

FOURTH JUDICIAL DISTRICT - PROVO DISTRICT COURT  
UTAH COUNTY, STATE OF UTAH

vs.

CASE NUMBER 221400478 State Felony

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CHARGES

Charge 1 - 76-6-521(1)(B) - FALSE OR FRAUDULENT INSURANCE CLAIM - 2nd Degree  
Felony (amended to) - 3rd Degree Felony

Offense Date: July 22, 2021

Location: UTAH COUNTY, UT

Plea: October 12, 2022 No Contest

Disposition: October 12, 2022 No Contest

Charge 2 - 76-6-501(2) - FORGERY - 3rd Degree Felony

Offense Date: September 07, 2021

Location: UTAH COUNTY, UT

Disposition: October 12, 2022 Dismissed w/ Prejudi

CURRENT ASSIGNED JUDGE

THOMAS LOW

PARTIES

Plaintiff - STATE OF UTAH ATTORNEY GENERAL

Represented by: JEFFREY PARR

Represented by:

Defendant - DANIEL PARKER SMITH

Represented by: DEFENDER PUBLIC

Represented by: PAIGE GARNER

Represented by: DARYL BELL

Also Known As - DANIEL SMITH(DANIEL PARKER SMITH)

Other Party - STATE DEBT COLLECTION

Represented by: JACOB FRANKLIN

DEFENDANT INFORMATION

Defendant Name: DANIEL PARKER SMITH

Offense Tracking Number: 64055346

Date of Birth: May 27, 1983

Law Enforcement Agency: ATTORNEY GENERAL

Prosecuting Agency: ATTORNEY GENERAL

Agency Case Number: 2021-00324-C

Violation Date: 07-22-2021

ACCOUNT SUMMARY

Trust Totals:

Trust Due:	50.00
Amount Paid:	50.00
Amount Credit:	0.00

Trust Balance Due: 0.00

Time Pay: 256.61 monthly on the 23rd.  
Final Payment: October 23, 2025

TRUST DETAIL

Trust Description: Restitution

Recipient:  
Amount Due: 48.57  
Paid In: 48.57  
Paid Out: 48.57

Account Adjustments Sum To Date Amount Reason  
2023-07-11 -254.69 P/V Report entered on July 10, 2023 orders the restitution to be adjusted to zero.

REVENUE DETAIL - TYPE: FINE

Original Amount Due: 1,553.00  
Amended Amount Due: 0.00  
Amount Paid: 0.00  
Amount Credit: 0.00  
Balance: 0.00

Account Adjustments Sum To Date Amount Reason  
2023-07-12 -1,553.00 Defendant is deceased.  
2023-06-06 -1,553.00 Adjusted to zero and sent to State Debt Collection  
2023-07-12 1,553.00 Case recalled from State Debt Collection.

TRUST DETAIL

Trust Description: Interest on Rstitutn

Recipient:  
Amount Due: 1.43  
Paid In: 1.43  
Paid Out: 1.43

Account Adjustments Sum To Date Amount Reason  
2023-07-11 -2.48 P/V Report entered on July 10, 2023 orders the restitution to be adjusted to zero.  
2023-07-11 3.91 Criminal post judgment interest

REVENUE DETAIL - TYPE: UNPAID INTEREST

Amount Paid: 0.00  
Amount Credit: 0.00  
Balance: 0.00

Account Adjustments Sum To Date Amount Reason  
2023-07-12 -18.99 Defendant is deceased.  
2023-06-06 -18.99 Adjusted to zero and sent to State Debt Collection  
2023-07-12 18.99 Case recalled from State Debt Collection.  
2023-06-06 18.99 Criminal post judgment interest

REVENUE DETAIL - TYPE: INTEREST

Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00
Account Adjustments Sum To Date	Amount Reason
2023-07-12	-0.10 Defendant is deceased.
2023-07-12	0.10 Criminal post judgment interest

CASE NOTE

PROCEEDINGS

03-15-2022 Filed: INFORMATION  
03-15-2022 Filed: SUMMONS - TO ISSUE (PROPOSED)  
03-15-2022 Case filed by efiler  
03-15-2022 Filed: From an Information  
03-15-2022 Judge THOMAS LOW assigned.  
03-16-2022 INITIAL APPEARANCE scheduled on April 27, 2022 at 09:30 AM in 5th Fl, Courtroom 5B with Judge THOMAS LOW  
03-16-2022 Issued: Summons Issued  
Clerk ROSE WELLS  
03-16-2022 Filed: Return of Electronic Notification  
03-17-2022 Filed: Return of Electronic Notification  
04-25-2022 Filed return: Return of Service upon COLETTE SMITH for  
Party Served: STATE OF UTAH ATTORNEY GENERAL  
Service Type: Personal  
Service Date: March 21, 2022  
Garnishee:  
04-25-2022 Filed: Return of Electronic Notification  
04-26-2022 Note: DEF Email Address changed from  
04-26-2022 Note: DEF Email Address changed to newrisepics@gmail.com  
04-27-2022 Cancelled: WAIVER HEARING scheduled on June 15, 2022 at 09:30 AM in 5th Fl, Courtroom 5B with Judge THOMAS LOW  
04-27-2022 Minute Entry - INITIAL APPEARANCE  
Judge: THOMAS LOW

PRESENT

Clerk: malindag  
Prosecutor: JEFFREY PARR  
Defendant Present  
The defendant is not in custody  
Audio  
Tape Number: WebEx/5B Tape Count: 10:06-10:11

INITIAL APPEARANCE

A copy of the Information is given to the defendant.  
Advised of charges and penalties.  
The defendant is advised of right to counsel.

HEARING

This matter comes before the court for an initial appearance. The hearing is being recorded via WebEx and FTR.

The defendant requests a public defender. The court makes the appointment. Contact information is given to the public defender's office.

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

APPOINTMENT OF COUNSEL NOTE

The defendant was questioned regarding income and finances on the record.

WAIVER HEARING is scheduled.

Date: 06/15/2022  
Time: 09:30 a.m.  
Before Judge: THOMAS LOW

CUSTODY

The defendant is not in custody.  
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.

04-27-2022 Filed order: INITIAL APPEARANCE  
Judge THOMAS LOW  
Signed April 27, 2022

04-28-2022 Filed: Return of Electronic Notification  
04-28-2022 Filed: Appearance of Counsel/Notice of Limited Appearance  
04-28-2022 Filed: Request for Discovery  
04-28-2022 Filed: Return of Electronic Notification

06-15-2022 Continued: SECOND WAIVER HEARING scheduled on July 20, 2022 at 09:30 AM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

06-15-2022 Minute Entry - CONTINUANCE WAIVER HEARING  
Judge: THOMAS LOW

PRESENT

Clerk: malindag  
Prosecutor: JONES, STEPHEN  
Defendant Present  
The defendant is not in custody  
Defendant's Attorney(s): MURPHY, ASHLEY  
Audio  
Tape Number: WebEx/5B Tape Count: 10:32-10:34

CONTINUANCE

Whose Motion:  
The Defendant's counsel ASHLEY MURPHY.

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

HEARING

This matter comes before the court for a waiver hearing. The hearing is being recorded via WebEx and FTR.

Ms. Murphy requests a continuance. No objection. The court grants the request.

SECOND WAIVER HEARING is scheduled.

Date: 07/20/2022

Time: 09:30 a.m.

Before Judge: THOMAS LOW

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.

07-20-2022 Minute Entry - CONTINUANCE SECOND WAIVER HEARING

Judge: THOMAS LOW

PRESENT

Clerk: ambere

Prosecutor: JONES, STEPHEN

The defendant is not in custody

Defendant not present

Defendant's Attorney(s): MURPHY, ASHLEY

Audio

Tape Number: 5B/Webex Tape Count: 10:26-10:27

CONTINUANCE

Whose Motion:

The Defendant's counsel ASHLEY MURPHY.

Reason for continuance:

Counsel's request.

The matter is being recorded on Webex and FTR. The defendant had surgery last week and requested that counsel request a continuance. The defendant is excused today and counsel is to notify the defendant of the new hearing date.

The motion is granted.

THIRD WAIVER HEARING is scheduled.

Date: 08/17/2022

Time: 09:30 a.m.

Before Judge: THOMAS LOW

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.

07-27-2022 Continued: THIRD WAIVER HEARING scheduled on August 17, 2022 at 09:30 AM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

08-17-2022 Minute Entry - CONTINUANCE OF THIRD WAIVER HEARING

Judge: THOMAS LOW

PRESENT

Clerk: rosew

Prosecutor: JEFFREY PARR

Defendant Present

The defendant is in the custody of the Utah County Jail

Defendant's Attorney(s): MURPHY, ASHLEY

Audio

Tape Number: 5B FTR/Webex Tape Count: See Below

CONTINUANCE

Whose Motion:

The Stipulation of counsel.

Reason for continuance:

Counsel's request.

The motion is granted.

HEARING

10:15-10:16 This matter comes before the court for a waiver hearing. The hearing is being recorded via Webex and FTR.

The defendant fails to appear and may be in custody. The court orders a non-bailable warrant to issue.

The case can be recalled this afternoon.

3:05-3:07 The case is recalled. The inmate is questioned and it is the same defendant. The prosecutor will file an amended information to correct the date of birth. The case will be recalled when Ms. Murphy is present.

3:25-3:26 The case is recalled. The case will be continued.

FOURTH WAIVER HEARING is scheduled.

Date: 08/24/2022

Time: 01:30 p.m.

Before Judge: THOMAS LOW

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.

08-18-2022

Filed: Amended Information

08-18-2022

Filed: Return of Electronic Notification

08-18-2022

Continued: FOURTH WAIVER HEARING scheduled on August 24, 2022 at 01:30 PM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

08-24-2022

Minute Entry - PRELIMINARY HEARING-WAIVE

Judge: THOMAS LOW

PRESENT

Clerk: rosew

Prosecutor: JEFFREY PARR

Defendant Present

The defendant is in the custody of the Utah County Jail

Defendant's Attorney(s): ASHLEY MURPHY

Audio

Tape Number: 5B FTR/Webex Tape Count: 2:27-2:28

HEARING

This matter comes before the court for a waiver hearing.

Ms. Murphy requests a preliminary hearing.

PRELIMINARY HEARING is scheduled.

Date: 09/07/2022

Time: 02:30 p.m.

Before Judge: THOMAS LOW

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.

08-25-2022 PRELIMINARY HEARING scheduled on September 07, 2022 at 02:30 PM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

08-26-2022 Filed: Return of Electronic Notification

09-07-2022 Minute Entry - PRELIMINARY HEARING

Judge: THOMAS LOW

PRESENT

Clerk: rosew

Prosecutor: JEFFREY PARR

Defendant Present

The defendant is in the custody of the Utah County Jail

Defendant's Attorney(s): MURPHY, ASHLEY

Audio

Tape Number: 5B FTR/Webex Tape Count: 3:20-3:22

DECISION TO PRELIM HEARING

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.

HEARING

This matter comes before the court for a preliminary hearing.

The defendant waives the right to a preliminary hearing and the case is bound over to the jurisdiction of the district court to stand trial.

ARRAIGNMENT is scheduled.

Date: 10/12/2022

Time: 01:30 p.m.

Before Judge: THOMAS LOW

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.

09-09-2022 ARRAIGNMENT scheduled on October 12, 2022 at 01:30 PM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

09-09-2022 Filed order: PRELIMINARY HEARING

Judge THOMAS LOW

Signed September 09, 2022

09-10-2022 Filed: Return of Electronic Notification

10-10-2022 Filed: Substitution of Counsel

10-10-2022 Filed: Return of Electronic Notification

10-11-2022 Filed: Order (Proposed) Statement of Defendant in Support of Guilty Plea and Cert. of Counsel

10-11-2022 Filed: Return of Electronic Notification

10-12-2022 Charge 1 Disposition is No Contest

10-12-2022 Charge 2 Disposition is Dismissed w/ Pr

10-12-2022 SENTENCING scheduled on November 23, 2022 at 01:30 PM in 5th Fl, Courtroom 5B with Judge THOMAS LOW

10-12-2022 Minute Entry - ARRAIGNMENT

Judge: THOMAS LOW

PRESENT

Clerk: malindag

Prosecutor: STURGILL, DAVID

Defendant Present

The defendant is in the custody of the Utah County Jail

Audio

Tape Number: 5B WBX/FTR Tape Count: 3:04-3:10

ARRAIGNMENT

Advised of rights and penalties.

Defendant waives right to a trial by jury.

Presentence Investigation ordered.

The Judge orders Adult Probation and Parole to prepare the report.

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

HEARING

This matter comes before the court for an arraignment hearing. The parties have reached a resolution. A statement has been filed. An amended information will be filed by the State. The defendant is advised of his rights and the charges and penalties. He acknowledges that he understands. The statement of defendant is signed and received. The defendant enters a no contest plea to an amended count 1. The court accepts the plea after a factual basis is given. The state moves to dismiss count 2. No objections, the court grants the request. Adult Probation and Parole is to meet with the defendant at the Utah County Jail to obtain the information necessary for screening and report preparation.

SENTENCING is scheduled.

Date: 11/23/2022

Time: 01:30 p.m.

Before Judge: THOMAS LOW

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.

- 10-12-2022 Filed order: Order Statement of Defendant in Support of Guilty Plea and Cert. of Counsel  
Judge THOMAS LOW  
Signed October 12, 2022
- 10-12-2022 Filed: Return of Electronic Notification
- 10-14-2022 Filed: Amended Information
- 10-14-2022 Charge 1 amended to 3rd Degree Felony
- 10-14-2022 Filed: Return of Electronic Notification
- 10-17-2022 Filed order: ARRAIGNMENT  
Judge THOMAS LOW  
Signed October 17, 2022
- 10-17-2022 Note: Pre-sentence Investigation Order Transmitted to Adult Probation and Parole
- 10-18-2022 Filed: Return of Electronic Notification
- 10-18-2022 \*\*\*\* PRIVATE \*\*\*\* Filed: Judgment Information Statement - Criminal
- 10-18-2022 Filed: Return of Electronic Notification
- 11-18-2022 \*\*\*\* PROTECTED \*\*\*\* Filed: Pre Sentence Investigation Report
- 11-19-2022 Filed: Return of Electronic Notification
- 11-23-2022 Filed: Proof Of Cert of Completion 90 Day OUT Program 11-22-22
- 11-23-2022 Filed: Proof Of Cert of Completion WBH, MRT 11-17-22
- 11-23-2022 Filed: Return of Electronic Notification
- 11-23-2022 Trust Account created Total Due: 303.26
- 11-23-2022 Fine Account created Total Due: 1,553.00
- 11-23-2022 Note: Added to payment schedule 1060174432



11-23-2022 Minute Entry - SENTENCE, JUDGMENT, COMMITMENT

Judge: THOMAS LOW

PRESENT

Clerk: ambere

Prosecutor: JEFFREY PARR

Defendant Present

The defendant is in the custody of the Utah County Jail

Defendant's Attorney(s): PAIGE GARNER

Audio

Tape Number: 5B FTR&WBX Tape Count: 2:19-2:26

HEARING

This matter comes before the court for sentencing. Ms. Garner addresses the report and recommendations. Mr. Parr responds. The defendant addresses the court. The sentence is imposed.

The defendant has completed the OUT program and the Moral Recognition Treatment and the court accepts that it has been completed and congratulates the defendant.

Ms. Garner requests that the defendant be allowed to report to Adult Probation and Parole on December 2, 2022, which is when he was ordered to report for his other cases. No objection, the request is granted.

SENTENCE PRISON

Based on the defendant's conviction of FALSE OR FRAUDULENT INSURANCE CLAIM a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

ALSO KNOWN AS (AKA) NOTE

DANIEL SMITH

Credit is granted for 110 day(s) previously served.

Defendant is to pay a fine of 1553.00 which includes the surcharge. Interest may increase the final amount due.

Fine payments are to be made to The Court. This can be paid online at: [www.utcourts.gov/epayments](http://www.utcourts.gov/epayments).

The fine is to be paid in full by 05/23/2024.

SENTENCE FINE PAYMENT NOTE

The court will allow the defendant to begin by paying \$25 per month but should increase his payments to get it paid in the 18 month time period. The fine includes the court security fee.

Restitution Amount: \$303.26 Plus Interest

Pay in behalf of: STATE OF UTAH INSURANCE FRAUD DIVISION

SCHEDULED TIMEPAY

The following cases are on timepay 221400478.

The defendant is to pay \$25.00 monthly on the 30th.

The number of payments scheduled is 80 plus a final payment of \$6.50.

The first payment is due on 01/30/2023 the final payment of \$6.50 is due on 09/30/2029 . The final payment may vary based on interest.

ORDER OF PROBATION

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

Probation is to be supervised by Adult Probation and Parole.

Defendant to serve 110 day(s) jail.

Defendant is ordered to report to Adult Probation and Parole by December 2, 2022.

The defendant is ordered to comply with the standard terms and conditions of probation as well as the following special terms and conditions:

The defendant is ordered to complete a Mental Health Assessment and comply with any recommended treatment.

- 11-23-2022 Filed order: SENTENCE, JUDGMENT, COMMITMENT  
 Judge THOMAS LOW  
 Signed November 23, 2022
- 11-24-2022 Filed: Return of Electronic Notification
- 12-07-2022 Trust Account created Total Due: 1.43
- 12-07-2022 Note: Added to payment schedule 1060174432
- 12-07-2022 Fee Account created Total Due: 0.00
- 12-13-2022 Filed: Proof Of WBH, SAE Dec. 13, 2022
- 12-13-2022 Filed: Return of Electronic Notification
- 12-22-2022 Filed: Motion to Amend Date of Birth  
 Filed by: STATE OF UTAH ATTORNEY GENERAL
- 12-22-2022 Filed: Order (Proposed) to Amend Date of Birth
- 12-22-2022 Filed: Request/Notice to Submit
- 12-22-2022 Filed: Return of Electronic Notification
- 12-28-2022 Filed order: Order to Amend Date of Birth  
 Judge THOMAS LOW  
 Signed December 28, 2022
- 12-28-2022 Filed: Return of Electronic Notification
- 01-31-2023 Filed: Violation, No Warrant Ref Case
- 02-01-2023 Filed: Return of Electronic Notification
- 02-06-2023 Restitution Payment Received: 23.57
- 02-06-2023 Interest on Rstitutn Payment Received: 1.43
- 02-06-2023 Restitution Payment Received: 25.00
- 03-31-2023 Filed: Violation, Warrant Ref Case
- 04-01-2023 Filed: Return of Electronic Notification
- 04-04-2023 Restitution Check # 68283 Trust Payout: 48.57
- 04-04-2023 Interest on Rstitutn Check # 68283 Trust Payout: 1.43
- 04-06-2023 Note: Trust Check(s) mailed today.
- 05-01-2023 Filed: 2nd General Overdue Case
- 05-01-2023 Filed: Return of Electronic Notification
- 06-02-2023 Ruling Entry - RE: CRIMINAL ACCTS RECEIVABLE AND TRANSF  
 Judge: THOMAS LOW  
 Upon review of the accounts receivable in this case, the collections department has determined the fines are more than 90 days past due. Any restitution balance is not included in this ruling and will remain open and payable to the court. Therefore, pursuant to UCA 77-18-114, THE COURT enters the remaining unpaid amount as a civil accounts receivable and enters a civil judgment against the defendant. The remaining amount of fines and fees that were imposed and still unpaid are now transferred to and will be the responsibility of the Office of State Debt Collection to collect.
- 06-06-2023 Filed order: RE: CRIMINAL ACCTS RECEIVABLE AND TRANSFER TO OSDC  
 Judge THOMAS LOW  
 Signed June 06, 2023
- 06-06-2023 Judgment Entered - Amount \$1571.99 jenniag
- 06-06-2023 Note: The balance of 1,553.00 for Fine on this case has been transferred to the Utah Office of State Debt Collection (OSDC)

for collection purposes. Any payment made must be made to OSDC.

06-06-2023 Note: The balance of 18.99 for UNPAID INTEREST on this case has been transferred to the Utah Office of State Debt Collection (OSDC) for collection purposes. Any payment made must be made to OSDC.

06-06-2023 Filed: Return of Electronic Notification

07-10-2023 Filed: Prob Progress/Violation Report- Probation Terminated and Accounts Reduced to Zero

Judge THOMAS LOW

Signed July 10, 2023

07-10-2023 Filed: Return of Electronic Notification

07-11-2023 Filed: Office of State Debt Collection Recall Request

07-11-2023 Restitution adjusted to \$48.57 Total Due: 48.57

Reason: P/V Report entered on July 10, 2023 orders the restitution to be adjusted to zero.

07-11-2023 Interest on Rstitutn adjusted to \$1.43 Total Due: 1.43

Reason: P/V Report entered on July 10, 2023 orders the restitution to be adjusted to zero.

07-11-2023 Case Closed

Disposition Judge is THOMAS LOW

07-11-2023 Note: Request to recall account from the Office of State Debt Collection submitted by email 7/11/23.

07-12-2023 Filed: Office of State Debt Collection Recall Confirmation Email

07-12-2023 Note: Account(s) recalled from the Office of State Debt Collection

07-12-2023 Fee Account created Total Due: 0.00

07-12-2023 Note: Added to payment schedule 1060174432

07-12-2023 Fine Account Adjustment Total Due: 0.00

Reason: Defendant is deceased.

07-12-2023 UNPAID INTEREST Account Adjustment Total Due: 0.00

Reason: Defendant is deceased.

07-12-2023 UNPAID INTEREST Account Adjustment Total Due: 0.00

Reason: Defendant is deceased.

07-12-2023 Judgment # 1 Modified 1,571.99 Disposition: Set aside kimo

Judgment set aside as account was recalled from the Office of State Debt Collection per order of the court.

Creditor : STATE OF UTAH ATTORNEY GENERAL

Creditor : STATE DEBT COLLECTION

Debtor : DANIEL PARKER SMITH

1,553.00 Fine

Creditor : STATE OF UTAH ATTORNEY GENERAL

Creditor : STATE DEBT COLLECTION

Debtor : DANIEL PARKER SMITH

18.99 Fees

1,571.99 Judgment Grand Total

07-12-2023 Filed: Return of Electronic Notification