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FIFTH DISTRICT COURT
 WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. MEGAN MICHELLE STEWART, Defendant.	STATEMENT OF DEFENDANT IN SUPPORT OF GUILTY PLEA AND CERTIFICATE OF COUNSEL Criminal No. 211501759 Judge John J. Walton
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I, MEGAN MICHELLE STEWART, hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights:

NOTIFICATION OF CHARGES

I am pleading guilty to the following crime(s):

<u>No.</u>	<u>Crime & Statutory Provision</u>	<u>Degree</u>	<u>Punishment Min/Max and/or Minimum Mandatory</u>
1	ATTEMPTED MURDER, Section 76-5-203, Utah Code Annotated, 1953, as amended.	First Degree Felony	3 years to life in the Utah State Prison and a fine in the amount of \$10,000.00, plus a 90% surcharge Plus a \$53.00 Court Security Fee.

I have received a copy of the Information against me. I have read it, or had it read to me, and I understand the nature and the elements of the crime(s) to which I am pleading guilty.

The elements of the crime(s) to which I am pleading guilty are:

COUNT 1: ATTEMPTED MURDER, a first degree felony, in that the defendant engaged in conduct constituting a substantial step toward the commission of murder; and, he intended to intentionally or knowingly cause the death of another or, he acted with an awareness that his conduct was reasonably certain to cause the death of another, in violation of Sections 76-5-203 and 76-4-101, Utah Code Annotated, 1953, as amended. Attempted Murder is punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life, pursuant to Section 76-4-102(1)(c)(i), Utah Code Annotated, 1953, as amended.

I understand that by pleading guilty I will be admitting that I committed the crime(s) 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 crime(s) to which I am pleading guilty:

On or about August 26, 2021, in Washington County, Utah, the defendant, Megan Michelle Stewart, having custody and care of a child, engaged in conduct constituting a substantial step toward the commission of murder and she intended to intentionally and knowingly attempted to cause the death of another by stabbing the child victim in the neck with a pair of scissors, prior to stabbing the victim, the defendant attempted to suffocate the child with a pillow. When the defendant was questioned, the defendant admitted to attempting to suffocate the minor child and stabbing him in the neck because, in her words, she was possessed by a demon.

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 determined that I was able, be required to pay for the appointed lawyer's service to me.

I (have not) (have) waived my right to counsel. If I have waived my right to counsel, I have done so knowingly, intelligently, and voluntarily for the following reasons:

If I have waived my right to counsel, I certify that I have read this statement and that I understand the nature and elements of the charge(s) and crime(s) to which I am pleading guilty. I also understand my rights in this case and other cases and the consequences of my guilty plea.

If I have **not** waived my right to counsel, my attorney is Ryan Stout. My attorney and I have fully discussed this statement, my rights, and the consequences of my guilty plea.

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 testified 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 testified 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 crime(s). 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(s) 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 crime(s) 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 costs 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 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 each crime 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 that crime. I know my sentence may include a prison term, fine, or both.

I know that in addition to a ninety percent (90%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim(s) 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 awaiting sentencing on another offense of which I have been convicted or which I have plead guilty, my guilty plea now may result in consecutive sentences being imposed on me. If the offense(s) 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.

Plea Agreement. My guilty plea is the result of a plea agreement between myself 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:

1. The defendant agrees to plead "GUILTY" to: COUNT 1: ATTEMPTED MURDER, a First Degree Felony;
2. The State agrees to "DISMISS": COUNT 2: CHILD ABUSE, a Second Degree Felony; COUNT 3: VIOLATION OF A PROTECTIVE ORDER (DOMESTIC VIOLENCE), a Class A Misdemeanor;
3. The defendant shall submit to a Pre-Sentence Investigation with Adult Probation and Parole.
4. At sentencing, the State agrees not to recommend the execution of a prison sentence for the following reasons: 1. The victim's wishes, 2. The defendant's lack of criminal history, 3. The defendant's history of mental health issues before and at the time of the commission of the offense, 5. The State's belief, based upon research into the defendant's history and background, that this episode was anomalous behavior attributable in significant part to an acute mental health crisis, 4. The defendant's current cognitive and mental health issues, 5. The defendant's good behavior and demeanor while incarcerated, 6. The defendant's nearly

two-year pretrial incarceration, and 7. The victim's current safe and secure environment, in the custody of a family member who has guardianship.

5. The parties agree that the defendant should be sentenced to 48 months of probation with Adult probation and Parole.
6. In addition to any terms recommended in the PSI, the parties agree that the defendant will serve 1 year in jail, with no credit for time served, that the defendant will complete any treatment required by Adult Probation and Parole, and that the defendant will have no unsupervised contact with the victim in this case.

Trial judge not bound. I know that any charge or sentencing concession or recommendation of probation or suspended sentence, including a reduction of the charges for sentencing, made or sought by either defense counsel or the prosecuting attorney are not binding on the judge. I also know that any opinions they express to me as to what they believe the judge may do are not binding on the judge.

Deportation. I know, and it has been explained to me, that a criminal conviction may have adverse immigration consequences. Further, I know and understand that a criminal conviction could result in my removal and deportation. My attorney has advised me that Immigration Law is a specialized field, that my attorney is not an immigration lawyer, and that I would need to consult with an immigration specialist if I want further advice on that subject.

Enhanced Penalties for Future Convictions. I have been informed that the plea I am entering will result in a conviction. I have been further informed that my plea could be used in the future to increase the severity of future criminal offenses and/or increase the severity of the sentence that I might receive for convictions of criminal offenses.

Waiver of Preliminary Hearing. I understand I have a right to a preliminary hearing at which the State of Utah would carry the burden of proof to present to the court sufficient evidence to show that there is probable cause that I committed the offenses with which I am charged and that at the conclusion of that hearing failure of the State to produce such evidence may lead to charges being reduced or dismissed and that by entering in this agreement I am waiving my right to said preliminary hearing.

ACKNOWLEDGMENT OF FIREARM RESTRICTION

Firearm restriction as a result of a conviction from entering a plea. If my conviction is the result of a guilty or no contest plea, I acknowledge that before entering my plea my attorney or the prosecuting attorney informed me that:

A conviction in this case will classify me as a restricted person;

As a restricted person, I may not possess a firearm. This means I cannot purchase, transfer, or own a firearm. I cannot have a firearm in my physical possession, own a firearm, or be perceived by others to own a firearm, and I cannot exercise control over a firearm;

There will be additional criminal charges and penalties if I possess a firearm, which include: For a Category I restricted person, charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge. For a Category II restricted person, charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge.

I acknowledge and understand that, by pleading guilty or no contest: I will be a restricted person; upon conviction, I must forfeit possession of each firearm I possess; and I will be in violation of federal and state law if I possess a firearm.

Firearm restriction as a result of a conviction from trial. If my conviction is the result of being found guilty at trial, I acknowledge that my attorney, the prosecuting attorney, or the court verbally informed me that:

I am now a restricted person;

As a restricted person, I may not possess a firearm. This means I cannot purchase, transfer, or own a firearm. I cannot have a firearm in my physical possession, own a firearm, or be perceived by others to own a firearm, and I cannot exercise control over a firearm;

There will be additional criminal charges and penalties if I possess a firearm, which include: (For a Category I restricted person, charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge. For a Category II restricted person, charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge.

I acknowledge and understand that I am now a restricted person; I must forfeit possession of each firearm that I currently possess; and I will be in violation of federal and state law if I possess a firearm.

DEFENDANT'S CERTIFICATION OF VOLUNTARINESS

I am entering this plea 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.

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 any changes because all of the statements are correct.

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

I am 29 years of age. I have attended school through the 3rd 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.

I believe myself to be of sound and discerning mind and to be mentally capable of understanding these proceedings and the consequences of my plea. 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 plea.

I understand that if I want to withdraw my guilty plea, 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 within 30 days of pleading guilty. 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 65C of the Utah Rules of Civil Procedure.

6/22/2023
Date

Megan Stewart
MEGAN MICHELLE STEWART
Defendant

CERTIFICATE OF DEFENSE ATTORNEY

I certify that I am the attorney for MEGAN MICHELLE STEWART, the defendant above, and that I know she has read the statement or that I have read it to her; I have discussed it with her and believe that she 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 crime(s) and the factual synopsis of the defendant's criminal conduct are correctly stated; and these, along with the other representations and declarations made by the defendant in the foregoing affidavit, are accurate and true.

6/22/2023
Date

Ryan D. Stout
RYAN STOUT
Attorney for Defendant
Bar No. 10300

CERTIFICATE OF PROSECUTING ATTORNEY

I certify that I am the attorney for the State of Utah in this case against MEGAN MICHELLE STEWART, defendant. I have reviewed this Statement of Defendant and find that the factual basis of the defendant's criminal conduct which constitutes the offense(s) is true and correct. No improper inducements, threats, or coercion to encourage a plea has been offered defendant. The plea negotiations are fully contained in the Statement in the attached Plea Agreement 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 is entered and that the acceptance of the plea would serve the public interest.

June 21, 2023
Date


/s/ Eric R. Gentry
ERIC R. GENTRY #9580
Attorney for Plaintiff

ORDER

Based on the facts set forth in the foregoing Statement and the certification of the defendant and counsel, and based on any oral representations in court, the Court witnesses the signatures and finds that defendant's guilty plea is freely, knowingly, and voluntarily made.

IT IS HEREBY ORDERED that the defendant's guilty plea to the crime(s) set forth in the Statement be accepted and entered.

6/22/23
Date



JOHN J. WALTON
District Court Judge

