

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

STATE OF UTAH vs. BENJAMIN STEPHEN MARTIN

CASE NUMBER 191402453 Other Misdemeanor

Defendants CODY PATRICK NEFF, BENJAMIN STEPHEN MARTIN are linked.

CHARGES

Charge 1 - 58-37-8(2)(A)(I) - POSSESSION OR USE OF A CONTROLLED SUBSTANCE -
Class A Misdemeanor

Offense Date: August 22, 2019

Location: Utah County

Attributes: Drug Schedule 2.

Plea: December 17, 2019 Guilty

Disposition: December 17, 2019 Guilty

Charge 2 - 58-37A-5(1) - USE OR POSSESSION OF DRUG PARAPHERNALIA - Class B
Misdemeanor

Offense Date: August 22, 2019

Location: Utah County

Disposition: December 17, 2019 Dismissed w/ Prejudi

CURRENT ASSIGNED JUDGE

JAMES BRADY

PARTIES

Plaintiff - STATE OF UTAH

Represented by: DAVID LEAVITT

Defendant - BENJAMIN STEPHEN MARTIN

Represented by: BRIXTON HAKES

DEFENDANT INFORMATION

Defendant Name: BENJAMIN STEPHEN MARTIN

Offense Tracking Number: 59222281

Date of Birth: December 29, 1987

Law Enforcement Agency: SPANISH FORK POLICE

Prosecuting Agency: UTAH COUNTY

Agency Case Number: 19B-1567-2

Violation Date: 08-22-2019

ACCOUNT SUMMARY

REVENUE DETAIL - TYPE: FINE

Original Amount Due:	750.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments	Sum To Date	Amount	Reason
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	2019-12-17	-750.00	set balance to zero for pay to agency
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CASE NOTE

PROCEEDINGS

08-26-2019 Filed: INFORMATION
08-26-2019 Case filed by efiler
08-26-2019 Filed: From an Information
08-26-2019 Judge JAMES BRADY assigned.
09-11-2019 Filed: Summons - To Issue (Proposed) summons
09-11-2019 Filed: Return of Electronic Notification
09-13-2019 INITIAL APPEARANCE scheduled on November 05, 2019 at 08:29 AM
in 7th Fl, Courtroom 7B with Judge JAMES BRADY
09-13-2019 Issued: Summons Issued summons
Clerk MIKE TRONIER
09-13-2019 Filed: Return of Electronic Notification
09-30-2019 Filed return: Return of Service Return of Service upon JENCE
MCQUEEN for
Party Served: STATE OF UTAH
Service Type: Personal
Service Date: September 24, 2019
Garnishee:
09-30-2019 Filed: Return of Electronic Notification
11-05-2019 Note: Address update by DL/SSN lookup from Public Safety
11-05-2019 **** PRIVATE **** Filed: Sworn Affidavit to Request Appointed
Counsel
11-05-2019 PRELIMINARY HEARING-WAIVE scheduled on November 26, 2019 at
08:30 AM in 7th Fl, Courtroom 7B with Judge JAMES BRADY
11-05-2019 Minute Entry - INITIAL APPEARANCE
Judge: JAMES BRADY

PRESENT

Clerk: miket
Prosecutor: MCBRIDE, RYAN
Defendant Present
The defendant is not in custody
Audio
Tape Number: 7B Tape Count: 8:59/9:52

INITIAL APPEARANCE

A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints DEFENDER
PUBLIC to represent the defendant.
Appointed Counsel:
Name: DEFENDER PUBLIC
Address: 51 S UNIVERSITY AVE STE 206
City: PROVO UT 84601
Phone: (801)852-1070

PRELIMINARY HEARING-WAIVE is scheduled.

Date: 11/26/2019
Time: 08:30 a.m.

Location: 7th Fl, Courtroom 7B
FOURTH DISTRICT COURT
137 N FREEDOM BLVD
PROVO, UT 84601
Before Judge: JAMES BRADY

CUSTODY

The defendant is not in custody.

- 11-12-2019 Filed: Appearance of Counsel/Notice of Limited Appearance
- 11-12-2019 Filed: Request for Discovery
- 11-12-2019 Filed: Return of Electronic Notification
- 11-20-2019 PRELIMINARY HEARING-WAIVE scheduled on November 26, 2019 at 08:31 AM in 7th Fl, Courtroom 7B with Judge JAMES BRADY
- 11-26-2019 Minute Entry - CONTINUANCE

Judge: JAMES BRADY

PRESENT

Clerk: stephdc
Prosecutor: MCBRIDE, RYAN
Defendant Present
Defendant's Attorney(s): DARREN WATTS
Audio
Tape Number: 7B Tape Count: 10:16-10:17

CONTINUANCE

Whose Motion:
The.
Whose Motion:
The Defendant's counsel DARREN WATTS.

Reason for continuance:

Counsel's request.
To review offer.
The motion is granted.

WAIVER HEARING is scheduled.

Date: 12/17/2019
Time: 08:30 a.m.
Location: 7th Fl, Courtroom 7B
FOURTH DISTRICT COURT
137 N FREEDOM BLVD
PROVO, UT 84601
Before Judge: JAMES BRADY

- 11-27-2019 Filed: Notice of Withdrawal
- 11-27-2019 Filed: Return of Electronic Notification
- 11-27-2019 Filed: Notice of Withdrawal
- 11-27-2019 Filed: Return of Electronic Notification
- 11-27-2019 WAIVER HEARING scheduled on December 17, 2019 at 08:30 AM in 7th Fl, Courtroom 7B with Judge JAMES BRADY
- 12-05-2019 PRELIMINARY HEARING-WAIVE scheduled on December 17, 2019 at 08:30 AM in 7th Fl, Courtroom 7B with Judge JAMES BRADY
- 12-05-2019 PRELIMINARY HEARING-WAIVE Modified

Reason:

- 12-17-2019 Charge 1 Disposition is Guilty
- 12-17-2019 Charge 2 Disposition is Dismissed w/ Pr
- 12-17-2019 Minute Entry - SENTENCE, JUDGMENT, COMMITMENT

Judge: JAMES BRADY

PRESENT

Clerk: miket
Prosecutor: JOHNSON, CRAIG
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): HAKES, BRIXTON
Audio
Tape Number: 7B Tape Count: 10:01

ARRAIGNMENT

Defendant waives his/her right to a Preliminary Hearing.
Court orders that defendant be held to answer to the charge(s) listed in the information on file.
Defendant is arraigned.
Defendant waives right to a trial by jury.
Defendant waives time for sentence.

SENTENCE JAIL

Based on the defendant's conviction of POSSESSION OR USE OF A CONTROLLED SUBSTANCE a Class A Misdemeanor, the defendant is sentenced to a term of 364 day(s) The total time suspended for this charge is 364 day(s).

SENTENCE FINE

Charge # 1 Fine: \$750.00
Suspended: \$0.00
Surcharge: \$377.89
Due: \$750.00
Total Fine: \$750.00
Total Suspended: \$0
Total Surcharge: \$377.89
Total Principal Due: \$750.00
Plus Interest
Defendant is to pay a fine of 750.00 which includes the surcharge. Interest may increase the final amount due.
Fine payments are to be made to Adult Probation and Parole.

SENTENCE FINE PAYMENT NOTE

The defendant may receive credit for community service at \$10/hour and for out-of-pocket treatment costs.

ORDER OF PROBATION

The defendant is placed on probation for 24 month(s).
Probation is to be supervised by Adult Probation and Parole.
Defendant is ordered to report to Adult Probation and Parole and enter into an agreement and comply strictly with the terms of probation.
Defendant is ordered to obey all laws, State, Local and Federal, and have no further violations during the probation period.
Defendant is ordered to notify the Court and Adult Probation and Parole of a current address at all times, and is ordered to make him/herself available to Adult Probation and Parole and the court when requested to do so.
Defendant is to abstain from possessing or using alcohol or illegal drugs and is not to frequent places where alcohol or illegal durgs are being used or are the chief item of sale.
Defendant is to complete a substance abuse evaluation and any treatment recommended by the evaluation.
Defendant is to maintain full-time employment or to perform 20 hours per week of community service if not employed.

12-17-2019 Fine Account created Total Due: 750.00

12-17-2019 Judgment # 1 Entered 750.00

miket

Creditor : STATE OF UTAH
Debtor : BENJAMIN STEPHEN MARTIN
750.00 Fine
750.00 Judgment Grand Total

12-17-2019 Filed order: SENTENCE, JUDGMENT, COMMITMENT
Judge JAMES BRADY
Signed December 17, 2019

05-12-2020 Note: The clerk is holding Adult Probation and Parole's
termination request until 5/26/2020.

06-11-2020 Filed: Prob Progress/Violation Report - Approved and Ordered -
Probation is terminated successfully; fines and fees are turned
over to the Office of State Debt Collection

06-11-2020 Case Closed
Disposition Judge is JAMES BRADY

06-11-2020 Filed: Return of Electronic Notification

Party Details

All Parties

Case Number	Case Type	Party Name	Party Type	Birth Date	Address	Address2	City	State	Zip Code
191402453	MO	BENJAMIN STEPHEN MARTIN	DEF	1987-12-29	1255 E 600 S		SPANISH FORK	UT	84660
191402453	MO	STATE OF UTAH	PLA						

Debtors

Party Name	SSN	Country	Driver License #	Driver License State	Business Phone	Fax #	Pro Se
BENJAMIN STEPHEN MARTIN	XXX-XX-6982		XXXXX3811	UT			N

Creditors

Party Name
STATE OF UTAH

Close