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In the [ ] District [ ] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

_____ Plaintiff v. _____ Defendant	**Findings of Fact, Conclusions of Law, and Order on Motion to Reduce Conviction** _____ Case Number _____ Judge

The matter before the court is the defendant's Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402. This matter is being resolved by: (Choose all that apply.)

[ ] The stipulation of the parties.

[ ] The pleadings and other papers of the parties.

[ ] A hearing held on _____ (date), notice of which was served on all parties and at which the court considered the pleadings and evidence presented by the parties.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds:

(1) The defendant [ ] has [ ] has not successfully completed probation or parole for this case.

(2) [ ] The defendant has not successfully completed probation or parole in this case but meets the following requirements of Utah Code 76-3-402(4), (5), or (6).

[ ] It has been 3 years or more since the defendant successfully completed a rehabilitation program.

[ ] It has been 3 years or more since the defendant was sentenced for a subsequent conviction and the defendant has successfully completed probation or parole for that case. The prosecutor agrees with the defendant's motion.

[ ] It has been 5 years or more since the defendant's probation or parole did not result in a successful discharge.

And

If the offense is for a violent felony the prosecutor agrees to the reduction.

The defendant was not convicted of a serious offense during that time.

There are no criminal proceedings pending against the defendant.

The defendant is not on probation, parole, or currently incarcerated for any other offense.

OR

[ ] The defendant does not meet the requirements of Utah Code 76-3-402(4), (5), or (6) for the following reasons:

_____

_____

_____

(3) The defendant [ ] has [ ] has not paid in full the court-ordered restitution (if any).

(4) The defendant

[ ] was required to register as a sex offender under Utah Code Title 77 Chapter 41, and the registration requirement has expired.

[ ] was not required to register as a sex offender under Utah Code Title 77 Chapter 41.

(5) The defendant

[ ] was required to register as a child abuse offender under Utah Code Title 77 Chapter 43, and the registration requirement has expired.

[ ] was not required to register as a child abuse offender under Utah Code Title 77 Chapter 43.

(6) All required notices [ ] have [ ] have not been provided.

(7) The prosecuting attorney [ ] has [ ] has not stipulated to entry of the reduction of the conviction as requested by defendant.

(8) Reduction of the conviction is by [ ] one degree [ ] two degrees.

(9) The reduction [ ] is [ ] is not specifically precluded by law.

(10) Entry of judgment of conviction for a lower degree of offense in this case [ ] is [ ] is not in the interest of justice.

(11) Other:

_____

_____

_____

The Court Concludes:

(1) Defendant's motion to reduce conviction from _____ to _____

[ ] may be granted

[ ] may not be granted

pursuant to Utah Code Section 76-3-402.

The Court Orders:

(1) Defendant's motion to reduce conviction from _____ to _____

[ ] is granted

[ ] is denied.

(2) Other:

_____

_____

_____

Judge's signature may instead appear at the top of the first page of this document.

Date _____ Signature ► _____

Judge _____

Approved as to form.

Date _____ Signature ► _____

Plaintiff's Attorney _____

Date _____ Signature ► _____

Defendant or Attorney _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law, and Order on Motion to Reduce Conviction on the following people.

Person's Name	Service Method	Service Address	Service Date
	[ ] Mail [ ] Hand Delivery [ ] E-filed/MyCase [ ] Email [ ] Left at business (With person in charge or in receptacle for deliveries.) [ ] Left at home (With person of suitable age and discretion residing there.)		
	[ ] Mail [ ] Hand Delivery [ ] E-filed/MyCase [ ] Email [ ] Left at business (With person in charge or in receptacle for deliveries.) [ ] Left at home (With person of suitable age and discretion residing there.)		

Signature ► _____

Date

Printed Name _____