

The Order of the Court is stated below:

Dated: May 09, 2018
03:10:24 PM

/s/ JAMES BLANCH
District Court Judge



SIM GILL, BAR NO. 6389
Salt Lake County District Attorney
ALIISA N. LEON, BAR NO. 14993
Deputy Salt Lake County District Attorney
35 East 500 South
Salt Lake City, Utah 84111
Telephone (385) 468-7600
E-mail aleon@slco.org
Attorneys for Plaintiff
DA case no.16009589

I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
THIRD DISTRICT COURT, SALT LAKE
COUNTY, STATE OF UTAH
DATE: 5/14/18
[Signature]
DEPUTY COURT CLERK

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

<p>THE STATE OF UTAH, Plaintiff, -vs- KATHLEEN SEVASTOPOULOS, Defendant.</p>	<p>RESTITUTION ORDER AND JUDGMENT</p> <p>Case No. 161904929 DA No. 16009586</p> <p>Judge JAMES BLANCH</p>
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Before the Court is the Motion of Plaintiff State of Utah for entry of a civil restitution judgment. The Motion has been briefed, the Court hearing evidence and oral argument on April 26, 2018, the Court has carefully reviewed the record and the evidence, and the Motion is ready for decision. Now therefore, the Court ORDERS, ADJUDGES, AND DECREES as follows:

1. That the Defendant and restitution judgment debtor is KATHLEEN

SEVASTOPOULOS born November 11, 1952.

12772315
5/15/2018 11:22:00 AM \$18.00
Book - 10674 Pg - 5086-5090
ADAM GARDINER
Recorder, Salt Lake County, UT
SNOW CHRISTENSEN & MARTINEAU
BY: eCASH, DEPUTY - EF 5 P.

2. That the crime victims and restitution judgment creditors are NICHOLAS GROESBECK SMITH born April 4, 1927 and ISABELLE MARION SMITH born April 6, 1929.
3. That during the time period spanning from 2013 through 2015, in Salt Lake City, Salt Lake County, State of Utah, the defendant intentionally engaged in criminal activities including without limitation theft and theft by deception. That as a result of defendant's criminal activity, the crime victims and restitution judgment creditors sustained pecuniary damages in the principle amount of at least **\$148,243.27**.
4. That a civil restitution judgment is hereby awarded against defendant and restitution judgment debtor, KATHLEEN SEVASTOPOULOS, and in favor of crime victims and restitution judgment creditors, NICHOLAS and MARION SMITH, in the principal amount of **\$148,243.27** which is the amount of complete restitution and the amount of pecuniary damages sustained by the crime victims as the result of defendant's criminal activities.
5. That the above principal amount shall be augmented by and Defendant shall pay statutory judgment simple interest at the current statutory judgment simple interest rate of **3.76%** per annum until paid and satisfied in full.
6. That civil restitution judgment is authorized by *U.C.A. 77-38a-401, as amended* and the Court intends and orders that this judgment shall conform to all applicable provisions of the Utah Crime Victims Restitution Act U.C.A. 77-38a-101, et seq., as amended.
7. That the Court orders pursuant to *U.C.A. 77-38a-401, as amended* that this



judgment when entered on the civil judgment docket shall have the same affect and is subject to the same rules as a judgment in a civil action and expires only upon payment in full, which includes applicable interest, collection fees, and attorney fees.

8. That the Court orders pursuant to *U.C.A. 77-38a-401, as amended* that if the victim and restitution judgment creditor elects to pursue collection of this judgment by civil process, the victim shall be entitled to recover collection costs and reasonable attorney fees.
9. That the Court orders pursuant to *U.C.A. 77-38a-402, as amended* that this judgment is non-dischargeable in bankruptcy.
10. That the Defendant shall advise the clerk of Defendant's phone and physical residence address and shall promptly notify the clerk of all changes all ordered amounts have been paid in full.
11. That this restitution order and judgment and collection of ordered payments and amounts shall be controlled and regulated by Utah statutes and law currently in force.
12. That crime victims and restitution judgment creditors WENDY KRISTIN SMITH, born August 18, 1968, be appointed as the crime victim representative to exercise the rights that the victims are entitled to exercise under U.C.A Chapter 38 should the crime victims and restitution judgment creditors become deceased or incapacitated prior to the satisfaction of the judgment in full.

SO ORDERED, ADJUDGED, AND DECREED.



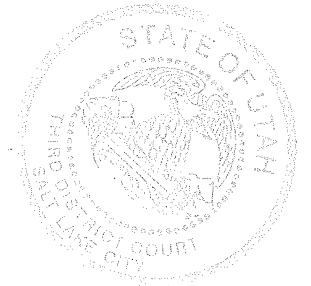
NOTICE: This judgment is effective when executed and dated by the Court at the top of the first page above.

CERTIFICATE OF SERVICE

I certify that on this 1st day of May, 2018, I caused a true and correct copy of the foregoing unsigned proposed civil judgment to be served on counsel through the court's e-filing system.


/s/Aliisa N. Leon
Deputy District Attorney
Attorney for Plaintiff

--End of State's proposed civil restitution judgment--



WHEN RECORDED RETURN TO

P. Matthew Cox
SNOW, CHRISTENSEN & MARTINEAU
P. O. Box 45000
Salt Lake City, UT 84145

<p><u>JUDGMENT DEBTOR INFORMATION</u></p> <p>NAME AND ADDRESS:</p> <p>Kathleen Sevastopoulos 1425 E. Tomahawk Drive Salt Lake City, UT 84103</p> <p>Social security number: Unknown Date of birth: 11/1952 Driver's license number: Unknown</p> <p><u>JUDGMENT CREDITOR INFORMATION</u></p> <p>NAME AND ADDRESS:</p> <p>Nicholas G. Smith Isabelle Marion Smith 2191 East Iverson Woods Place Holladay, UT 84117</p>	<p>AMOUNT OF JUDGMENT: The amount of the judgment is \$148,243.27 with interest thereon at the rate of 3.76% per annum from the date of judgment until paid.</p> <p>DATE JUDGMENT ENTERED ON: May 9, 2018</p> <p>Judgment has not been stayed.</p> <p>The Judgment Creditor has reviewed records for the information given, any information required by Section 78B-5-201 but not provided in this statement is unknown or unavailable.</p> <p>Dated this <u>15</u> day of May, 2018</p> <p> P. Matthew Cox Attorney for Judgment Creditor</p>
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3RD DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH
APPEALED: CASE # 20180452

STATE OF UTAH vs. KATHLEEN SEVASTOPOULOS

CASE NUMBER 161904929 State Felony

CHARGES

Charge 1 - 76-6-404 - THEFT - 2nd Degree Felony (amended to) - Class A Misdemeanor

Offense Date: January 17, 2015

Location: 1425 TOMAHAWK DRIVE

Plea: June 30, 2017 Guilty

Disposition: June 30, 2017 Guilty

Charge 2 - 76-6-405 - THEFT BY DECEPTION - 2nd Degree Felony (amended to) - Class A Misdemeanor

Offense Date: January 17, 2015

Location: 1425 TOMAHAWK DRIVE

Plea: June 30, 2017 Guilty

Disposition: June 30, 2017 Guilty

Charge 3 - 76-5-111(4) (A) (III) - EXPLOITATION OF A VULNERABLE ADULT - 2nd Degree Felony

Offense Date: January 17, 2015

Location: 1425 TOMAHAWK DRIVE

Plea: September 30, 2016 Not Guilty

Disposition: June 30, 2017 Dismissed w/ Prejudi

CURRENT ASSIGNED JUDGE

CORAL SANCHEZ

PARTIES

Plaintiff - STATE OF UTAH

Represented by: CLIFFORD ROSS III

Represented by: SIMARJIT GILL

Represented by: SPENCER BANKS

Defendant - KATHLEEN SEVASTOPOULOS

Represented by: AARON GARRETT

Creditor - NICHOLAS AND ISABELL SMITH

Other Party - VICTIM

Represented by: THOMAS BARTON

Represented by: ALEX LEEMAN

Represented by: TAYLOR PARK

Represented by: SIMEON BROWN

Other Party - NICHOLAS G SMITH & MARION G SMITH FAMILY TRUST

Represented by: THOMAS BARTON

Represented by: ALEX LEEMAN

DEFENDANT INFORMATION

Defendant Name: KATHLEEN SEVASTOPOULOS
Date of Birth: November 11, 1952
Law Enforcement Agency: SL SHERIFF / UNIF PD
LEA Case Number: CO15-89759
Officer Name: T ACKERMAN
Prosecuting Agency: SALT LAKE COUNTY
Agency Case Number: 16009586
Violation Date: 01-17-2015

ACCOUNT SUMMARY

Total Revenue Amount Due: 210.75
Amount Paid: 210.75
Amount Credit: 0.00
Balance: 0.00
Trust Totals:
Trust Due: 159,545.44
Amount Paid: 27,215.42
Amount Credit: 0.00
Trust Balance Due: 132,330.02

Time Pay: 1,000.00 monthly on the 1st.
Most Recent Payment: July 21, 2020
Final Payment: September 01, 2020

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due: 10.00
Amended Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

TRUST DETAIL

Trust Description: Restitution
Recipient: SMITH
Amount Due: 148,243.27
Paid In: 26,000.00

	Paid Out:	26,000.00	
Account Adjustments	Sum To Date		Amount Reason
	2022-01-26	122,243.27	restitution wasn't set correctly per DA Office

TRUST DETAIL

	Trust Description:	Interest on Rstitutn	
	Recipient:	SMITH	
	Amount Due:	11,302.17	
	Paid In:	1,215.42	
	Paid Out:	1,215.42	
Account Adjustments	Sum To Date		Amount Reason
	2022-09-30	11,302.17	Criminal post judgment interest

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	13.00
Amended Amount Due:	13.00
Amount Paid:	13.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	8.00
Amended Amount Due:	8.00
Amount Paid:	8.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due:	10.00
Amended Amount Due:	10.00
Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	2.00
Amended Amount Due:	2.00
Amount Paid:	2.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	4.00
Amended Amount Due:	4.00
Amount Paid:	4.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due:	10.00
Amended Amount Due:	10.00

Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION

Original Amount Due:	50.00
Amended Amount Due:	50.00
Amount Paid:	50.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	1.00
Amended Amount Due:	1.00
Amount Paid:	1.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	4.00
Amended Amount Due:	4.00
Amount Paid:	4.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due:	10.00
Amended Amount Due:	10.00
Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: COPY FEE

Original Amount Due:	8.75
Amended Amount Due:	8.75
Amount Paid:	8.75
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Original Amount Due:	10.00
Amended Amount Due:	10.00
Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: WRIT OF EXECUTION

Original Amount Due:	50.00
Amended Amount Due:	50.00
Amount Paid:	50.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

DAO# 16009586 PRIVATE COUNSEL

PROCEEDINGS

05-06-2016 Filed: INFORMATION/INDICTMENT
05-06-2016 Filed: SUMMONS - TO ISSUE (PROPOSED)
05-06-2016 Case filed by efiler
05-06-2016 Filed: From an Information
05-06-2016 Judge JAMES BLANCH assigned.
05-06-2016 INITIAL APPEARANCE/SUMMONS scheduled on June 03, 2016 at 08:30 AM in FAC - S31 with Judge ARRAIGNMENT ARR
05-06-2016 Filed: Notice for Case 161904929 ID 17431801
05-06-2016 Note: Deft not booked. Court date set. Summons issued.
05-06-2016 Issued: Summons Issued
Judge PAUL B PARKER
05-06-2016 Filed: Return of Electronic Notification
05-18-2016 Filed: Appearance of Counsel/Notice of Limited Appearance: Appearance of Counsel and Plea of Not Guilty and Request for Discovery
05-18-2016 Filed: Return of Electronic Notification
05-24-2016 Filed: Return of Electronic Notification
05-24-2016 Filed return: Return of Service upon ATTORNEY JAMES LEWIS
Party Served: SEVASTOPOULOS, KATHLEEN
Service Type: Personal
Service Date: May 17, 2016
Garnishee:
06-03-2016 Cancelled: SCHEDULING CONFERENCE 1 scheduled on June 17, 2016 at 01:30 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH
06-03-2016 Minute Entry - INITIAL APPEARANCE/SUMMONS
Judge: KATIE BERNARDS-GOODMAN

PRESENT

Clerk: jonathae
Prosecutor: WALSH, DAVID S
Defendant Present
Audio
Tape Number: S31 Tape Count: 8:38

INITIAL APPEARANCE

A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.
The defendant is advised of right to counsel.
The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense.

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: 424 East 500 South Suite #300
City: Salt Lake City UT 84111
Phone: 801-532-5444
Affidavit of indigency has been completed by the defendant

Instructions to the defendant:

1. You are to immediately contact and consult with appointed counsel.
2. You are to cooperate with the appointed counsel in the defense of this case.
3. You are to keep appointed counsel advised at all times of an address and a telephone number where you can be reached.
4. Attorney's fees for services of counsel may be assessed at the time of sentence.

Court orders the defendant to perform Book and Release on summons.

SCHEDULING CONFERENCE 1 is scheduled.

Date: 06/17/2016

Time: 01:30 p.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

06-03-2016 Filed: Appearance of Counsel/Notice of Limited Appearance
06-03-2016 Filed: Return of Electronic Notification
06-15-2016 Filed: Amended Information Amended Information
06-15-2016 Filed: Return of Electronic Notification
06-16-2016 Charge 76-6-404 Severity F2 was amended to 76-6-404 severity MA
06-17-2016 SCHEDULING CONFERENCE 2 scheduled on July 22, 2016 at 01:30 PM
in THIRD FLOOR - W33 with Judge JAMES BLANCH
06-17-2016 Minute Entry - CONTINUANCE
Judge: JAMES BLANCH

PRESENT

Clerk: kristenl

Prosecutor: CARLSON, WILLIAM J

Defendant Present

Defendant's Attorney(s): LEWIS, JAMES C

Audio

Tape Number: W33 Tape Count: 1:33-1:34

CONTINUANCE

Whose Motion:

The Defendant's counsel JAMES C LEWIS.

Reason for continuance:

Request of counsel

The defendant appeared out of custody.

SCHEDULING CONFERENCE 2 is scheduled.

Date: 07/22/2016

Time: 01:30 p.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

06-21-2016 Filed: States Response to Request for Discovery
06-21-2016 Filed: Return of Electronic Notification
07-22-2016 Preliminary Hearing scheduled on September 20, 2016 at 09:00 AM
in FOURTH FLOOR-W46 with Judge RICHARD MCKELVIE

07-22-2016 Minute Entry - SCHEDULING CONF

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: CARLSON, WILLIAM J

Defendant Present

Defendant's Attorney(s): LEWIS, JAMES C

Audio

Tape Number: w33 Tape Count: 135-138

HEARING

Counsel is present and requests for a preliminary hearing.

PRELIMINARY HEARING is scheduled.

Date: 09/20/2016

Time: 09:00 a.m.

Location: FOURTH FLOOR-W46

Before Judge: MCKELVIE, RICHARD

08-26-2016 Filed: First Supplemental Response to Request For Discovery

08-26-2016 Filed: Return of Electronic Notification

09-20-2016 ARRAIGNMENT scheduled on September 30, 2016 at 08:30 AM in
THIRD FLOOR - W33 with Judge JAMES BLANCH

09-20-2016 Note: Case Bound Over

09-20-2016 Minute Entry - PRELIMINARY HEARING

Judge: RICHARD MCKELVIE

PRESENT

Clerk: marycm

Prosecutor: WILLIAM J CARLSON

Defendant Present

Defendant's Attorney(s): JAMES C LEWIS

Defendant's Attorney(s): CHASE KIMBALL

Audio

Tape Number: W46 Tape Count: 9.16

HEARING

This case comes before the court for a preliminary hearing.
The parties are present as listed.

9:17 AM The State invokes the exclusionary rule. The
State calls Nicholas Smith to the stand. Mr. Smith is
sworn and examined by Mr. Carlson.

9:19 AM The witness identifies the defendant.

9:26 AM Cross examination by Mr. Lewis

9:39 AM The witness is excused. Break for summary matters

9:49 AM Hearing resumes. The State calls Isabelle Smith
to the stand. Mr. Smith is sworn and examined by Mr.
Carlson.

9:55 AM Cross examination by Mr. Lewis

10:01 AM Defense's exhibit 1 is offered and received.

10:07 AM Defense's exhibit 2 is offered and received. The
State calls Sergeant Tyler Ackerman to the stand. Sergeant
Ackerman is sworn and examined.

10:12 AM Cross examination by Mr. Lewis

10:43 AM Redirect by Mr. Carlson

10:45 AM Defense's exhibit 3 is offered and received. The
State moves to amend the dates on the information. The
defendant is advised of his right to testify. He waives
his right to testify at this time. The court finds
probable cause in regards to all charges and binds them all
over for arraignment.

The exhibits are withdrawn

CASE BOUNDOVER

This case is bound over. An Arraignment hearing has been set on 9/30/2016 at 8:30 AM in courtroom W33 before Judge JAMES BLANCH.

09-20-2016 Filed order: PRELIMINARY HEARING
Judge RICHARD MCKELVIE
Signed September 20, 2016

09-20-2016 Filed: Amended Information Second Amended Information

09-20-2016 Filed: Return of Electronic Notification

09-21-2016 Charge 76-6-404 Severity F2 was amended to 76-6-404 severity MA

09-30-2016 Charge 76-6-404 Severity MB was amended to 76-6-404 severity MA

09-30-2016 DISPOSITION scheduled on October 21, 2016 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

09-30-2016 Minute Entry - ARRAIGNMENT
Judge: JAMES BLANCH
PRESENT
Clerk: jennifaj
Prosecutor: CARLSON, WILLIAM J
Defendant Present
Defendant's Attorney(s): LEWIS, JAMES C
Audio
Tape Number: w33 Tape Count: 837-840
ARRAIGNMENT
Defendant waives reading of Information.
DISPOSITION is scheduled.
Date: 10/21/2016
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

10-11-2016 Fee Account created Total Due: 10.00

10-11-2016 AUDIO TAPE COPY Payment Received: 10.00

10-12-2016 Filed: Motion to Compel Discovery
Filed by: KATHLEEN SEVASTOPOULOS

10-12-2016 Filed: Return of Electronic Notification

10-19-2016 Filed: Second Supplemental Response To Request For Discovery

10-19-2016 Filed: Return of Electronic Notification

10-20-2016 Filed: Memorandum opposing Defendants motion to compel

10-20-2016 Filed: Return of Electronic Notification

10-21-2016 Cancelled: EVIDENTIARY HEARING scheduled on October 31, 2016 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

10-21-2016 Minute Entry - LAW AND MOTION
Judge: JAMES BLANCH
PRESENT
Clerk: jennifaj
Prosecutor: CARLSON, WILLIAM J
Defendant Present
Defendant's Attorney(s): LEWIS, JAMES C
Audio
Tape Number: w33 Tape Count: 832-838
HEARING

Defense counsel has filed a motion to compel, state has responded. Counsel request for evidentiary hearing.

EVIDENTIARY HEARING is scheduled.

Date: 10/31/2016

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

10-27-2016 Rescheduled: EVIDENTIARY HEARING rescheduled to December 05, 2016 at 02:00 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH

10-27-2016 NOTICE for Case 161904929 ID 17813705

Judge: JAMES BLANCH

EVIDENTIARY HEARING.

Date: 12/05/2016

Time: 02:00 p.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

The reason for the change is Stipulation of counsel

10-27-2016 Filed: Notice for Case 161904929 ID 17813705

12-05-2016 Minute Entry - EVIDENTIARY HEARING

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: CARLSON, WILLIAM J

Defendant Present

Defendant's Attorney(s): LEWIS, JAMES C

Audio

Tape Number: w33 Tape Count: 203-240

HEARING

203- The matter is before the court on the defense motion to compel discovery. Defense calls first witness Sgt. Tyler Ackerman, sworn and examined.

223- Cross examination.

226- Argument placed on the record.

233- Courts rules and denies motion. Case is set for disposition hearing. 01/20/2017 at 8:30

01-20-2017 Cancelled: DISPOSITION scheduled on March 10, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

01-20-2017 Minute Entry - CONTINUANCE

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: GIBBON, STEVEN C

Defendant Present

Defendant's Attorney(s): LEWIS, JAMES C

Audio

Tape Number: w33 Tape Count: 849-852

CONTINUANCE

Whose Motion:

The Defendant's counsel JAMES C LEWIS.

Reason for continuance:

Request of counsel

The motion is granted.

DISPOSITION is scheduled.

Date: 03/10/2017

Time: 08:30 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

01-23-2017 Continued: DISPOSITION scheduled on March 10, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

01-23-2017 Filed order: EVIDENTIARY HEARING

Judge JAMES BLANCH

Signed January 23, 2017

03-10-2017 Cancelled: JURY TRIAL scheduled on July 11, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-10-2017 Cancelled: JURY TRIAL scheduled on July 12, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-10-2017 Cancelled: JURY TRIAL scheduled on July 13, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-10-2017 FINAL PRETRIAL scheduled on June 30, 2017 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-10-2017 Minute Entry - DISPOSITION

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: LEON, ALIISA N

Defendant Present

Defendant's Attorney(s): LEWIS, JAMES C

Audio

Tape Number: w33 Tape Count: 852-855

HEARING

Counsel requests for trial setting.

JURY TRIAL is scheduled.

Date: 07/11/2017

Time: 08:30 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

JURY TRIAL is scheduled.

Date: 07/12/2017

Time: 08:30 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

JURY TRIAL is scheduled.

Date: 07/13/2017
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

FINAL PRETRIAL.

Date: 06/30/2017
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

- 03-23-2017 Filed: Motion to Withdraw and For Expedited Ruling
Filed by: KATHLEEN SEVASTOPOULOS
- 03-23-2017 Filed: Order (Proposed) Granting Motion to Withdraw
- 03-23-2017 Filed: Return of Electronic Notification
- 03-27-2017 Filed: Appearance of Counsel/Notice of Limited Appearance
- 03-27-2017 NOTICE for Case 161904929 ID 18140346

Judge: JAMES BLANCH

MOTION TO WITHDRAW is scheduled.

Date: 03/31/2017
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

****ATD is to notify the defendant of this hearing.****

- 03-27-2017 MOTION TO WITHDRAW scheduled on March 31, 2017 at 08:30 AM in
THIRD FLOOR - W33 with Judge JAMES BLANCH
- 03-27-2017 Filed: Notice for Case 161904929 ID 18140346
- 03-27-2017 Filed: Return of Electronic Notification
- 03-27-2017 Note: **JA called defendant to advise her of the hearing on
3/31 at 8:30 a.m.**
- 03-28-2017 Filed: THIRD SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCOVERY
- 03-28-2017 Filed: Return of Electronic Notification
- 03-31-2017 DISPOSITION/ NEW COUNSEL STATU scheduled on April 28, 2017 at
08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH
- 03-31-2017 Minute Entry - COUNSEL MOTION TO WITHDRAW

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj
Prosecutor: LEON, ALIISA N
Defendant Present
Defendant's Attorney(s): LEWIS, JAMES C
Audio
Tape Number: w33 Tape Count: 1052-1056

HEARING

Court grants defense motion to withdraw as counsel.
Defendant requests time to hire new counsel, jury trial
date to remain. Disposition hearing is set.

DISPOSITION/ NEW COUNSEL STATU is scheduled.

Date: 04/28/2017

Time: 08:30 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

03-31-2017 Filed order: Order Granting Motion to Withdraw
Judge JAMES BLANCH
Signed March 31, 2017

03-31-2017 Filed: Return of Electronic Notification

04-21-2017 Filed: Appearance of Counsel/Notice of Limited Appearance

04-21-2017 Filed: Return of Electronic Notification

04-28-2017 Cancelled: scheduled on at with

04-28-2017 Minute Entry - DISPOSITION/NEW COUNSEL STATUS

Judge: JAMES BLANCH

PRESENT

Clerk: kelseyj

Prosecutor: LEON, ALIISA N

Defendant Present

Defendant's Attorney(s): SKORDAS, GREGORY G

Audio

Tape Number: W33 Tape Count: 901-904

HEARING

Defendant appeared out of custody. Third day of the trial
is stricken and other dates are to remain.

05-08-2017 Filed: Notice of Appearance on Behalf of Victims

05-08-2017 Filed: Return of Electronic Notification

06-30-2017 Cancelled: JURY TRIAL scheduled on July 11, 2017 at 08:30 AM in
THIRD FLOOR - W33 with Judge JAMES BLANCH

Reason: Case settled

06-30-2017 Charge 1 Disposition is Guilty

06-30-2017 Charge 1 amended to Class A Misdemeanor

06-30-2017 Charge 2 amended to Class A Misdemeanor

06-30-2017 Charge 2 Disposition is Guilty

06-30-2017 Charge 3 Disposition is Dismissed w/ Pr

06-30-2017 SENTENCING scheduled on August 30, 2017 at 01:30 PM in THIRD
FLOOR - W33 with Judge JAMES BLANCH

06-30-2017 Minute Entry - CHANGE OF PLEA

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: LEON, ALIISA N

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): SKORDAS, GREGORY G

Audio

Tape Number: w33 Tape Count: 921-931

Court advises defendant of rights and penalties.

Defendant waives the reading of the Information.

Defendant waives time for sentence.

A pre-sentence investigation was ordered.

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

The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense.

SENTENCING is scheduled.

Date: 08/30/2017

Time: 01:30 p.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

06-30-2017 Filed: Third amended interlineated Information

06-30-2017 Filed: Plea, Rights and Waiver

Judge JAMES BLANCH

Signed June 30, 2017

07-03-2017 **** PRIVATE **** Filed: Victim Impact Statement C Smith

07-03-2017 **** PRIVATE **** Filed: Victim Impact Statement R Burrows

07-03-2017 **** PRIVATE **** Filed: Victim Impact Statement L Smith Burton

07-03-2017 **** PRIVATE **** Filed: Victim Impact Statement N Hagen

07-03-2017 Filed: Return of Electronic Notification

07-03-2017 Filed: Return of Electronic Notification

07-03-2017 Filed: Return of Electronic Notification

07-03-2017 Filed: Return of Electronic Notification

08-21-2017 **** PROTECTED **** Filed: AP&P Low Risk Pre Sentence Investigation Report

08-30-2017 Cancelled: REVIEW/PROBATION scheduled on June 01, 2018 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

08-30-2017 Minute Entry - SENTENCE, JUDGMENT, COMMITMENT

Judge: JAMES BLANCH

PRESENT

Clerk: cyndiab

Prosecutor: ALIISA N LEON

Other Attorneys: NATHAN A CRANE

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): GREGORY G SKORDAS

Agency: Adult Probation and Parole

Audio

Tape Number: CR W33 Tape Count: 1:43-2:41

HEARING

This matter is before the court for sentencing. Appearances stated. The court addresses the PSI with the parties. Ms. Leon addresses the court regarding her concerns about the PSI. She does not move to continue sentencing at this time, but will file a motion at a later date to address those concerns if she desires.

In speaking with the parties, the court ORDERS that the PSI be corrected to indicate that the exact amount of restitution is unknown at this time.

SENTENCE JAIL

Based on the defendant's conviction of THEFT a Class A Misdemeanor, the defendant is sentenced to a term of 365 day(s) The total time suspended for this charge is 185 day(s).

Based on the defendant's conviction of THEFT BY DECEPTION a Class A Misdemeanor, the defendant is sentenced to a term of 365 day(s) The total time suspended for this charge is 365 day(s).

Credit is granted for 1 day(s) previously served.

SENTENCE JAIL CONCURRENT/CONSECUTIVE NOTE

Consecutively to each other.

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).

Probation is to be supervised by THIRD DISTRICT COURT.

Defendant to serve 180 day(s) jail.

Defendant is to be placed on Court Probation.

Violate no laws.

No contact with the victims.

Complete a Theft Course and file proof with the court within 6 months from release from jail.

Obtain and/or maintain full-time verifiable employment while restitution is still owing.

Restitution is ordered and to remain open for the statutory period.

REVIEW/PROBATION is scheduled.

Date: 06/01/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

- 08-30-2017 Filed: Letter from Lindy Burton
- 08-30-2017 Filed: Letter from Wendy Smith
- 08-30-2017 Filed: Letter from Sharon Christenson
- 08-30-2017 Filed: Letter from Megan Skibitsky
- 08-30-2017 Filed: Letter from Niki Smith-Hagen
- 08-30-2017 Minute Entry - JAIL COMMITMENT

Judge: JAMES BLANCH

Clerk: cyndiab

Audio

HEARING

This defendant has been committed by order of the Court to the custody of the Salt Lake County Sheriff to be held in the Salt Lake County Jail for 180 days. The Court orders credit for 1 day previously served.

- 08-30-2017 Filed order: JAIL COMMITMENT
Judge JAMES BLANCH
Signed August 30, 2017
- 08-31-2017 Filed order: SENTENCE, JUDGMENT, COMMITMENT
Judge JAMES BLANCH
Signed August 31, 2017

- 09-07-2017 Fee Account created Total Due: 10.00
- 09-07-2017 AUDIO TAPE COPY Payment Received: 10.00
- 09-11-2017 Note: CD of 08/30 hearing completed and placed for pickup in 3rd floor reception for Nathan Crane office.

11-30-2017 **** SEALED **** Filed: Judgment Information Statement -
Criminal Vict. name add. and amt. to be paid
11-30-2017 Filed: Motion for restitution and cert.
Filed by: STATE OF UTAH
11-30-2017 **** SEALED **** Filed: vict. documents for restitution
11-30-2017 Filed: Return of Electronic Notification
12-08-2017 Filed: Objection to Motion for Restitution
12-08-2017 Filed: Return of Electronic Notification
12-26-2017 Filed: Motion to Request Restitution Hearing
Filed by: STATE OF UTAH
12-26-2017 Filed: Return of Electronic Notification
01-12-2018 Filed: Order (Proposed) to Set Restitution Hearing
01-12-2018 Filed: Return of Electronic Notification
01-19-2018 Ruling Entry - RESTITUTION MINUTE ENTRY

Judge: JAMES BLANCH

A Motion for Restitution has been filed and the defendant, through counsel, has filed an objection. The attorneys are ordered to discuss restitution with a view towards reaching an agreement as to the amount. If not successful, a hearing may be requested.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 161904929 by the method and on the date specified.

EMAIL: ALIISA N LEON ALeon@slco.org

EMAIL: GREGORY G SKORDAS gskordas@schhlaw.com

01/19/2018

/s/

JENNIFER JONES

Date: _____

Signature

01-19-2018 Filed: Other - Not Signed Order (Proposed) to Set Restitution Hearing

01-19-2018 Filed: Return of Electronic Notification

01-19-2018 Filed order: RESTITUTION MINUTE ENTRY

Judge JAMES BLANCH

Signed January 19, 2018

01-29-2022 Filed: Proof of anger management class

02-15-2018 RESTITUTION HEARING scheduled on March 20, 2018 at 10:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-20-2018 RESTITUTION HEARING scheduled on April 26, 2018 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

03-20-2018 Minute Entry - REST HEARING CONTINUED

Judge: JAMES BLANCH

PRESENT

Clerk: jennifaj

Prosecutor: ALIISA N LEON

Other Attorneys: NATHAN A CRANE

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): KAYTLIN V BECKETT

Audio

Tape Number: w33 Tape Count: 1028-1046

HEARING

Parties are present, counsel for the defense moves for a continuance. Court grants motion and orders for parties to exchange financial declaration, exhibit lists, and witness lists by April 12.

RESTITUTION HEARING is scheduled.

Date: 04/26/2018

Time: 09:00 a.m.

Location: THIRD FLOOR - W33

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: JAMES BLANCH

03-21-2018 Filed: Memorandum in Support of States Motion to Discover
03-21-2018 Filed: Motion to Discover
Filed by: STATE OF UTAH
03-21-2018 Filed: Order (Proposed) Regarding States Motion to Discover
03-21-2018 Filed: Return of Electronic Notification
04-05-2018 Filed order: Order Regarding States Motion to Discover
Judge JAMES BLANCH
Signed April 05, 2018
04-05-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Exhibit List: Proposed Witness and Exhibit List
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Affidavit/Declaration: Affidavit of Captain A.P. Sevastopoulos
04-12-2018 **** PRIVATE **** Filed: Financial Declaration -Kathleen
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: States Witness List
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Notice of Expert Witness Daniel P Rinehart
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Affidavit/Declaration Affidavit for Order to Show Cause
04-12-2018 Filed: Motion for Order to Show Cause
Filed by: STATE OF UTAH
04-12-2018 Filed: Order (Proposed) Order to Show Cause
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: : Notice of Expert Witness
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Exhibit List: Amended proposed witness and exhibit list
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed order: Order to Show Cause
Judge JAMES BLANCH
Signed April 12, 2018
04-12-2018 Filed: Return of Electronic Notification
04-12-2018 Filed: Exhibit List States Exhibit List
04-12-2018 Filed: Return of Electronic Notification
04-16-2018 Filed: States Amended Witness List
04-16-2018 Filed: Return of Electronic Notification
04-17-2018 Filed: Fourth Supplemental Response to Request for Discovery
04-17-2018 Filed: Return of Electronic Notification
04-19-2018 Filed: Fifth Supplemental Response to Request for Discovery

04-19-2018 Filed: Return of Electronic Notification
04-19-2018 Filed: Motion Amended Motion for Order of Restitution
Filed by: STATE OF UTAH
04-19-2018 Filed: Exhibit List Plaintiffs Amended Exhibit List
04-19-2018 Filed: Return of Electronic Notification
04-19-2018 Filed: Return of Electronic Notification
04-19-2018 Filed: States Supplemental Request for Discovery
04-19-2018 Filed: Return of Electronic Notification
04-23-2018 Filed: Sixth Supplemental Reponse to Request for Discovery
04-23-2018 Filed: Return of Electronic Notification
04-25-2018 Filed: TRANSCRIPT for Hearing of 08-30-2017
04-26-2018 Fee Account created Total Due: 10.00
04-26-2018 AUDIO TAPE COPY Payment Received: 10.00
Note: Mail Payment;
04-26-2018 REVIEW HEARING scheduled on February 01, 2019 at 08:30 AM in
THIRD FLOOR - W33 with Judge JAMES BLANCH
04-26-2018 Trust Account created Total Due: 26,000.00
04-26-2018 Minute Entry - RESTITUTION HEARING
Judge: JAMES BLANCH
PRESENT
Clerk: cyndiab
Prosecutor: ALIISA N LEON
Other Attorneys: NATHAN A CRANE
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): GREGORY G SKORDAS
Defendant's Attorney(s): KAYTLIN V BECKETT
Audio
Tape Number: CR W33 Tape Count: 9:17-405
HEARING

This matter is before the court for a restitution hearing.

9:17 AM Court in session and appearances stated.
9:20 AM Mr. Skordas addresses the court. Defense motion to continue for the reasons stated.
9:23 AM Ms. Leon responds.
9:27 AM The court denies the motion to continue, without prejudice.
9:30 AM Exclusionary rule invoked.
9:30 AM Nicholas Smith sworn and examined on behalf of the State.
9:33 AM State's exhibit 1 offered and received.
9:48 AM State's exhibit 2 offered and received.
9:50 AM Cross-examination by Mr. Skordas.
10:01 AM Nathan Crane sworn and examined on behalf of the State.
10:15 AM State's exhibit 3 offered and received.
10:21 AM Cross-examination by Mr. Skordas.
10:26 AM Marion Smith sworn and examined on behalf of the State.
10:31 AM State's exhibit 4 offered and received.
10:33 AM State's exhibit 5 offered and received.
10:42 AM Cross-examination by Mr. Skordas.
10:49 AM Re-direct.
10:50 AM Re-cross.
10:51 AM Recess.
11:15 AM Detective Tyler Ceriman sworn and examined on behalf of the State.
11:28 AM Cross-examination by Mr. Skordas.
11:32 AM Re-direct.
11:38 AM Re-cross.
11:39 AM Re-direct.
11:41 AM Daniel Rinehart sworn and examined on behalf of the State.
11:45 AM State's exhibit 6 offered and received.
11:51 AM State's exhibit 8 offered and received.
11:55 AM State's exhibit 7 offered and received.
12:03 PM Cross-examination.
12:17 PM Re-direct.
12:22 PM Re-cross.
12:27 PM Sharon Christenson sworn and examined on behalf of the State.
12:46 PM Defense does not wish to cross examine witness, witness excused. The Court takes a recess from this matter until 2 PM.
2:09 PM Court resumes, Mr. Crane addresses the court
2:15 PM Recess
2:34 PM Court resumes, Mr. Skordas withdraws his objection to Mr. Crane representing victims.
2:36 PM Argument
Court orders for Complete restitution judgment to be entered in the amount of \$148,243.27
3:35 PM Argument
3:51 PM Court orders for court ordered restitution to be \$26,000. Defendant is ordered to pay no less than \$1,000 a month beginning on 06/1/2018, and the first of every month thereafter.
3:56 PM State moves and court orders for osc to be stricken.

The court states detailed oral ruling on the record. These signed minutes incorporate the court's oral ruling and completes the court's disposition of the matters addressed therein. However, Ms. Leon shall provide proposed judgment confirm the court's oral ruling.

Restitution Amount: \$26000.00 Plus Interest
Pay in behalf of: VICTIMS

REVIEW HEARING is scheduled.

Date: 02/01/2019

Time: 08:30 a.m.

Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

04-26-2018 Note: Added to payment schedule 1060133570
04-26-2018 Judgment # 1 Entered 148,243.27

jennifaj

Creditor : NICHOLAS AND ISABELL SMITH
Debtor : KATHLEEN SEVASTOPOULOS
148,243.27 restitution
148,243.27 Judgment Grand Total

04-26-2018 Filed: exhibit list
04-26-2018 Filed order: RESTITUTION HEARING
Judge JAMES BLANCH
Signed April 26, 2018
04-27-2018 Trust Account created Total Due: 11,302.17
04-27-2018 Note: Added to payment schedule 1060133570
04-27-2018 Fee Account created Total Due: 13.00
04-27-2018 Fee Account created Total Due: 8.00
04-27-2018 CERTIFIED COPIES Payment Received: 13.00
04-27-2018 CERTIFICATION Payment Received: 8.00
04-27-2018 Fee Account created Total Due: 10.00
04-27-2018 AUDIO TAPE COPY Payment Received: 10.00
Note: 20.00 cash tendered. 10.00 change given.
05-01-2018 Filed: Judgment - Criminal (Proposed) Restitution Order and
Judgment
05-01-2018 Filed: Return of Electronic Notification
05-09-2018 Filed order: Judgment - Criminal Restitution Order and Judgment
Judge JAMES BLANCH
Signed May 09, 2018
05-09-2018 Filed: Return of Electronic Notification
05-14-2018 Fee Account created Total Due: 2.00
05-14-2018 Fee Account created Total Due: 4.00
05-14-2018 CERTIFIED COPIES Payment Received: 2.00
05-14-2018 CERTIFICATION Payment Received: 4.00
05-17-2018 Note: **MP3 recording requested by Aliisa Leon completed and
emailed to her.**
05-31-2018 Cancelled: REVIEW/PROBATION scheduled on June 01, 2018 at 08:30
AM in THIRD FLOOR - W33 with Judge JAMES BLANCH
Reason: Court Ordered
06-01-2018 **** PRIVATE **** Filed: Psych/Med/Assessment Record
06-01-2018 Filed: Return of Electronic Notification
06-05-2018 Filed: General Overdue Case 161904929
06-06-2018 Filed: Affidavit/Declaration: Affidavit and application for
waiver of Court Fees
06-06-2018 Filed: Notice of Appeal - Criminal (not Interlocutory):
Notice of Appeal - Criminal
06-06-2018 Filed: Return of Electronic Notification
06-06-2018 Filed: Motion (Hearing Requested) to Withdraw
Filed by: KATHLEEN SEVASTOPOULOS
06-06-2018 Filed: Return of Electronic Notification

06-07-2018 MTN WITHDRAW/APPOINTMENT OF CO scheduled on July 06, 2018 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH

06-07-2018 NOTICE for Case 161904929 ID 19189069
Judge: JAMES BLANCH
MTN WITHDRAW/APPOINTMENT OF CO is scheduled.
Date: 07/06/2018
Time: 08:30 a.m.
Location: THIRD FLOOR - W32
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

06-07-2018 Filed: Notice for Case 161904929 FS: Judge JAMES BLANCH

06-08-2018 Note: Notice of Appeal filed 6-6-2018 emailed to Court of Appeals, ca

06-12-2018 Filed: Appearance of Counsel/Notice of Limited Appearance States notice of limited appearance of counsel 6-12-18

06-12-2018 Filed: Return of Electronic Notification

06-13-2018 Filed: Utah Court of Appeals Letter dated 6-13-2018 to Kathleen Sevastopoulos - (Appeal filed - Case #20180452 should be indicated on future filings - rules/info etal)

06-13-2018 Filed: Utah Court of Appeals Notice of Policy Change Effective September 1, 2018

06-14-2018 Note: Civil collection letter returned with no forwarding address.

06-19-2018 Fee Account created Total Due: 10.00

06-19-2018 AUDIO TAPE COPY Payment Received: 10.00
Note: Mail Payment;

06-29-2018 Filed: Substitution of Counsel for the State

06-29-2018 Filed: Return of Electronic Notification

07-03-2018 Note: MTN WITHDRAW/APPOINTMENT OF CO calendar modified.

07-05-2018 Filed: Application for Writ of Execution

07-05-2018 Filed: Notice of Appearance on Behalf of the Victims

07-05-2018 Filed: Writ of Execution (Proposed)

07-06-2018 Minute Entry - MTN WITHDRAW PRIVATE COUNSEL/REQUEST FOR
Judge: JAMES BLANCH
PRESENT
Clerk: jennifaj
Prosecutor: TURNER, VICTORIA A
Other Attorneys: P MATTHEW COX
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): SKORDAS, GREGORY G
Audio
Tape Number: w33 Tape Count: 842-848
HEARING
Court finds the defendant to be indigent, appoints LDA for the purpose of appeal, and grants motion of Mr. Skordas to withdraw as counsel.

07-06-2018 Filed order: MTN WITHDRAW PRIVATE COUNSEL/REQUEST FOR COUNSEL
Judge JAMES BLANCH
Signed July 06, 2018

07-10-2018 Filed: 2nd General Overdue Case 161904929

07-10-2018 Issued: Writ of Execution

Clerk DANIELLE WEINBURGER

07-10-2018 Fee Account created Total Due: 50.00
07-10-2018 WRIT OF EXECUTION Payment Received: 50.00
07-10-2018 Filed: Return of Electronic Notification
07-13-2018 Filed: Designation of Record and Certificate re: notice of appeal previously filed
07-13-2018 Filed: Return of Electronic Notification
07-13-2018 Fee Account created Total Due: 1.00
07-13-2018 Fee Account created Total Due: 4.00
07-13-2018 CERTIFIED COPIES Payment Received: 1.00
07-13-2018 CERTIFICATION Payment Received: 4.00
07-16-2018 Filed: Affidavit/Declaration in Support of Order to Show Cause
07-16-2018 Filed: Order to Show Cause (Proposed)
07-16-2018 Filed: Return of Electronic Notification
07-17-2018 Filed: Violation, No Warrant Ref Case 161904929
07-17-2018 Note: Unable to forward collection letters without current address.
07-20-2018 Issued: Order to Show Cause
Judge JAMES BLANCH
07-20-2018 Note: Please note that the court amended the proposed order prior to signing it.
07-20-2018 Filed: Return of Electronic Notification
08-09-2018 Filed: Motion for Leave to attend Depositions of Nicholas Smith and Marion Burrows Smith
Filed by: KATHLEEN SEVASTOPOULOS
08-09-2018 Filed: Return of Electronic Notification
08-13-2018 Filed: Opposition to Victims Opposition to Defendants Motion for Leave to Attend Depositions of Nicholas Smith and Marion Smith
08-13-2018 Filed: Return of Electronic Notification
08-13-2018 Filed: TRANSCRIPT for Hearing of 09-20-2016
08-13-2018 Filed: TRANSCRIPT for Hearing of 06-30-2017
08-13-2018 Filed: TRANSCRIPT for Hearing of 03-20-2018
08-13-2018 Filed: TRANSCRIPT for Hearing of 04-26-2018
08-14-2018 Note: No current address found through DL/SSN or Kenna search.
08-14-2018 Note: Unable to forward collection letters without current address.
08-29-2018 Filed return: Return- Writ of execution
Party Served: SALT LAKE COUNTY
Service Type:
Service Date: August 09, 2018
Garnishee:
09-05-2018 Filed: Violation, Warrant Ref Case 161904929
09-13-2018 Note: Collection letter returned with no forwarding address.
09-14-2018 Filed: Appearance of Counsel/Notice of Limited Appearance Limited for Restitution Issue
09-14-2018 Filed: Return of Electronic Notification
09-14-2018 EVIDENTIARY HEARING scheduled on October 18, 2018 at 09:00 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH
09-14-2018 Minute Entry - ORDER TO SHOW CAUSE
Judge: JAMES BLANCH
PRESENT
Clerk: sirarpio
Prosecutor: ROSS III, CLIFFORD C

Other Attorneys: NATHAN A CRANE
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): KEZAR, CATHERINE L
Audio
Tape Number: W33 Tape Count: 1:54-2:02

HEARING

Court orders warrant to be recalled. Defense requests evidentiary hearing. Defendant is served with documents from victim attorneys.

EVIDENTIARY HEARING is scheduled.

Date: 10/18/2018
Time: 09:00 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH

09-14-2018 Minute Entry - ORDER TO SHOW CAUSE
Judge: JAMES BLANCH

PRESENT

Clerk: sirarpio
Prosecutor: ROSS III, CLIFFORD C
Other Attorneys: P MATTHEW COX
The defendant is not in custody
Defendant not present
Defendant's Attorney(s): CHRISTIANSON, MCCAYE
Audio
Tape Number: W33 Tape Count: 9:19-25

HEARING

Defendant not present and was not served court orders. \$15,000 bench warrant, cash only, to be issued based on the order to show cause affidavit.

09-19-2018 Filed: Motion (Hearing Requested) to Stay Complete and Court-Ordered Restitution Pending Appeal

Filed by: KATHLEEN SEVASTOPOULOS

09-19-2018 Filed: Order (Proposed) Staying Complete and Court-Ordered Restitution Pending Appeal

09-19-2018 Filed: Request/Notice to Submit

09-19-2018 Filed: Return of Electronic Notification

09-19-2018 Restitution Payment Received: 8.95

09-19-2018 Interest on Rstitutn Payment Received: 391.05

09-21-2018 Filed: Opposition to Victims Opposition to Defendants Notice to Submit for Decision Motion to Stay Complete and Court Ordered Restitution Pending Appeal

09-21-2018 Filed: Return of Electronic Notification

09-26-2018 Filed: Opposition to Victims Opposition to Defendants Motion to Stay Complete and Court-Ordered Restitution Pending Appeal

09-26-2018 Filed: Return of Electronic Notification

10-01-2018 Filed: Memorandum Defendants Memorandum in Support of her Motion to Stay Restitution

10-01-2018 Filed: Return of Electronic Notification

10-01-2018 Restitution Payment Received: 67.87

10-01-2018 Interest on Rstitutn Payment Received: 32.13

10-04-2018 Ruling Entry - MEMORANDUM DECISION AND ORDER

Judge: BLANCH, JAMES

Before the court for consideration is Defendant's Motion to Stay Complete and Court-Ordered Restitution Pending Appeal. The motion is fully briefed and before the court for determination. Although Defendant has requested a hearing on the motion, the court believes the issues are addressed adequately in the parties' briefing and a hearing is unnecessary.

On June 30, 2017, Defendant Kathleen Sevastopoulos pled guilty to one count of theft and one count of theft by deception, admitting she had stolen extensive funds from her elderly parents. On August 30, 2017, the court sentenced Defendant to probation, the terms of which included a jail commitment that Defendant has now served. The court indicated it would address in due course the amounts of complete and court-ordered restitution Defendant would be required to pay. When it came time to consider restitution, the court scheduled a full-day evidentiary hearing to address restitution issues on March 20, 2018. On that date, the State and the victims were prepared to submit evidence and prove their restitution claims. Counsel for Defendant moved for a continuance in order to allow Defendant to be better prepared for the hearing. Over objections from the State and from the victims, the court granted a continuance until April 26, 2018 and ordered the parties to exchange financial declarations, exhibit lists, and witness lists by April 12.

On April 26, 2018, almost eight months after Defendant's sentencing, the court conducted a full-day evidentiary hearing on the restitution issues in this case. The court heard testimony from approximately six witnesses and received substantial documentary evidence. At the conclusion of the hearing, the court announced detailed oral findings of fact and conclusions of law from the bench, which findings and conclusions the court incorporated into its signed minutes. Regarding complete restitution, the court found that Defendant's conduct had proximately caused pecuniary damages to the victims in the amount of \$148,243.27. This amount included \$108,243.27 that represented the net of the total amount Defendant had taken from the victims, less amounts the victims had been able to recover in civil litigation against various financial institutions. These civil litigation matters had reduced the amount of restitution the victims were forced to seek from Defendant by almost \$140,000. The victims had incurred expenses recovering these amounts in civil litigation, which as noted reduced the restitution judgment against Defendant in this case by more than 50 percent. The evidence showed that Defendants paid at least \$2,000 to a forensic accountant and \$38,000 to attorneys in an effort to pursue civil litigation and mitigate the restitution amount they were forced to seek from Defendant. The court found that Defendant's conduct proximately caused these expenses and included the \$40,000 in accountant and attorney fees as part of the complete restitution judgment. Thus, the complete restitution judgment was \$148,243.27. The court signed a Criminal Restitution Order and Judgment on May 9, 2018, and the victims are now in the process of employing civil processes to collect that judgment. Concerning court-ordered restitution, the court found Defendant was able to pay at least \$1000 per month toward her restitution obligation, and the court ordered her to pay that amount as a condition of her probation. It appears Defendant has paid nothing at all toward her restitution obligations to date, and an order-to-show-cause hearing has been scheduled to address whether Defendant is in violation of her probation for failing to pay court-ordered restitution as directed.

Defendant has filed an appeal and now asks this court to stay enforcement or execution of the court's restitution

order and judgment pending the outcome of the appeal. Defendant has not offered to post any bond or other security for the benefit of the victims pending the outcome of the appeal. Under Rule 27 of the Utah Rules of Criminal Procedure, the court has discretion to decide whether to stay enforcement of restitution orders and judgments pending appeal. Defendant argues that she has a substantial probability of success on appeal because (1) she contends she was not afforded due process of law in connection with the restitution hearing, and (2) the court erred by including \$2,000 in accountant fees and \$38,000 in attorney fees in the complete restitution judgment.

Regarding the first issue, Defendant does not contend that the court failed to follow the proper procedures for determining complete restitution in a case like this one under the terms of the Utah Crime Victims Restitution Act, Utah Code Annotated sections 77-38a-101 et seq., as the Utah Supreme Court has explained that act in *State v. Ogden*, 2018 UT 8. In that case, the Court noted that the Restitution Act includes truncated procedures for determining restitution in criminal cases that are less extensive and protective of defendants than the processes for civil litigation encompassed in the Utah Rules of Civil Procedure. The Court intimated, but did decide, that under certain circumstances it might be possible that the procedures accompanying a restitution determination in a particular criminal case under the Restitution Act might be so abbreviated and limited that their application violates constitution due process requirements, even if the procedures set forth in the Restitution Act are complied with. Although such an issue may remain available for argument in an appropriate case, the opportunities Defendant had in this case to prepare for and participate in the April 26, 2018 restitution hearing vastly exceeded the minimum notice and opportunity to be heard guaranteed by the due process clauses of the United States and Utah constitutions. The court initially scheduled the restitution hearing on a date that would have afforded Defendant months to prepare. On that date, at Defendant's request and over the objection of the State and the victims, the court continued the hearing several more weeks to ensure Defendant could be adequately prepared. Further, the court ordered the parties to exchange information concerning the matters to be addressed at the hearing two weeks in advance. The hearing itself was an evidentiary hearing in which all parties had full and unfettered opportunities to cross-examine witnesses and call their own witnesses, and the hearing occupied almost an entire trial day. Defendant was represented by experienced counsel, Greg Skordas, throughout this entire process. In light of this, the court finds there is a low probability Defendant will successfully convince an appellate tribunal that the procedures accompanying the court's restitution order and judgment violated her constitutional due process rights. Defendant has made no offer to post a bond or offer other security to protect the victims in the likely event Defendant's due process argument is rejected on appeal. Accordingly, the court will exercise its discretion to DENY Defendant's motion to stay execution of its restitution order and judgment pending appeal.

As to the second issue, the court finds Defendant has presented substantial and credible arguments as to whether it was error for the court to include \$2,000 for accounting fees and \$38,000 for attorney fees as part of the complete restitution judgment. As the court explained from the bench and will clarify here, the court did NOT include the accounting and legal fees as costs and fees to be awarded to a prevailing party, in violation of the American rule that parties must bear their own attorney fees, nor did the court award any amounts for the attorney fees or other fees

the victims incurred in connection with the restitution proceedings themselves. Rather, the evidence showed that Defendant stole a total of almost \$247,000 from her parents by directing her parents' funds from their bank accounts to Defendant's own accounts at credit card companies and other financial institutions. The accounting and legal fees that the court included in the restitution judgment were exclusively related to partially successful efforts on the victims' part to recover amounts directly from the financial institutions that received the funds. Those litigation efforts ended up mitigating the victims' damages and reduced the amount they claimed at the restitution hearing by more than 50%--almost \$140,000. As explained from the bench, the court analogized these accounting and legal expenses to the costs of medical or psychological treatment a victim of a violent crime might incur to mitigate the harm proximately caused by a Defendant's criminal conduct. Costs for such medical or psychological treatment may unquestionably be included in restitution judgments. The court noted there did not appear to be binding authority from the Utah appellate courts as to whether this line of reasoning should permit the inclusion of accounting and attorney fees such as those expended here in restitution judgments, although the State cited cases from other jurisdictions that appeared to permit such awards. However, Defendant has cited case law supporting the opposite conclusion, and the Utah Court of Appeals has issued an opinion, ironically on the same day this court announced its restitution order in this case, placing limitations on the kind of expenses the court may properly include in a restitution order. See *State v. Mooers*, 2018 UT App 74 (holding that security bars installed by a victim on a window following a burglary were not properly included in the court's restitution order). The court remains persuaded that it was proper to include the accounting and attorney fees as part of the complete restitution judgment under the facts and circumstances of this case. However, there are substantial arguments available to the contrary, and there is realistic possibility Defendant may prevail in her appeal of this issue. Accordingly, the court will exercise its discretion to stay enforcement of the \$40,000 component of the restitution judgment that represents accounting and attorney fees. To that extent only, Defendant's motion to stay is GRANTED. But otherwise, the victims may proceed to enforce the restitution judgment with respect to the \$108,243.27 representing the amounts Defendant stole from the victims that the victims were unable to recover through other means.

IT IS SO ORDERED.

10-04-2018 Filed order: MEMORANDUM DECISION AND ORDER
 Judge JAMES BLANCH
 Signed October 04, 2018

10-04-2018 Filed: Other - Not Signed Order (Proposed) Staying Complete and Court-Ordered Restitution Pending Appeal

10-04-2018 Note: The court has declined to sign the proposed order. See Memorandum Decision and Order dated October 4, 2018.

10-04-2018 Filed: Return of Electronic Notification

10-08-2018 Filed: Appearance of Counsel/Notice of Limited Appearance of Aaron C. Garrett for Kathleen Sevastopoulos

10-08-2018 Filed: Motion Verified Motion to Stay Enforcement of Judgment and for Approval of Bond
 Filed by: KATHLEEN SEVASTOPOULOS

10-08-2018 Filed: Return of Electronic Notification

10-08-2018 Filed: Reply to Notice of Execution and Request for Hearing

10-08-2018 Filed: Return of Electronic Notification

10-15-2018 Restitution Payment Received: 4,462.61

10-15-2018 Interest on Rstitutn Payment Received: 37.39
10-18-2018 Minute Entry - POST SENTENCING JUDGMENT/COMMITMENT

Judge: JAMES BLANCH

PRESENT

Clerk: sirarpio

Prosecutor: VICTORIA A TURNER

Prosecutor: CLIFFORD C ROSS III

Other Attorneys: P MATTHEW COX

Other Attorneys: NATHAN A CRANE

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): TAWNI HANSEEN BUGDEN

Audio

Tape Number: W33 Tape Count: 9:31-10:07

HEARING

This matter is before the court for a OSC/Evidentiary Hearing. Appearances stated.

9:31 AM Parties discuss Defendant's restitution payments and failure to maintain full time employment.

9:34 AM Defendant admits to violation of allegation #1 and State strikes allegation #2.

9:37 AM Court is in recess.

9:40 AM Court back in session. State offers Defendant's exhibit 1 and court receives exhibit 1.

9:42 AM Victim's attorneys Mr. Nathan Cane and Mr. Mathew Cox argue.

9:46 AM Defense responds.

9:51 AM Victim's attorney argues.

9:56 AM State argues.

9:58 AM Defense responds.

10:04 AM Court finds that there was a willful violation of probation. The court imposes no sanction at this time.

The court states a ruling on the record. These signed minutes incorporate the court's oral ruling and complete the court's disposition of the matters addressed therein.

SENTENCE, JUDGMENT and COMMITMENT

The defendant admits the following numbered allegations as stated in the Affidavit and Order to Show Cause: 1

10-18-2018 Filed order: POST SENTENCING JUDGMENT/COMMITMENT

Judge JAMES BLANCH

Signed October 18, 2018

10-18-2018 Filed: Affidavit/Declaration States declaration supporting motion for order to show cause 10-18-18

10-18-2018 **** SEALED **** Filed: States notice of crime victim contact information (classify as safeguarded) 10-18-18

10-18-2018 Filed: Return of Electronic Notification

10-19-2018 Filed: EXHIBIT LIST

10-24-2018 Restitution Check # 78376 Trust Payout: 4,539.43

10-24-2018 Interest on Rstitutn Check # 78376 Trust Payout: 460.57

10-25-2018 Note: CHECK #78376 MAILED TO NICHOLAS & MARION B SMITH

10-25-2018 Note: Appealed: Case #20180452

10-25-2018 Filed: Clerk's Certificate (Judgment Roll & Index)

10-26-2018 Note: File and transcripts uploaded electroincally to Court of Appeals, Exhibits - 1 (Large Manila Envelope), ca

10-26-2018 Filed: Exhibit A

10-26-2018 Filed: Motion Requesting the No Contact Order be Suspended for Purposes of Attending Depositions in Case 160900481

Filed by: KATHLEEN SEVASTOPOULOS

10-26-2018 Filed: Order (Proposed) Temporarily Suspending the No Contact

Order for Purposes of Attending Depositions in Case 160900481.

- 10-26-2018 Filed: Return of Electronic Notification
- 10-29-2018 Filed order: Order Temporarily Suspending the No Contact Order for Purposes of Attending Depositions in Case 160900481.
 Judge JAMES BLANCH
 Signed October 29, 2018
- 10-29-2018 Filed: Return of Electronic Notification
- 10-29-2018 Filed: Opposition to Victims Opposition to Defendants Motion Requesting the No Contact Order be Suspended for Purposes of Attending Depositions in Case 160900481
- 10-29-2018 Filed: Return of Electronic Notification
- 10-30-2018 Filed: Canceled Execution Return- Writ of Execution
- 10-30-2018 Filed: Motion Amended Motion Requesting the No Contact Order be Suspended for Purposes of Attending Deposition in Case 160900481
 Filed by: KATHLEEN SEVASTOPOULOS
- 10-30-2018 Filed: Order (Proposed) Amended Order Temporarily Suspending the No Contact Order for Purposes of Attending Depositions in Case 160900481
- 10-30-2018 Filed: Return of Electronic Notification
- 10-30-2018 Filed: Opposition to Victims Opposition to Defendants Amended Motion Requesting the No Contact Order be Suspended for Purposes of Attending Depositions in Case 160900481
- 10-30-2018 Filed: Return of Electronic Notification
- 10-30-2018 Filed order: Order Amended Order Temporarily Suspending the No Contact Order for Purposes of Attending Depositions in Case 160900481
 Judge JAMES BLANCH
 Signed October 30, 2018
- 10-30-2018 Note: Please note that the court amended the proposed order prior to signing it.
- 10-30-2018 Filed: Return of Electronic Notification
- 11-07-2018 Restitution Payment Received: 949.15
- 11-07-2018 Interest on Rstitutn Payment Received: 50.85
- 11-20-2018 Filed: Utah Court of Appeals Order dated 11-20-2018 - (The motion to stay the restitution order is denied)
- 11-28-2018 Note: audio recording of 8/30/17 hrg emailed to LDA
- 11-28-2018 Restitution Check # 78896 Trust Payout: 949.15
- 11-28-2018 Interest on Rstitutn Check # 78896 Trust Payout: 50.85
- 11-29-2018 Note: Check # 78896 mailed to NICHOLAS AND MARION SMITH
- 11-29-2018 Restitution Payment Received: 953.51
- 11-29-2018 Interest on Rstitutn Payment Received: 46.49
- 12-17-2018 Fee Account created Total Due: 10.00
- 12-17-2018 AUDIO TAPE COPY Payment Received: 10.00
 Note: Mail Payment;
- 12-26-2018 Filed: TRANSCRIPT for Hearing of 08-30-2017
- 01-02-2019 Restitution Payment Received: 931.50
- 01-02-2019 Interest on Rstitutn Payment Received: 68.50
- 01-28-2019 Filed: Affidavit/Declaration States declaration re restitution payments 1-28-19
- 01-28-2019 Filed: Return of Electronic Notification
- 01-29-2019 Restitution Payment Received: 948.19
- 01-29-2019 Interest on Rstitutn Payment Received: 51.81
- 01-29-2019 Fee Account created Total Due: 8.75
- 01-29-2019 COPY FEE Payment Received: 8.75
 Note: 10.00 cash tendered. 1.25 change given.

01-29-2019 Restitution Check # 79427 Trust Payout: 953.51
01-29-2019 Interest on Rstitutn Check # 79427 Trust Payout: 46.49
01-31-2019 Filed: Response to States Declaration RE Restitution Payments
01-31-2019 Filed: Return of Electronic Notification
02-21-2022 REVIEW HEARING scheduled on November 01, 2019 at 08:30 AM in
THIRD FLOOR - W33 with Judge JAMES BLANCH
02-01-2019 Minute Entry - REVIEW HEARING
Judge: JAMES BLANCH
PRESENT
Clerk: sirarpio
Prosecutor: TURNER, VICTORIA A
Other Attorneys: NATHAN A CRANE
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): BUGDEN, TAWNI H
Audio
Tape Number: W33 Tape Count: 8:50-51
HEARING
Defendant is current on Restitution payments. Review
hearing set on a later date.
REVIEW HEARING.
Date: 11/01/2019
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH
02-01-2019 Note: Check 79427 mailed to Nicholas & Marion Smith
02-13-2019 Filed: Clerk's Certificate (Supplemental Index)
02-13-2019 Note: Supplemental Index uplodaed electronically to Court of
Appeals, ca
02-19-2019 Restitution Check # 79642 Trust Payout: 931.50
02-19-2019 Interest on Rstitutn Check # 79642 Trust Payout: 68.50
02-21-2019 Note: CHECK # 79642 WAS MAILED TO SMITH, NICHOLAS AND MARION
02-26-2019 Filed: Substitution of Counsel
02-26-2019 Filed: Return of Electronic Notification
02-28-2019 Restitution Payment Received: 945.37
02-28-2019 Interest on Rstitutn Payment Received: 54.63
04-01-2019 Restitution Payment Received: 944.84
04-01-2019 Interest on Rstitutn Payment Received: 55.16
04-17-2019 Restitution Check # 80232 Trust Payout: 2,838.40
04-17-2019 Interest on Rstitutn Check # 80232 Trust Payout: 161.60
04-17-2019 Note: Mailed Ck #0080232 to Nicholas & Marion B Smith
05-01-2019 Restitution Payment Received: 951.20
05-01-2019 Interest on Rstitutn Payment Received: 48.80
05-31-2019 Restitution Payment Received: 954.15
05-31-2019 Interest on Rstitutn Payment Received: 45.85
07-01-2019 Restitution Payment Received: 955.67
07-01-2019 Interest on Rstitutn Payment Received: 44.33
07-16-2019 Restitution Check # 80941 Trust Payout: 2,861.02
07-16-2019 Interest on Rstitutn Check # 80941 Trust Payout: 138.98
07-17-2019 Note: Mailed Ck #0080941 to Nicholas & Marion B Smith

08-01-2019 Restitution Payment Received: 958.72
08-01-2019 Interest on Rstitutn Payment Received: 41.28
09-03-2019 Restitution Payment Received: 959.31
09-03-2019 Interest on Rstitutn Payment Received: 40.69
09-17-2019 Restitution Check # 81514 Trust Payout: 958.72
09-17-2019 Interest on Rstitutn Check # 81514 Trust Payout: 41.28
09-18-2019 Note: Mailed Ck #0081514 to Nicholas & Marion B Smith
09-30-2019 Restitution Payment Received: 969.38
09-30-2019 Interest on Rstitutn Payment Received: 30.62
09-30-2019 Note: Trust Payment was made on 9/30/2019 and is intended for October payment.
10-07-2019 Fee Account created Total Due: 10.00
10-07-2019 AUDIO TAPE COPY Payment Received: 10.00
Note: AUDIO TAPE COPY
10-07-2019 Note: Recording request complete.
10-09-2019 Restitution Check # 81731 Trust Payout: 1,928.69
10-09-2019 Interest on Rstitutn Check # 81731 Trust Payout: 71.31
10-10-2019 Note: CHECK # 81731 WAS MAILED TO SMITH, NICHOLAS & MARION B
10-31-2019 Restitution Payment Received: 967.94
10-31-2019 Interest on Rstitutn Payment Received: 32.06
11-01-2019 Cancelled: REVIEW HEARING scheduled on August 07, 2020 at 08:30 AM in THIRD FLOOR - W33 with Judge JAMES BLANCH
11-01-2019 Minute Entry - REVIEW HEARING
Judge: JAMES BLANCH
PRESENT
Clerk: sirarpio
Prosecutor: PEARCE, NICOLE K
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): DELLAPIANA, RALPH
Audio
Tape Number: W33 Tape Count: 8:37-39
HEARING
Defendant is present. Mr. Matthew Cox is present on behalf of the victims of the case. Mr. Cox represents to the court that he believes the Defendant has been compliant. The court finds that the Defendant has been compliant and sets a Review Hearing on August 7, 2020.
REVIEW HEARING.
Date: 08/07/2020
Time: 08:30 a.m.
Location: THIRD FLOOR - W33
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: JAMES BLANCH
12-02-2019 Restitution Payment Received: 915.10
12-02-2019 Interest on Rstitutn Payment Received: 29.90
12-02-2019 Restitution Payment Received: 55.00
Note: 100.00 cash tendered. 45.00 change given.
12-16-2019 Restitution Check # 82489 Trust Payout: 967.94
12-16-2019 Interest on Rstitutn Check # 82489 Trust Payout: 32.06
12-17-2019 Note: CHECK # 82489 WAS MAILED TO SMITH, NICHOLAS & MARION

01-03-2020 Filed: Utah Court of Appeals Opinion filed 1-3-2020 - (Affirmed in part, reversed in part and remanded)

01-03-2020 Restitution Payment Received: 973.30

01-03-2020 Interest on Rstitutn Payment Received: 26.70

01-03-2020 Filed: Return of Electronic Notification

01-29-2020 Restitution Payment Received: 980.91

01-29-2020 Interest on Rstitutn Payment Received: 19.09

01-29-2020 Note: DEF made payment 1/29/2020 for February 2020.

02-05-2020 Restitution Check # 82928 Trust Payout: 2,924.31

02-05-2020 Interest on Rstitutn Check # 82928 Trust Payout: 75.69

02-06-2020 Note: Check 82928 mailed to Nicholas & Marion Smith

02-10-2020 Filed: Motion Victims Motion to Have Restitution Payments Sent to New Address
Filed by: VICTIM et al.

02-10-2020 Filed: Order (Proposed) Granting Victims Motion to Have Restitution Payments Sent to New Address

02-10-2020 Filed: Return of Electronic Notification

02-12-2020 Filed: Substitution of Counsel SRB

02-12-2020 Filed: Return of Electronic Notification

02-20-2020 Filed: Supreme Court of Utah Letter dated 2-20-2020 to Counsel - (Petition for Writ of Certiorari filed - Case #20200157-SC should be indicated on future filings - rules/info etal AND Response is due March 19, 2020)

02-20-2020 Filed: Supreme Court of Utah Considerations for Granting Petitions for Writs of Certiorari

02-20-2020 Filed: Supreme Court of Utah COPY of Petition for Writ of Certiorari

02-25-2020 Filed order: Order Granting Victims Motion to Have Restitution Payments Sent to New Address
Judge JAMES BLANCH
Signed February 25, 2020

02-25-2020 Filed: Return of Electronic Notification

02-26-2020 Filed: Return of Electronic Notification

02-27-2020 Restitution Payment Received: 981.63

02-27-2020 Interest on Rstitutn Payment Received: 18.37

04-02-2020 Restitution Payment Received: 981.38

04-02-2020 Interest on Rstitutn Payment Received: 18.62

04-22-2020 Restitution Payment Received: 991.38

04-22-2020 Interest on Rstitutn Payment Received: 8.62
Note: Payor requests this payment as advanced payment for May

04-27-2020 Filed: Supreme Court of Utah Order dated 4-23-2020 - (Petition for Writ of Certiorari granted as to the following issues...)

04-27-2020 Filed: Return of Electronic Notification

04-28-2020 Filed: Utah Court of Appeals Notice of Transfer dated 4-27-2020 - (Petition for Writ of Certiorari has been granted and the case is hereby transferred to the Supreme Court)

04-28-2020 Filed: Return of Electronic Notification

05-01-2020 **** PRIVATE **** Filed: Mail stale dated letter to Robin Burrows regarding check#82489. 30 days to respond.

05-01-2020 Filed: Return of Electronic Notification

05-06-2020 Restitution Check # 83807 Trust Payout: 2,954.39

05-06-2020 Interest on Rstitutn Check # 83807 Trust Payout: 45.61

05-07-2020 Note: Mailed Ck #0083807 to Robin Burrows, Executor Nicholas and Marion Smith

05-11-2020 Filed: Motion Victims Motion to Have Restitution Payments Made Payable to Victims Trust and Request to Reissue Two Payments

Filed by: VICTIM et al.

05-11-2020 Filed: Order (Proposed) Granting Victims Motion to Have Restitution Payments Made Payable to Victims Trust and Request to Reissue Two Payments

05-11-2020 Filed: Return of Electronic Notification

05-26-2020 Note: **Order re: trust payments emailed to accounting.**

05-26-2020 Filed order: Order Granting Victims Motion to Have Restitution Payments Made Payable to Victims Trust and Request to Reissue Two Payments

Judge JAMES BLANCH
Signed May 26, 2020

05-26-2020 Filed: Return of Electronic Notification

06-01-2020 Restitution Payment Received: 986.84

06-01-2020 Interest on Rstitutn Payment Received: 13.16

06-04-2020 Filed: checks 83807 and 82928 were returned along with a letter from atty Nathan A Crane to void these 2 checks and reissue them

06-04-2020 Restitution Payment Reversal: -2,954.39

06-04-2020 Interest on Rstitutn Payment Reversal: -45.61
Note: Check Returned

06-04-2020 Restitution Payment Reversal: -2,924.31

06-04-2020 Interest on Rstitutn Payment Reversal: -75.69
Note: Check Returned

06-04-2020 Filed: Return of Electronic Notification

06-10-2020 Restitution Check # 84046 Trust Payout: 6,865.54

06-10-2020 Interest on Rstitutn Check # 84046 Trust Payout: 134.46

06-10-2020 Note: CHECK # 84046 WAS MAILED TO MARION G SMITH FAMILY TRUST

07-01-2020 Restitution Payment Received: 993.18

07-01-2020 Interest on Rstitutn Payment Received: 6.82

07-21-2020 Restitution Payment Received: 1,202.50

07-21-2020 Interest on Rstitutn Payment Received: 2.50

07-21-2020 Restitution Payment Received: 10.42
Note: 15.00 cash tendered. 4.58 change given.

07-30-2020 NOTICE for Case 161904929 ID 21062805

07-30-2020 NOTICE for Case 161904929 ID 21062806

Date:
The reason for the change is Correct Calendar

07-30-2020 Rescheduled: REVIEW HEARING rescheduled to August 07, 2020 at 01:00 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH

Reason: Correct Calendar

08-04-2020 Ruling Entry - MINUTE ENTRY AND ORDER

Judge: JAMES BLANCH

The court has received information, confirmed by the parties, that Defendant Kathleen Sevastopoulos has unfortunately passed away. Accordingly, Defendant's probation is hereby terminated, and the review hearing scheduled for August 7, 2020 is hereby stricken.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 161904929 by the method and on the date specified.

EMAIL: SPENCER BANKS SRBANKS@SLCO.ORG
EMAIL: RALPH DELLAPIANA RDELLAPIANA@SLLDA.COM
EMAIL: CLIFFORD ROSS III CROSS@SLCO.ORG

08/04/20

/s/

CYNDIA BISHOP

Date: _____

Signature

- 08-04-2020 Filed order: MINUTE ENTRY AND ORDER
Judge JAMES BLANCH
Signed August 04, 2020
- 08-04-2020 Cancelled: REVIEW HEARING scheduled on August 07, 2020 at 01:00 PM in THIRD FLOOR - W33 with Judge JAMES BLANCH
Reason: Court Ordered
- 08-04-2020 Filed: Return of Electronic Notification
- 09-02-2020 Restitution Check # 84598 Trust Payout: 2,206.10
- 09-02-2020 Interest on Rstitutn Check # 84598 Trust Payout: 9.32
- 09-02-2020 Note: Check #84598 has been mailed to Marion G Smith Family Trust
- 09-25-2020 Case Closed
Disposition Judge is JAMES BLANCH
- 08-26-2021 Filed: Substitution of Counsel
- 08-26-2021 Filed: Return of Electronic Notification
- 10-19-2021 Filed: Application for Writ of Execution
- 10-19-2021 Filed: Writ of Execution (Proposed)
- 10-20-2021 Filed: Other - Not Signed Writ of Execution (Proposed)
- 10-20-2021 Note: Please remove the attachments to the Application. Then resubmit the App and Writ.
- 10-20-2021 Filed: Return of Electronic Notification
- 10-20-2021 Filed: Application for Writ of Execution
- 10-20-2021 Filed: Writ of Execution (Proposed)
- 10-20-2021 Issued: Writ of Execution
Clerk CAMI BUTTERFIELD
- 10-20-2021 Fee Account created Total Due: 50.00
- 10-20-2021 WRIT OF EXECUTION Payment Received: 50.00
- 10-20-2021 Filed: Return of Electronic Notification
- 10-21-2021 Filed: Appearance of Counsel/Notice of Limited Appearance
- 10-21-2021 Filed: Return of Electronic Notification
- 12-06-2021 Filed: Motion PETITIONERS EX PARTE MOTION TO SERVE BY ALTERNATIVE MEANS
Filed by: VICTIM et al.
- 12-06-2021 Filed: Ex Parte Order (Proposed) Directing Service By Alternative Means
- 12-06-2021 Filed: Return of Electronic Notification
- 12-07-2021 Filed: Request/Notice to Submit Petitioners Ex Parte Motion to Serve by Alternative Means
- 12-07-2021 Filed: Return of Electronic Notification
- 12-09-2021 Filed order: Ex Parte Order Directing Service By Alternative Means
Judge TODD M SHAUGHNESSY
Signed December 09, 2021
- 12-23-2021 Filed: Supreme Court of Utah Opinion filed 12-23-2021
- 12-23-2021 Filed: Return of Electronic Notification
- 12-28-2021 Filed: Appearance of Counsel/Notice of Limited Appearance of Aaron Garrett for Defendant
- 12-28-2021 Filed: Appearance of Counsel/Notice of Limited Appearance of Nathan Garcia for Defendant

12-28-2021 Filed: Return of Electronic Notification
01-03-2022 Filed: Motion to Withdraw as Counsel
Filed by: KATHLEEN SEVASTOPOULOS
01-03-2022 Filed: Order (Proposed) to Withdraw as Counsel
01-03-2022 Filed: Return of Electronic Notification
01-04-2022 Ruling Entry - ORDER OF RECUSAL

Judge: JAMES BLANCH

On October 21, 2021, attorneys employed at a law firm in which my spouse has a financial interest entered an appearance on behalf of certain victims in the above case, apparently for the purpose of collecting a judgment. I have not taken any judicial action in this case since that time. Although the case appears nearly concluded, in light of this development, I cannot continue to preside over the case pursuant to Rule 2.11(A) of the Utah Code of Judicial Conduct. By this order, I disqualify myself and refer the case to Presiding Judge Mark Kouris so he may reassign it to a judge who may properly hear it.

IT IS SO ORDERED.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 161904929 by the method and on the date specified.

- EMAIL: SPENCER BANKS SRBANKS@SLCO.ORG
- EMAIL: THOMAS BARTON TBARTON@PARSONSBEHLE.COM
- EMAIL: AARON GARRETT AARON@NONPROFITLEGALSERVICES.COM
- EMAIL: ALEX LEEMAN ALEEMAN@PARSONSBEHLE.COM
- EMAIL: CLIFFORD ROSS III CROSS@SLCO.ORG
- EMAIL: JUDGE KOURIS 3rdkouristeam@utcourts.gov

CYNDIA BISHOP 01/04/22 /s/
Date: _____

Signature

01-04-2022 Filed order: ORDER OF RECUSAL
Judge JAMES BLANCH
Signed January 04, 2022
01-05-2022 Filed order: Order of Reassignment
Judge MARK KOURIS
Signed January 05, 2022
01-07-2022 Filed: Return of Electronic Notification
01-07-2022 Judge SU CHON assigned.
01-17-2022 Filed order: Order to Withdraw as Counsel
Judge SU CHON
Signed January 17, 2022
01-17-2022 Filed: Return of Electronic Notification
01-24-2022 Filed: Supreme Court of Utah Remittitur dated 1-21-2022 -
(Opinion Issued: 12-23-2021)
01-24-2022 Filed: Supreme Court of Utah Opinion filed 12-23-2021
01-24-2022 Filed: Appearance of Counsel/Notice of Limited Appearance
Simeon J. Brown
01-24-2022 Filed: Return of Electronic Notification
01-24-2022 Filed: Return of Electronic Notification

01-25-2022 Filed: Return of Electronic Notification
01-25-2022 Filed: Order (Proposed) Misfiled document
01-25-2022 Filed: Return of Electronic Notification
01-26-2022 Restitution adjusted to \$148243.27 Total Due: 148,243.27
Reason: restitution wasn't set correctly per DA Office
02-03-2022 Filed order: Order Misfiled document
Judge SU CHON
Signed February 03, 2022
02-03-2022 Filed: Return of Electronic Notification
02-11-2022 Note: Exhibits RETURNED from Court of Appeals, Exhibits - 1
(Large Manila Envelope), ca
01-11-2023 Judge CORAL SANCHEZ assigned.

Party Details



All Parties

Case Number	Case Type	Party Name	Party Type	Birth Date
161904929	FS	STATE OF UTAH	PLA	
161904929	FS	KATHLEEN SEVASTOPOULOS	DEF	1952-11-11
161904929	FS	NICHOLAS AND ISABELL SMITH	CRE	
161904929	FS	VICTIM	OTH	
161904929	FS	NICHOLAS G SMITH & MARION G SMITH FAMILY TRUST	OTH	

Debtors

Party Name	SSN	Country	Driver License #
KATHLEEN SEVASTOPOULOS	XXX-XX-1127		

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