

Copy of Information charging document in Utah Attorney General Case No. 2012-482, State of Utah v. Kurt Alvin Wright and Richard Dean Wixom, Fifth District Court in and for Washington County, State of Utah. Provided to St. George News by Paul Murphy of the Attorney General's Office on Feb. 12, 2013, represented as that filed with the court in the action described.

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**IN THE FIFTH DISTRICT COURT IN AND FOR  
WASHINGTON COUNTY, STATE OF UTAH**

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STATE OF UTAH,  Plaintiff,  -vs-  KURT ALVIN WRIGHT,  and RICHARD DEAN WIXOM  Defendants.	<p style="text-align: center;"><b>INFORMATION</b></p> Utah Attorney General Case No. 2012-482  Case No. _____  Case No. _____  Judge _____
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The undersigned states upon information and belief that the above-listed defendants committed the following criminal offenses:

**COUNT 1**  
**FAILURE TO KEEP AND PAY OVER PUBLIC MONEY**  
***(THIRD DEGREE FELONY)***

On or between February 2009 through October 2011, in Washington County, State of Utah, the defendant, KURT ALVIN WRIGHT, did intentionally, knowingly, or recklessly solicit, request, command, encourage or intentionally aid another person who receives,

safekeeps, transfers, or disburses public money to neglect or to fail to keep and pay over the money in the manner prescribed by law, in violation of Utah Code Ann. §§ 76-8-403, 76-2-202, to-wit: the defendant solicited, requested, commanded, encouraged or intentionally aided Springdale police officers and/or town employees to collect cash bail from foreign motorists and remit the cash to the Town of Springdale rather than paying over the money to the justice court in violation of Utah Code Ann. §§ 78A-7-120, -122, and 51-9-401.

**COUNT 2**  
**FAILURE TO KEEP AND PAY OVER PUBLIC MONEY**  
***(THIRD DEGREE FELONY)***

On or between February 2009 through October 2011, in Washington County, State of Utah, the defendant, RICHARD DEAN WIXOM, did intentionally, knowingly, or recklessly solicit, request, command, encourage or intentionally aid another person who receives, safekeeps, transfers, or disburses public money to neglect or to fail to keep and pay over the money in the manner prescribed by law, in violation of Utah Code Ann. §§ 76-8-403, 76-2-202, to-wit: the defendant solicited, requested, commanded, encouraged or intentionally aided Springdale police officers and/or town employees to collect cash bail from foreign motorists and remit the cash to the Town of Springdale rather than paying over the money to the justice court in violation of Utah Code Ann. §§ 78A-7-120, -122, and 51-9-401.

**PROBABLE CAUSE STATEMENT**

This INFORMATION is based upon evidence from the following witness statements and Attorney General Report No. 2012-482:

The undersigned, Aaron Jones, a Special Agent of the Utah Attorney General's Office (hereinafter SA Jones), has probable cause to believe that the above named defendants solicited, requested, commanded, encouraged or intentionally aided Springdale police officers and/or town

personnel to collect cash bail from foreign motorists and remit the cash to the Town of Springdale rather than paying over the funds to the Hurricane Justice Court as required by law.

Under Utah law, peace officers may issue citations to motorists. Officers then must deliver copies of the citations to the court having jurisdiction over the offenses. U.C.A. §§ 77-7-19, -20. Those cited for traffic offenses may voluntarily forfeit bail to the court without appearing before a magistrate. U.C.A. § 77-7-21. The bail or fine collected by the court is then allocated among the State and local entities. U.C.A. §§ 78A-7-120, -122, and 51-9-401.

Statements of current and former Springdale peace officers, court personnel, and Springdale town personnel show that for several years Springdale officers collected cash bail from foreign motorists during traffic stops and then town personnel deposited the cash into a town account. Since the cash was not remitted to the Hurricane Justice Court, the funds were not allocated among the State and local entities as prescribed by U.C.A. §§ 78A-7-120, -122, and 51-9-401.

One former Springdale police officer told SA Jones that she was instructed and trained by Springdale police Chief Kurt Wright to collect cash bail from foreign motorists. This officer, who began working for the department in 2003, indicated that Chief Wright stated that there was an agreement with the justice court to handle foreign tourists this way because they were not getting payments for the tickets issued. According to this former officer, the officer delivered the cash bail citations to Chief Wright. This officer believed that Chief Wright then delivered the cash bail and citations to the Hurricane Justice Court. The former officer believed the collection of cash bail procedures were in place prior to her employment with Springdale.

Another former officer told SA Jones that he was apprehensive about the practice of collecting cash bail. This officer indicated that Chief Wright told him the practice was fine, but “to make sure the money gets to [Springdale town treasurer].” This former officer indicated that he was trained by another officer to collect and seal the cash in an envelope, write paid on the ticket, and deliver the citation and money to the town treasurer.

Another Springdale officer indicated that he was encouraged by Springdale Town Manager Richard "Rick" Wixom to collect what they could for the cash bail citations. This officer stated that during a meeting Wixom showed the officer formulas and breakdowns of the town's budget and told the officer that the cash bail offset the prosecution costs of the town.

The Springdale treasurer began receiving cash bail from the officers in July 2006 and the practice stopped in October 2011. She explained to SA Jones that at the end of each officer's shift he would place the original citation, a copy of the bail sheet, and the cash in a sealed envelope in a box outside her office. The treasurer documented how much cash was in the envelope and kept the original citation. The treasurer would then give the cash and a copy of the citation to another clerk who would receipt the amount and ultimately deposit the cash into a Springdale town account, which was referred to as the fines and forfeitures account. The treasurer stated that she did not recall how this practice was put into place. Although the treasurer stated that she did not recall how this practice was put into place, the treasurer later stated to SA Jones that it had to have been her supervisor Wixom. The treasurer stated that Chief Wright did not have any budgetary authority.

The Hurricane Justice Court Administrator learned of an incident in 2009 where a Springdale police officer collected bail fines on a traffic stop. The administrator warned Chief Wright that practice was improper. Wright told the court administrator that it was a mistake. Then in September 2011, the court received a complaint from a foreign tourist indicating a Springdale police officer had collected cash bail on a traffic stop. The Court Administrator contacted Chief Wright about the incident, he was defensive and told her it was a one-time thing, a mistake, he would speak with the officer, and the cash was accidentally deposited into a Springdale account. In a later conversation, Wright then told the administrator that collecting cash bail from foreigners was a regular thing. Wright said former Hurricane Court Justice Court Judge Carr had authorized the practice. The Court Administrator indicated to SA Jones that none of the cash bail citations were being remitted to the Court.

When SA Jones interviewed Chief Kurt Wright, he denied ever training his officers to collect cash bail and remit the cash to the Springdale treasurer. According to Wright, he believed the practice began while he was on medical leave in 2005 and 2006. Wright claimed that Wixom had oversight of the cash bail collection process. Wright indicated that it would have been Wixom's decision not to remit the money to the Hurricane Justice Court.

During the same interview, Wright stated that he had a conversation with a Hurricane justice court judge while he was working for the Washington County Sheriff's Office 20 years ago about the collection of cash bail from foreign defendants. Wright indicated that this judge had authorized the practice by telling him it was ok to collect cash bail. The now retired Hurricane Justice Court Judge was interviewed by SA Jones and denied ever authorizing the practice of police officers collecting cash from foreign motorists.

SA Jones also interviewed Springdale Town Manager Richard Wixom. According to Wixom, when he was first hired in 2003 he heard that the Springdale police department was collecting cash bail from foreign tourists on traffic stops. Wixom stated that at that time he asked Chief Wright about this practice. Wright confirmed that they were collecting cash bail from foreign tourists and that the judge gave them permission to do so. Wixom stated he did not ask any further questions and did not know if the cash was being remitted to the justice court at that time. Wixom denied that he authorized the practice of remitting the cash to the town of Springdale rather than to the justice court.


Between February 2009 and October 2011, records obtained from Springdale personnel show that \$33,158 in cash bail was collected from foreign motorists. This cash bail was deposited into a Springdale town bank account and not remitted to the Hurricane Justice Court.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

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AARON JONES  
Declarant

Authorized for presentment and filing:  
JOHN E. SWALLOW, Utah Attorney General

  
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JESSICA SMITH  
Assistant Utah Attorney General  
This 10<sup>th</sup> day of February, 2013  
AG Case No. 2012-482