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 FIFTH DISTRICT COURT
 BEAVER COUNTY
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IN THE FIFTH JUDICIAL DISTRICT COURT – BEAVER DEPARTMENT
 IN AND FOR BEAVER COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. NATHANIEL TYLER ADAMS, Defendant.	<p align="center">STATEMENT OF DEFENDANT IN SUPPORT OF PLEA</p> <p>Case No.: 201500007</p> <p>Judge: Barnes</p>
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I, NATHANIEL TYLER ADAMS, hereby acknowledge and certify that I have been advised of and understand the following facts and rights:

Notification of Charges

I am pleading guilty to the following crimes:

Crimes and Statutory Provisions	Degree	Punishment Min/Max and/or Minimum Mandatory
A. <u>ATTEMPTED SEXUAL EXPLOITATION OF A MINOR</u> § 76-5b-201	3 rd	<u>0 to 5 years in prison. \$5,000 fine, plus 90% surcharge</u>

<p>B. <u>ATTEMPTED</u> <u>SEXUAL EXPLOITATION</u> <u>OF A MINOR § 76-5b-201</u></p>	<p>3rd</p>	<p><u>0 to 5 years in prison.</u> <u>\$5,000 fine, plus 90% surcharge</u></p>
<p>C. <u>ATTEMPTED</u> <u>SEXUAL EXPLOITATION</u> <u>OF A MINOR § 76-5b-201</u></p>	<p>3rd</p>	<p><u>0 to 5 years in prison.</u> <u>\$5,000 fine, plus 90% surcharge</u></p>
<p>D. <u>ATTEMPTED</u> <u>SEXUAL EXPLOITATION</u> <u>OF A MINOR § 76-5b-201</u></p>	<p>3rd</p>	<p><u>0 to 5 years in prison.</u> <u>\$5,000 fine, plus 90% surcharge</u></p>

I have received a copy of the *Information* containing the charges against me. I have read it, or had it read to me, and I understand the nature and the elements of the crimes to which I am pleading guilty.

The elements of the crimes to which I am pleading guilty are:

The Defendant, in Beaver County, State of Utah, knowingly produced, possessed or possessed with intent to distribute, child pornography or intentionally distributed or viewed at least four videos or images of child pornography, in violation of Utah Code Ann., §76-5b-201.

I understand that, by pleading guilty, I will be admitting that I committed the crimes listed above. I stipulate and agree that the following facts describe my conduct and the conduct of other persons for which I am criminally liable. These facts provide a basis for the court to accept my guilty plea and prove the elements of the crimes to which I am pleading guilty:

On or about August 5, 2019 in Beaver County, State of Utah, I knowingly possessed, on my computers at least four images that depicted prepubescent children being sodomized.

Waiver of Constitutional Rights

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

Counsel: I know that I have the right to be represented by an attorney and that, if I cannot afford one, an attorney will be appointed by the court at no cost to me. I understand that I

might later, if the judge determines that I am able, be required to pay for the appointed lawyer's service to me.

I have not waived my right to counsel. My attorney is Brian Jackson. My attorney and I have fully discussed this statement, my rights, and the consequences of my guilty pleas. I am satisfied with the advice I have received from my counsel.

Jury Trial: I know that I have a right to a speedy and public trial by an impartial (unbiased) jury and that I will be giving up that right by pleading guilty.

Confrontation and cross-examination of witnesses: I know that if I were to have a trial, a) I would have the right to see and observe the witnesses who testify against me, and b) my attorney, or myself if I waived my right to an attorney, would have the opportunity to cross-examine all of the witnesses who testify against me.

Right to compel witnesses: I know that if I were to have a trial, I could call witnesses if I chose to, and I would be able to obtain subpoenas requiring the attendance and testimony of those witnesses. If I could not afford to pay for the witnesses to appear, the State would pay those costs.

Right to testify and privilege against self-incrimination: I know that if I were to have a trial, I would have the right to testify on my own behalf. I also know that, if I chose not to testify, no one could make me testify or make me give evidence against myself. I also know that, if I chose not to testify, the jury would be told that they could not hold my refusal to testify against me.

Presumption of innocence and burden of proof: I know that if I do not plead guilty, I am presumed innocent until the State proves that I am guilty of the charged crimes. If I choose to fight the charges against me, I need only plead "not guilty," and my case will be set for a trial. At a trial, the State would have the burden of proving each element of the charge beyond a reasonable doubt. If the trial is before a jury, the verdict must be unanimous, meaning that each juror would have to find me guilty.

I understand that if I plead guilty, I give up the presumption of innocence and will be admitting that I committed the crimes stated above.

Appeal: I know that under the Utah Constitution, if I were convicted by a jury or judge, I would have the right to appeal my conviction and sentence. If I could not afford the cost of an appeal, the State would pay those costs for me. I understand that I am giving up my right to appeal my conviction if I plead guilty. I understand that if I wish to appeal my sentence I must file a notice of the appeal within 30 days after my sentence is entered.

I know and understand that, by pleading guilty, I am waiving and giving up all the statutory and constitutional rights as explained above.

Consequences of Entering a Guilty Plea

Potential penalties: I know the maximum sentence that may be imposed for the crimes to which I am pleading guilty. I know that by pleading guilty to a crime that carries a mandatory penalty, I will be subjecting myself to serving a mandatory penalty for the crime. I know my sentence may include a prison term, fine, or both.

I know that in addition to a fine, a ninety percent (90%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim of my crimes, including any restitution that may be owed on charges that are dismissed as part of a plea agreement.

Consecutive/concurrent prison terms: I know that if there is more than one crime involved, the sentences may be imposed one after another (consecutively), or they may run at the same time (concurrently). I know that I may be charged an additional fine for each crime that I plead to. I also know that if I am on probation or parole, or am awaiting sentencing on another offense of which I have been convicted or to which I have pled guilty, my guilty pleas now may result in consecutive sentences being imposed on me. If an offense to which I am now pleading guilty occurred when I was imprisoned or on parole, I know the law requires the court to impose consecutive sentences unless the court finds and states on the record that consecutive sentences would be inappropriate.

No right to reduction of conviction: If my defense attorney or anyone else has told me I may be able, in the future, to have the judgment changed to a conviction one or two levels lower than what I am pleading guilty to and being sentenced for, I understand that any reduction is not automatic or guaranteed and may not happen even if the prosecutor agrees to it, and if it does happen, the title of the offense I am convicted of will not be changed. I know that the possibility of a reduction is separate and distinct from the sentence imposed. I also understand that I cannot get any reduction for as long as I am required to register as a sex offender. The laws that will determine whether I can get a reduction will be the laws in effect when I am fully eligible for a reduction, if I ever am, and the laws may change in the future, and no attorney or judge or anyone else can predict whether I ever will be entitled to a reduction.

Plea agreement: My guilty pleas are the result of a plea agreement between myself, my attorney and the prosecuting attorney. All the promises, duties, and provisions of the plea agreement, if any, are fully contained in this statement, including those explained below:

The defendant agrees to plead guilty to Counts 1-4, as third degree felonies, amended to Attempted in the *Information* and to relinquish any right he has to the evidence seized in this case. If the defendant enters those pleas, the prosecution agrees to dismiss the remaining counts.

The defendant agrees, if the Court requests, a Presentence Investigation report be conducted and a report prepared prior to sentencing. A copy of the following shall be provided by the Defendant to (a) the preparer of the Pre-Sentence Investigation Report (i.e., AP&P), AND (b) submitted to the Court; AND (c) submitted to the State, if not previously provided, within a reasonable time prior to sentencing (no less than seven (7) days prior to the sentencing hearing): (1) any psychological/psychosexual evaluation, prepared as part of this case; (2) any additional mental health related reports or updates on treatment; and (3) any additional documents, including sentencing memorandums intended to be presented or discussed at the time of sentencing (though these need not be provided to AP&P).

The Defendant agrees to stipulate to a joint recommendation that he be sentenced to 0-5 years in Utah State Prison on each count, that those counts run consecutive to one another, and the prison term be suspended, and the Defendant placed on probation.

The Defendant agrees to serve 364 days in jail as a condition of probation.

The Defendant will maintain full employment, verified by AP&P, or complete and submit proof of 40 hours of community service per week through a verified non-profit approved by AP&P.

The Defendant will be placed on 60 months supervised probation with Adult Probation and Parole and agrees to abide by Group A conditions (attached) without modification.

The Defendant shall have no contact with children under the age of eighteen (18), including relatives, until such time and under circumstances approved by AP&P.

The Defendant agrees to successfully complete sex offender treatment with a State approved provider that includes a focus on management of his sexual attraction to children as well as developing healthy sexual outlets. The Defendant shall complete any other evaluations and treatment AP&P deems appropriate.

The Defendant will not access or have access to the Internet without approval from AP&P and his therapist.

The defendant agrees that he will not have access to any of the forensic evidence provided by the State in discovery as said forensic evidence may contain information that would allow an individual to easily seek and obtain child pornography.

The defendant further represents that he owns all of the items and contents seized in connection with this case and/or listed in the *Utah Attorney General's Office Evidence and Property Receipt*, copy attached.

The defendant agrees, by signing this statement, to abandon and relinquish all of his interest in those items and contents, including computer equipment, that contain child pornography, whether or not co-mingled with non-contraband data, or other contraband or items he is, by law, not authorized to possess, and the court can order that those items may be disposed of by the Investigations Division of the Utah Attorney General's Office or other law enforcement agency according to law.

Any other term or condition of probation not specifically stated is reserved for argument by both parties at sentencing.

Judge not bound: I understand that if the prosecutor agrees to make a sentencing or restitution recommendation, or agrees to make no recommendation, that agreement binds only the prosecutor. I understand that other branches of the State, including law enforcement agencies and Adult Probation and Parole, are allowed to make sentencing recommendations to the court that are different from those made by the prosecutor, and that the court, in deciding what my sentence will be, is not bound by any of the recommendations. Other persons, including any victims of my crime(s), are entitled to address the judge before I am sentenced. I know that the judge is bound only by the law, not by anyone's recommendation or prediction. No matter what my defense attorney, the prosecutor, any victim, or anyone else recommends or predicts, the judge alone will determine my sentence, within the limits of the law.

Citizenship: I understand that if I am not a United States citizen, my plea(s) today may, or even will, subject me to deportation under United States immigration laws and regulations, or otherwise adversely affect my immigration status, which may include permanently barring my re-entry into the United States. I understand that if I have questions about the effect of my plea on my immigration status, I should consult with an immigration attorney.

Defendant's Certification of Voluntariness

na I am entering these pleas of my own free will and choice. No force, threats, or unlawful influence of any kind have been made to get me to plead guilty. No promises except those contained in this statement have been made to me.

na I have read this statement, or I have had it read to me by my attorney, and I understand its contents and adopt each statement in it as my own. I know that I am free to change or delete anything contained in this statement, but I do not wish to make changes because all of the statements are correct.

na I am satisfied with the advice and assistance of my attorney.

na I am 24 years of age. I have attended school through the 12th grade. I can read and understand the English language. If I do not understand English, an interpreter has been provided to me. I was not under the influence of any drugs, medication, or intoxicants which would impair my judgment when I decided to plead guilty. I am not presently under the influence of any drug, medication, or intoxicants which impair my judgment.

na I believe myself to be of sound and discerning mind and to be mentally capable of understanding these proceedings and the consequences of my pleas. I am free of any mental disease, defect, or impairment that would prevent me from understanding what I am doing or from knowingly, intelligently, and voluntarily entering my pleas.

na I understand that if I want to withdraw my guilty pleas, I must file a written motion to withdraw my plea before sentence is announced. I understand that for a plea held in abeyance, a motion to withdraw from the plea agreement must be made before sentencing. I will only be allowed to withdraw my plea if I show that it was not knowingly and voluntarily made. I understand that any challenge to my plea made after sentencing must be pursued under the Post-Conviction Remedies Act in Title 78, Chapter 35a, and Rule 65 C of the Utah Rules of Civil Procedure.

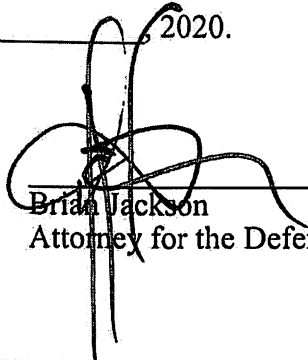
DATED this 6th day of Apr?, 2020.


NATHANIEL TYLER ADAMS

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I am the attorney for NATHANIEL TYLER ADAMS, the defendant, and that I know he/she has read this *Statement of Defendant in Support of Guilty Pleas* or that I have read it to him/her; I have discussed it with him and believe that he fully understands the meaning of its contents and is mentally and physically competent. To the best of my knowledge and belief, after an appropriate investigation, the elements of the crimes and the factual synopsis of the defendant's criminal conduct are correctly stated, and those, along with the other representations and declarations made by the defendant in the foregoing statement, are accurate and true.

DATED this 6th day of April, 2020.

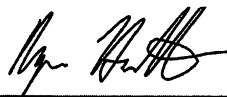


Brian Jackson
Attorney for the Defendant

CERTIFICATE OF PROSECUTING ATTORNEY

I certify that I am the prosecuting attorney for the State of Utah in this case against NATHANIEL TYLER ADAMS, the defendant. I have reviewed this *Statement of Defendant in Support of Guilty Pleas* and find that the factual basis of the defendant's criminal conduct that constitutes the offense(s) is true and correct. No improper inducements, threats, or coercion to encourage a plea has been offered to the defendant. The plea negotiations are fully contained in this document or as supplemented on the record before the Court. There is reasonable cause to believe that the evidence would support the conviction of defendant for the offense(s) for which the plea(s) is/are entered and that the acceptance of the plea would serve the public interest.

DATED this 6 day of April, 2020.



RYAN N. HOLTAN
Assistant Attorney General

ORDER

Based on the facts set forth in the foregoing *Statement of Defendant in Support of Guilty Pleas* and *Certificates of Counsel*, and based on any oral representations in court, the Court witnesses the signatures and finds the defendant's guilty plea(s) is/are freely, knowingly, and voluntarily made.

IT IS HEREBY ORDERED that the defendant's guilty plea(s) to the crimes set forth in the *Statement of Defendant In Support of Guilty Pleas* and *Certificates of Counsel* be accepted and entered.

Because the defendant has represented that he owns all the items and contents seized in connection with this case listed in the attached property receipt with the exceptions noted, and has agreed to abandon and relinquish all of his interest in the items and contents seized in connection with this case that contain child pornography, whether or not co-mingled with non-contraband data.

IT IS FURTHER ORDERED that those items may be disposed of by the Investigations Division of the Utah Attorney General's Office or other law enforcement agency according to law, after notice to persons listed in the exceptions that they may file a petition pursuant to section 24-3-104, Utah Code, for the return of said property.

Any other property seized by the Utah Attorney General's Office that does not contain contraband or item that the defendant is not, by law, authorized to possess, shall be returned to the owner when no longer needed as evidence in this case.

DATED this 20th day of April, 2020.

Stamp Affixed Under the Direction of



JUDGE KEITH BARNES
DISTRICT COURT JUDGE

By: 