

IN THE JUSTICE COURT IN AND FOR LEHI CITY
 UTAH COUNTY, STATE OF UTAH
 154 North Center Street
 Lehi, Utah 84043
 385-201-1090
 Fax: 801-768-8405
 Email: JCLEhi@utcourts.gov

LEHI CITY, Plaintiff VS. _____, Defendant	PLEA IN ABEYANCE AGREEMENT Citation Number _____ Defendant D.O.B. _____ State Driver's License _____ Driver's License # _____
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WHEREAS, the Defendant desires not to have the ticket/citation appear as a conviction on his/her driver's license history; and WHEREAS, the Prosecuting Attorney is of the opinion that Defendant's participation in traffic school will serve the best interests of justice in this matter;
 NOW, IT IS THEREFORE AGREED, subject to the approval of the Court, and pursuant to UCA 77-2a-1 *et seq.*, that the Defendant hereby voluntarily and knowingly enters a plea of guilty to the offense(s) as cited on the ticket/citation, which shall be held in abeyance pursuant to the terms and conditions of this Agreement and Order as follows:

_____ **I have an out of state license and am required to provide the court a copy of my Driver's License record (initials) within 14 days of the Plea in Abeyance review date. Failure to do so will break my plea and a conviction will be entered.**

1. The Defendant shall pay a non-refundable Plea-in-Abeyance Fee equal to the amount of the ticket fine plus a \$25 Plea-In-Abeyance enhancement and will also pay a non-refundable Plea in Abeyance fee of \$65.00 for traffic school.
2. The Defendant shall complete traffic school within ninety (90) days of the date of this signed Plea in Abeyance form unless other arrangements have been made.
3. The Defendant will not enter a Plea-in-Abeyance with any court to either reduce or dismiss a traffic citation within the next six (6) months.
4. The Defendant shall violate no law, either federal, state, or municipal for a period of six (6) months.
5. The Defendant shall be on probation for six (6) months and this matter shall be continued for review six (6) months from the entry of this agreement.
6. Upon successful completion of the terms and conditions of this Agreement, the Court will set aside Defendant's guilty plea and dismiss this matter and said violation(s) will not appear on Defendant's driver's license history as a conviction.
7. The Defendant understands that if he/she fails to fully comply with each of the terms and conditions of this Agreement; he/she may be required to appear before the Court and show cause why the Court should not find him/her guilty; and with sufficient reason the Court will void this Agreement; enter the conviction on the Defendant's record; and send notice of conviction of said violation(s) to the Driver's License Division.
8. The Defendant further consents to service of all future notices in this matter by U.S. Mail to the last known address on file with the Court. Defendant will notify the Court of any change of address occurring during the term of this Agreement within forty-eight (48) hours.

I, the Defendant, am entering this plea voluntarily. I understand that I have the following rights under the constitutions of Utah and the United States. I also understand that if I plead guilty, I will give up all the following rights:

1. The Defendant has the right against compulsory self-incrimination, and Defendant gives up that privilege by entering a plea of guilty.

2. The Defendant has the right to be represented by an attorney and that if the Defendant cannot afford one, an attorney will be appointed by the Court at no cost to the Defendant.
3. If the Defendant is not represented by an attorney, that Defendant hereby knowingly, intelligently, and voluntarily waives the right to an attorney.
4. The Defendant has a right to a jury trial, to confront and cross-examine in open court any witness against the Defendant, and Defendant gives up these rights by entering a plea of guilty.
5. If the Defendant were to have a jury trial, the Defendant could call witnesses if he/she chose and would be able to obtain subpoenas requiring the attendance and testimony of those witnesses and if the Defendant could not afford to pay for witnesses to appear, the State would pay those costs.
6. If the Defendant were to have a jury trial, the Defendant would have the right to testify on his own behalf, but if the Defendant chose not to testify, no one could make the Defendant testify or make the Defendant give evidence against himself and the jury would be told that they could not hold the Defendant's refusal to testify against himself.
7. The Defendant understands the nature and definition of the offense(s) as cited on the citation, and at trial the Defendant is presumed innocent, and the prosecution would have the burden of proving each part of those definitions beyond a reasonable doubt and that a guilty plea is an admission of all parts of those definitions.
8. The Defendant understands that he/she is giving up his right to appeal a conviction that results from his failure to follow the terms of this Agreement by entering a guilty plea.
9. The Defendant verifies that he/she is not presently under the influence of any drugs, medication, or intoxicant, which would impair his judgment in deciding to plead guilty and that he/she is free from mental disease, defect, or impairment that would prevent him from understanding what he/she is doing or from knowingly, intelligently, and voluntarily entering a guilty plea.
10. Above all, the Defendant states that he/she understands the English language, and each of his constitutional rights listed above and knows that he/she could plead not guilty and exercise all of these rights, and by entering a guilty plea the Defendant gives up these constitutional rights as they relate to this Agreement.
11. The Defendant, by execution of this Agreement, is voluntarily entering a guilty plea to the offense(s) listed on the citation and that no force or coercion has been used by anyone to make Defendant plea guilty.

I have read and understand the foregoing Agreement and the statement of my rights. I swear or affirm under penalty of perjury that each statement is true, and that I am knowingly and voluntarily waiving each of the above-listed rights by signing this Agreement and entering a plea of guilty.

DATED this _____ day of _____, 20____.

 Defendant's Signature

 Defense Attorney Signature (if applicable)

 Defendant's Address

 Defendant's Email

The Following is for Court Use Only

The above-named Defendant has been charged with _____, on or about _____, 20____, and the City has agreed that the above and foregoing Plea-in-Abeyance Agreement and Order for Traffic School would serve the ends of Justice.

 Prosecuting Attorney

 Justice Court Judge

 Date approved by Court