

Checklist for Motion to Reduce Conviction Pursuant to Utah Code Section 76-3-402(2)

- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

(1) Motion

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the original criminal case.
- If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): Choose whether you are asking the court to reduce your criminal conviction by one degree or two degrees. The court may reduce the charge by two degrees **only** if the prosecutor agrees and you have the requirements specified in Utah Code Section 76-3-4-2.
- Paragraph (3): Attach a progress report filed by Adult Probation and Parole showing that you have successfully completed your probation.
- Paragraph (4): If you were ordered to pay restitution in your case, attach documentation showing you have paid all of the restitution.
- Paragraph (5): If you were required to register as a sex offender Utah Code Title 77 Chapter 41 and the time you were required to be on the registry has expired,

check the first option. If you were not required to register as a sex offender, check the second box.

- Paragraph (6): Use this section to add anything else you want to ask for. This is not the place to explain why you are asking for the reduction – that information goes into the Statement Supporting the Motion.
- Paragraph (7): Check the correct box to show whether you request a hearing. If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the prosecutor does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (8): Check this box if the prosecuting attorney has agreed (stipulated) to the motion, and attach the prosecutor’s Stipulation.
- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(2) Stipulation

If the prosecuting attorney agrees with your motion, you can provide them with a copy of the Stipulation form to complete, and file it with your motion. The Stipulation must be completed and signed by the prosecutor.

The prosecutor should send the Stipulation form and any attachments back to you to attach to the motion and file with the judicial services representative.

(3) Statement Supporting the Motion

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the

blank lines. Complete the heading exactly as it appears in the original criminal case.

- If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (1): State the facts of your case that support your motion. Make your statements in clear, simple sentences. Type your statements or print them clearly. As the person signing this document, you must have first-hand knowledge of the facts stated.
- Paragraph (2): Check the correct box to show whether you request a hearing. If there is no hearing, the judge will decide the motion based on the papers that have been filed. If one party requests a hearing and the other party does not, both parties are still allowed an opportunity to present oral arguments, if a hearing is held.
- Paragraph (3): List and attach any documents you want to use to support the facts. For example, if you are attaching a progress report filed by Adult Probation and Parole showing that you have successfully completed your probation, you would list it here.
- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form, attachments and certificate of service with the judicial services representative.

(4) Statement Opposing the Motion

A Statement Opposing the Motion is a document filed by the prosecutor. If the prosecutor does not agree to the motion, they must file a Statement Opposing the Motion within 10 days after the motion is served on the prosecutor.

If the prosecutor files a Statement Opposing the Motion, you may file a Reply to that statement. If the prosecutor does not file a Statement Opposing the Motion, you may file a Request to Submit for Decision.

(5) Reply Statement (if applicable)

- If the prosecutor files a Statement Opposing the Motion, you may file a Reply, but only to respond to something being raised for the first time in the opposing statement. If the opposing statement and its supporting documents merely make statements of fact and legal arguments against the points you made in your motion, then you cannot file a reply.
- If you file a Reply, you must file and serve it within 5 days after the Opposing Statement is served on you.
 - Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
 - Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the original criminal case.
 - In the caption, where it says “Reply to Statement Opposing Motion to _____,” write “Reduce Conviction” in the blank line.
 - Paragraphs (1)(A) and (2)(A): Check the correct box to show whether the statement is from the Opposing Statement or Opposing Memorandum. Print the number of the paragraph from the document that you disagree with. Quote the statement exactly.
 - Paragraphs (1)(B) and (2)(B): Explain why you disagree.
 - Omit any private or protected information. When filed, this document is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
 - Attach any required documents and forms.
 - Date and sign the form.
 - Complete the Certificate of Service.
 - Serve the form and any attachments on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
 - File the original form and certificate of service with the judicial services representative.

(6) Request to Submit for Decision

- The motion and other documents will not be given to the judge to decide until you complete and file a Request to Submit for Decision.
- Do not file the Request to Submit for Decision until after the Reply to the Statement Opposing the Motion has been filed or the time for filing has passed. (5 days after the Statement Opposing the Motion was served.)
- If the parties stipulate to the motion, file the Request to Submit for Decision with the Motion, Stipulation and proposed Findings of Fact, Conclusions of Law and Order.
 - Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
 - Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the original criminal case.
 - Paragraph (1): Print the date the motion was served on the prosecutor.
 - Paragraphs (2) - (4): Check the correct boxes and print the dates to show which documents have been filed and served.
 - Paragraph (5): Check the correct box to show whether you request a hearing.
 - Date and sign the form.
 - Attach the required documents.
 - Complete the Certificate of Service.
 - Serve the form and any attachments on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
 - File the original form and certificate of service with the judicial services representative.

(7) Notice of Hearing

If you have requested a hearing, call the judge's judicial assistant to find out whether your request has been granted. Schedule the hearing with the assistant and complete this form. Select a date that is convenient for you, the prosecutor and the court. Otherwise, do not file this form.

- Print your name and contact information at the top of the first page.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the complaint/petition.
- Identify Plaintiff/Petitioner and Defendant/Respondent by name and address.

- Print the name of the motion on the blank line. Print the date and time of the hearing. Print also the judge's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

(8) Attend the Hearing

If there is a hearing, be sure to attend.

(9) Findings of Fact, Conclusions of Law and Order on the Motion

The Findings of Fact, Conclusions of Law and Order might be completed at different times, depending on how the case is decided.

- Print your name and contact information at the top of the first page.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the original criminal case.
- If the parties stipulate to the motion, complete the rest of the Findings of Fact, Conclusions of Law and Order so that they agree with the motion.
- If the motion is not stipulated do not complete the rest of the documents unless you are told to do so. Either the judge will complete the rest of the documents or tell one of the parties to do so.
- Attach any required documents or forms.
- If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Findings of Fact, Conclusions of Law and Order. Listen carefully to the judge's decision. The documents must agree with that decision, and you may have to prepare them.
 - If you are told to prepare the Findings of Fact, Conclusions of Law and Order, complete all of them except the judge's signature. What you write in the documents must agree with what the judge decided.
 - Date and sign the proposed Findings of Fact, Conclusions of Law and Order under the phrase: "approved as to form."
 - Within 21 days after being told to prepare the documents, serve them on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.

- The prosecutor has 7 days in which to object.
- File the original Findings of Fact, Conclusions of Law and Order and the Certificate of Service with the judicial services representative after the time to object has ended.

(10) Notice of Order

If you prepared the order, or if the judge says you have to serve the signed order:

- Print your name and contact information at the top of the first page. Check whether you are the Petitioner or the attorney for the Petitioner.
- Check the correct box to show whether the court is the District or Justice Court. Print the judicial district number, the county name and the court address on the blank lines. Complete the heading exactly as it appears in the original criminal case.
- Attach the signed Order.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and the signed Order on the prosecutor by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and signed Order with the judicial services representative.