.

5:39 PM State's exhibit 114 is offered and received without objection.

5:41 PM Jury is excused.

5:45 PM Court is in recess for the day.

12-05-2023 Filed: Amended Information  
12-05-2023 Filed: Return of Electronic Notification  
12-05-2023 Charge 76-5-203 Severity F1 was amended to 76-5-203 severity F1  
12-06-2023 Filed: Jury Instructions to be Given at Close of Evidence  
12-06-2023 Cancelled: SENTENCING scheduled on January 24, 2024 at 01:00 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH  
12-06-2023 Charge 1 Disposition is Guilty - Jury  
12-06-2023 Charge 2 Disposition is Not Guilty - Ju  
12-06-2023 Minute Entry - TRIAL-JURY

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Prosecutor: ABBY BRINKERHOFF

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:34-5:44

A pre-sentence investigation was ordered.

The Judge orders Adult Probation and Parole to prepare a Pre-sentence report.

TRIAL

This matter is before the court for a jury trial.

9:34 AM Appearances stated. Parties discuss stipulated jury instructions.

10:06 AM Court is in recess.

10:47 AM Court is back in session. Appearances stated.

Parties discuss jury, and stipulate to excusing juror #1 as the alternate.

11:35 AM Court is back in session. Appearances stated.

11:37 AM Jury is present.

11:38 AM Closing jury instructions are read.

12:12 PM Closing arguments by Mr. Ham on behalf of the State.

12:49 PM Closing arguments by Mr. Overson on behalf of Defense.

1:51 PM Rebuttal arguments from the state.

2:05 PM Bailiff is placed under oath.

2:06 PM The alternate juror is excused.

2:07 PM Jury is excused to deliberate.

5:36 PM Court is back in session. Appearances stated.

5:38 PM Jury is present.

5:38 PM The verdict is read. The defendant is found guilty of count 1, and not guilty of count 2.

5:40 PM The court polls the jury.

5:41 PM Jury is excused.

5:42 PM Defendant waives his time for sentencing, and a presentence report is ordered. Matter set over for Sentencing.

SENTENCING is scheduled.

Date: 01/24/2024

Time: 01:00 p.m.

Location: THIRD FLOOR - W33

Before Judge: JAMES BLANCH

THIRD DISTRICT COURT  
450 SOUTH STATE STREET  
SALT LAKE CITY, UT 84114-1860

12-06-2023 Filed: Jury Verdict  
12-06-2023 Filed: EXHIBIT LIST -  
12-06-2023 Filed order: TRIAL-JURY  
    Judge JAMES BLANCH  
    Signed December 06, 2023  
12-06-2023 Filed: Return of Electronic Notification  
12-07-2023 Note: Pre-sentence Investigation Order Transmitted to Adult Probation and Parole  
12-15-2023 Note: Exhibits Receivd: 1 envelope  
01-09-2024 Filed: Letters on Behalf of the Defendant  
01-09-2024 Filed: Return of Electronic Notification  
01-16-2024 Filed: Correspondence on Behalf of the Defendant  
01-16-2024 Filed order: AP&P No Show Report - Received and acknowledged.  
    Judge JAMES BLANCH  
    Signed January 16, 2024  
01-16-2024 Filed: Return of Electronic Notification  
01-19-2024 Modified: SENTENCING scheduled on March 19, 2024 at 01:30 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH  
01-19-2024 Minute Entry - AP&P RE-REFERRAL  
    Judge: JAMES BLANCH  
PRESENT  
    Clerk: cyndiab  
    The defendant is in the custody of the Salt Lake County Jail  
    Defendant not present  
    Sheriff Office#: 401016  
    Audio  
    Tape Number: off record  
    A pre-sentence investigation was ordered.  
    The Judge orders Adult Probation and Parole to prepare a Pre-sentence report.  
HEARING  
    The court re-refers this matter to AP&P for the preparation of a Pre-sentence Investigation Report. Sentencing is rescheduled.  
SENTENCING is scheduled.  
    Date: 03/19/2024  
    Time: 01:30 p.m.  
    Location: THIRD FLOOR - W33  
    Before Judge: JAMES BLANCH  
    THIRD DISTRICT COURT  
    450 SOUTH STATE STREET  
    SALT LAKE CITY, UT 84114-1860  
01-19-2024 Filed order: AP&P RE-REFERRAL  
    Judge JAMES BLANCH  
    Signed January 19, 2024  
01-19-2024 Note: Pre-sentence Investigation Order Transmitted to Adult Probation and Parole

01-19-2024 Filed: Return of Electronic Notification  
01-22-2024 Filed: Letters for Sentencing Re: Deceased Victim  
01-22-2024 Filed: Return of Electronic Notification  
03-12-2024 Filed: Letter from William Trumble  
03-12-2024 Filed: Return of Electronic Notification  
03-14-2024 \*\*\*\* PROTECTED \*\*\*\* Filed: Pre Sentence Investigation Report  
03-14-2024 Filed: Return of Electronic Notification  
03-19-2024 Filed: Return of Electronic Notification  
03-19-2024 RESTITUTION REVIEW/PRISON scheduled on July 12, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH  
03-19-2024 Note: RESTITUTION REVIEW/PRISON calendar modified.  
03-19-2024 Minute Entry - SENTENCE, JUDGMENT, COMMITMENT

Judge: JAMES BLANCH

PRESENT

Clerk: mikaelab

Prosecutor: JOHN HAM

Prosecutor: ABBY BRINKERHOFF

Defendant Present

The defendant is in the custody of the Salt Lake County Jail

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 1:34-2:17

ROLL CALL

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints Salt Lake Legal Defenders to represent the defendant.

Appointed Counsel:

Name: Salt Lake Legal Defenders

Address: 275 East 200 South

City: Salt Lake City UT 84111

Phone: 801-532-5444

SENTENCE PRISON

Based on the defendant's conviction of MURDER a 1st Degree Felony, the defendant is sentenced to an indeterminate term of not less than fifteen years and which may be life in the Utah State Prison.

To the SALT LAKE County Sheriff: The defendant is remanded to your custody for transportation to the Utah State Prison where the defendant will be confined.

RESTITUTION REVIEW/PRISON is scheduled.

Date: 07/12/2024

Time: 09:00 a.m.

Location: VIRTUAL HEARING

Before Judge: JAMES BLANCH

, UT

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.

03-19-2024 Filed: Protective Order Firearm Restriction Acknowledgement

03-19-2024 Filed order: SENTENCE, JUDGMENT, COMMITMENT

Judge JAMES BLANCH

Signed March 19, 2024

03-19-2024 Filed: Notice of Appeal - Criminal (not Interlocutory): Notice of Appeal - Criminal (not Interlocutory)  
03-19-2024 Filed: Return of Electronic Notification  
03-19-2024 Note: Continuous Protective Order Service Date : 03-19-2024 04:08:00  
03-19-2024 Filed protective order: Continuous Protective Order  
Judge JAMES BLANCH  
Signed March 19, 2024  
03-19-2024 Filed: Return of Electronic Notification  
03-22-2024 Note: Notice of Appeal filed 3-19-2024 emailed to Court of Appeals, ca  
03-26-2024 Filed: Supreme Court of Utah Letter dated 3-26-2024 to Darwin L Overson - (Appeal filed - Case #20240313-SC should be indicated on future filings)  
03-26-2024 Filed: Return of Electronic Notification  
04-08-2024 Filed: Designation of record on appeal and Certificate relating to notice of appeal filed earlier  
04-08-2024 Filed: Return of Electronic Notification  
04-10-2024 Note: Designation of record filed on 4-8-2024 emailed to Supreme Court, ca  
04-10-2024 Filed: Utah Court of Appeals Notice dated 4-10-2024 - (Case assigned to Court of Appeals - Case # remain the same)  
04-10-2024 Filed: Return of Electronic Notification  
04-29-2024 Fee Account created Total Due: 15.00  
04-29-2024 ELEC STORAGE MEDIUM Payment Received: 15.00  
04-29-2024 Filed: TRANSADMIN TRANSCRIPT for Hearing 11-27-2023  
04-29-2024 Filed: TRANSADMIN TRANSCRIPT for Hearing 12-04-2023  
04-29-2024 Filed: TRANSADMIN TRANSCRIPT for Hearing 12-05-2023  
04-29-2024 Filed: TRANSADMIN TRANSCRIPT for Hearing 12-06-2023  
04-29-2024 Filed: TRANSADMIN TRANSCRIPT for Hearing 03-19-2024  
04-30-2024 Note: Recording request link sent.  
05-01-2024 Filed: Return of Electronic Notification  
05-09-2024 Note: Appealed: Case #20240313  
05-28-2024 Filed: Clerk's Certificate (Judgment Roll & Index)  
05-28-2024 Filed: Return of Electronic Notification  
05-29-2024 Note: File and transcripts uploaded electronically to Court of Appeals, Exhibits - 1 (Manila Envelope w/3 thumb drives included), ca  
07-08-2024 Filed: Appearance of Counsel/Notice of Limited Appearance Appearance of Counsel for Crime Victims  
07-08-2024 Filed: Motion to Continue Restitution Hearing  
Filed by: STATE OF UTAH  
07-08-2024 Filed: Return of Electronic Notification  
07-12-2024 REVIEW/RESTITUTION/PRISON scheduled on October 04, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH  
07-12-2024 Minute Entry - RESTITUTION REVIEW CONT  
Judge: JAMES BLANCH  
PRESENT  
Clerk: cyndiab  
Prosecutor: BRINKERHOFF, ABBY  
Defendant not present  
Defendant's Attorney(s): OVERSON, DARWIN  
Sheriff Office#: 401016  
Audio

Tape Number: CR W33 Tape Count: 10:04-06

CONTINUANCE

Whose Motion:

The Stipulation of counsel.

Reason for continuance:

Stipulation of counsel

The motion is granted.

HEARING

This matter is before the court for a restitution review hearing. The Defendant's presence via webex was not arranged for today. Mr. Merrill updates the court regarding the status of the restitution request.

Additional time is needed for the family to gather funeral receipts, etc. The parties stipulate to a continuance to October.

The Defendants appearance via webex will be arranged for that hearing.

Brandon Merrill appearing on behalf of the victim's family.

REVIEW/RESTITUTION/PRISON is scheduled.

Date: 10/04/2024

Time: 09:00 a.m.

Before Judge: JAMES BLANCH

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

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.

07-12-2024 Filed: Return of Electronic Notification

07-17-2024 Filed: Utah Court of Appeals Order dated 7-12-2024 - (This matter is temporarily remanded to district court to correct and/or reconstruct the record concerning the trial exhibits)

07-17-2024 Note: Order from the Court of Appeals filed 7-17-2024 emailed to the judge's team as an FYI, ca

07-17-2024 NOTICE for Case 221905284 ID 24729348

Judge: JAMES BLANCH

REVIEW/COA/EXHIBITS/PRISON is scheduled.

Date: 08/08/2024

Time: 01:00 p.m.

Location: VIRTUAL HEARING

Before Judge: JAMES BLANCH

, UT

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.

07-17-2024 REVIEW/COA/EXHIBITS/PRISON scheduled on August 08, 2024 at 01:00 PM in VIRTUAL HEARING with Judge JAMES BLANCH

07-17-2024 Filed: Notice for Case 221905284 FS Judge: JAMES BLANCH

07-17-2024 Filed: Return of Electronic Notification

08-01-2024 Note: Exhibits RETURNED from Court of Appeals, Exhibits - 1 (Manila Envelope), ca

08-08-2024 Minute Entry - REVIEW/ COA/ PRISON

Judge: JAMES BLANCH

PRESENT

Clerk: camdynm

Prosecutor: BRANDON MERRILL

Prosecutor: JOHN HAM

Defendant Present

The defendant is in the custody of the Department of Corrections Utah State Prison - SLC

Defendant's Attorney(s): DARWIN OVERSON

Sheriff Office#: 401016

Audio

Tape Number: w33 Tape Count: 1:43-1:50

HEARING

Court is on the record for a status conference on the temporary remand order from the Court of Appeals. Parties address the court regarding the stipulation of the parties. Mr. Overson discusses the exhibit thumb drive that was submitted as evidence. Mr. Ham responds. Parties request 30 days to prepare the necessary order for the court's review. Another review hearing is set.

REVIEW/COA/EXHIBITS/PRISON is scheduled.

Date: 09/06/2024

Time: 09:00 a.m.

Location: VIRTUAL HEARING

Before Judge: JAMES BLANCH

, UT

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.

08-09-2024 REVIEW/COA/EXHIBITS/PRISON scheduled on September 06, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH

09-06-2024 Cancelled: REVIEW/COA/EXHIBITS/PRISON scheduled on September 20, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH  
Reason: Correct Calendar

09-06-2024 Minute Entry - REVIEW/COA/EXHIBITS/PRISON  
Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: HAM, JOHN

Defendant Present

The defendant is in the custody of the Department of Corrections Utah State Prison - SLC

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:28&10:32

HEARING

The parties are present, with the exception of the Defendant. He is scheduled to appear via webex, but the prison is experiencing a power outage.

Mr. Overson has reviewed the exhibits and believes the issues have been resolved. Mr. Ham is currently reviewing them as well and will prepare the appropriate order upon completion of his review. Matter set over for another review hearing. If the order is filed and signed prior to the hearing, the hearing may be stricken.

10:32 AM Case recalled. The attorneys are not present, but the Defendant is present via webex. The court updates him as to what happened earlier today.

REVIEW/COA/EXHIBITS/PRISON.

Date: 09/20/2024

Time: 09:00 a.m.

Before Judge: JAMES BLANCH

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

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.

09-06-2024 Filed: Return of Electronic Notification

09-16-2024 Filed: Order (Proposed) Stipulated Order Correcting the Record and Exhibits on Appeal

09-16-2024 Filed: Return of Electronic Notification

09-16-2024 Filed order: Order Stipulated Order Correcting the Record and Exhibits on Appeal

Clerk EFILER EFILER

Signed September 16, 2024

09-16-2024 Filed: Return of Electronic Notification

09-25-2024 Filed: Appearance of Counsel/Notice of Limited Appearance for UOVC

09-25-2024 Filed: Return of Electronic Notification

10-02-2024 Note: Exhibits corrected: 1 envelope for 1 envelope

10-04-2024 Cancelled: REVIEW/RESTITUTION/PRISON scheduled on November 15, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH

10-04-2024 Minute Entry - REVIEW/RESTITUTION/USP CONT

Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: BRINKERHOFF, ABBY

Defendant Present

The defendant is in the custody of the Department of Corrections Utah State Prison - SLC

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:29-31

CONTINUANCE

Whose Motion:

The Stipulation of counsel.

Reason for continuance:

Request of counsel

The motion is granted.

HEARING

Ms. Brinkerhoff standing in on behalf of Mr. Merrill and Ms. Warr for the victims and UOVC, respectively. They are requesting a continuance of today's hearing as more time is needed to put together the final amounts of reparations.

Neither the State nor defense object. Matter continued.

REVIEW/RESTITUTION/PRISON is scheduled.

Date: 11/15/2024

Time: 09:00 a.m.

Before Judge: JAMES BLANCH

This hearing will not take place at the courthouse. It will be conducted remotely.

Contact the court to provide your current email address.

If you do not have access to a phone or other electronic device to appear remotely, notify the court.

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.

10-05-2024 Filed: Return of Electronic Notification  
10-29-2024 Filed: Clerk's Certificate - (Supplemental Index)  
10-29-2024 Filed: Return of Electronic Notification  
11-13-2024 Filed: Clerk's Certificate - (SUPPLEMENTAL INDEX)  
11-13-2024 Filed: Motion for Restitution for UOVC  
    Filed by: STATE OF UTAH  
11-13-2024 Filed: Redacted UOVC Restitution Records  
11-13-2024 Filed: Return of Electronic Notification  
11-13-2024 Filed: Return of Electronic Notification  
11-14-2024 REVIEW/RESTITUTION/PRISON scheduled on November 15, 2024 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH  
11-14-2024 Note: File and transcripts uploaded electronically to Court of Appeals, Exhibits - 1 (Manila Envelope), ca  
11-14-2024 Filed: Return of Electronic Notification  
11-15-2024 REVIEW/RESTITUTION/USP/FINAL scheduled on February 07, 2025 at 09:00 AM in VIRTUAL HEARING with Judge JAMES BLANCH  
11-15-2024 Minute Entry - REVIEW/RESTITUTION/PRISON CONT  
    Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: BRINKERHOFF, ABBY

Defendant Present

The defendant is in the custody of the Department of Corrections Utah State Prison - SLC

Defendant's Attorney(s): OVERSON, DARWIN

Sheriff Office#: 401016

Audio

Tape Number: CR W33 Tape Count: 9:31-35

HEARING

This matter is before the court for a restitution review hearing. UOVC has filed its motion for restitution, but Mr. Merrill has notified Mr. Overson that there may be additional funeral expenses requested. Additional time is needed to gather the final numbers and for Mr. Overson to meet with Mr. Neal. Matter continued.

If the parties have not reached a stipulated restitution amount next time, an evidentiary hearing will be scheduled.

Bethany Warr is present via webex on behalf of UOVC, and Brandon Merrill is present in person on behalf of the victim representatives.

Remote Appearance

REVIEW/RESTITUTION/USP/FINAL is scheduled.

Date: 02/07/2025

Time: 09:00 a.m.

Before Judge: JAMES BLANCH

*Courts Website: <https://legacy.utcourts.gov/cal/>*

This hearing will not take place at the courthouse. It will be conducted remotely. Contact the court to provide your current email address. If you do not have access to a phone or other electronic device to appear remotely, notify the court.

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.

11-15-2024 Filed: Return of Electronic Notification