

<u>Count 3 - Rape</u>	First-Degree Felony	5 years-life imprisonment and/or fine up to \$10,000.00.
<u>Count 8 - Rape</u>	First-Degree Felony	5 years-life imprisonment and/or fine up to \$10,000.00.
<u>Count 11 – Forcible Sodomy</u>	First-Degree Felony	5 years-life imprisonment and/or fine up to \$10,000.00.

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 to which I am pleading guilty.

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

Count 2 – Rape, a First-Degree Felony:

On or about June 8, 2020, in the State of Utah, the defendant BRAYDON MICHAEL BRAILSFORD, had sexual intercourse with Female Complainant 1 (FC1)¹ without FC1’s consent. More specifically, the defendant: (i) placed his penis in FC1’s vagina, (ii) without FC1’s consent, and (iii) the defendant knew he did not have FC1’s consent.

Count 3 – Rape, a First-Degree Felony:

In or about July 2020, in the State of Utah, the defendant BRAYDON MICHAEL BRAILSFORD, had sexual intercourse with Female Complainant 2 (FC2) without FC2’s consent. More specifically, the defendant: (i) placed his penis in FC2’s vagina, (ii) without FC2’s consent, and (iii) the defendant knew he did not have FC2’s consent.

¹ A list of all complaining victims has been filed with the Court as a “protected” and/or “private” attachment to, and is incorporated with, this plea agreement, pursuant to Utah R. Judicial Admin. 4-202.02.

Count 8 – Rape, a First-Degree Felony:

On or about October 3, 2020, in the State of Utah, the defendant BRAYDON MICHAEL BRAILSFORD, had sexual intercourse with Female Complainant 3 (FC3) without FC3's consent. More specifically, the defendant: (i) placed his penis in FC3's vagina, (ii) without FC3's consent, and (iii) the defendant knew he did not have FC3's consent.

Count 11 – Forcible Sodomy, a First-Degree Felony:

In or about January 2021, in the State of Utah, the defendant BRAYDON MICHAEL BRAILSFORD, engaged in a sexual act with Female Complainant 4 (FC4), who was 14 years of age or older, and without FC4's consent, involving the genitals of one person and the mouth or anus of another person. More specifically, the defendant: (i) placed his penis in FC4's anus, (ii) without FC4's consent, and (iii) the defendant knew he did not have FC4's consent.

I understand that by pleading guilty, I will be admitting that I committed the crimes listed above. I stipulate and agree, that the acts described in the applicable sections of the Affidavit of Probable Cause describe my conduct 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.

Waiver of Constitutional Rights

I 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 the following rights:

Counsel: I know 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 attorney's service to me.

I have not waived my right to counsel, I certify that I have read this statement and I understand the nature and elements of the charges and crime to which I am pleading guilty. I also understand my rights in this case and the consequences of my guilty plea.

My attorney is Michael Studebaker. 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 before 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 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 a right to testify in 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 crimes charged. If I choose to fight the charges against me, I need only plead “not guilty” and my case will be set for trial. At a trial, the State of Utah would have the burden of proving each element of the charges 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 stated above.

Appeal: I know that under the Constitution of Utah, 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 any fine, a ninety percent (90%) surcharge will be imposed. I also know that I may be ordered to make restitution to any victim or victims of my crimes, including any restitution that may be owed on charges that are dismissed or charges that the State

has agreed not to file as part of a plea agreement. A list of all complaining victims has been filed with the Court as a “protected” and/or “private” attachment to, and is incorporated with, this plea agreement, pursuant to Utah R. Judicial Admin. 4-202.02. I understand that I agree to pay restitution owed to all of these complaining victims.

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 for which I have been convicted or to which I have plead guilty or no contest, my guilty plea now may result in consecutive sentences being imposed on me. If the 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. 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.

Venue: I understand that some of the alleged acts that constitute the offenses to which I am pleading guilty are alleged to have occurred in various counties within the State of Utah. I understand that I have the right to raise objections related to venue. By pleading guilty to these crimes, I understand that I am waiving any and all objections of improper place of trial.

Plea Agreement: My plea of guilty is 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 and the Plea Agreement attached hereto.

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 crimes (which include all the complaining victims listed in the above-referenced “protected” and/or “private” attachment), 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.

Immigration/Deportation: I understand that if I am not a United States citizen, my plea 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.

Firearm Restriction: I understand that by pleading “guilty” or “no contest” to a felony charge, I will be classified as a restricted person which prohibits me from possessing, purchasing, transferring, or owning a firearm, having a firearm in my physical possession, or being perceived by others to own a firearm and that I cannot exercise control over a firearm under both Federal and State law. I also acknowledge that as a restricted person, any violation of the restriction prohibition would be punishable by state law. I have signed the acknowledgement form which sets out the violations and the possible punishments associated with a violation.

Defendant's Certification of Voluntariness

BB 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 and the attached Plea Agreement have been made to me.

BB I have read this Statement and the attachments hereto, 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 and the attachments, but I do not wish to make any changes because all of the statements are correct.

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

BB I am 21 years of age. My highest level of education is a high school diploma. 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 drugs, medication or intoxicants which impair my judgment.

BB I believe myself to be of a sound and discerning mind and 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.

BB **I understand that if I want to withdraw my guilty plea, I must file a written motion to withdraw my plea of guilty before sentence is announced. I understand that 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.**

DATED this 29th day of July, 2022

/s/ Braydon Brailsford signed with approval
BRAYDON MICHAEL BRAILSFORD

CERTIFICATE OF ATTORNEY

I certify that I am the attorney for BRAYDON MICHAEL BRAILSFORD, the defendant above, and that I know he has read this *Statement of Defendant in Support of Guilty Pleas and the accompanying Plea Agreement* or that I have read it to him and 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 crime 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.

DATED this 29th day of July, 2022

Michael Studebaker

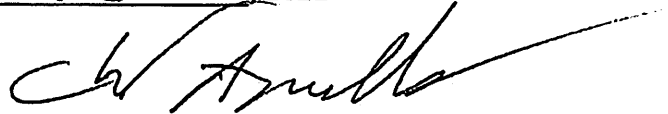
Michael Studebaker, Esq.
Attorney for Defendant

CERTIFICATE OF PROSECUTING ATTORNEY

I certify that I am the prosecuting attorney for the State of Utah in the case BRAYDON MICHAEL BRAILSFORD, the defendant. I reviewed this *Statement of Defendant in Support of Guilty Pleas and the accompanying Plea Agreement* and find that the factual basis of the defendant's criminal conduct which constitutes the offense is true and correct. No improper inducements, threats or coercion to encourage a plea have been offered to the defendant.

The plea negotiations are fully contained in this Statement and in this document and as may be supplemented on the record before the court. There is reasonable cause to believe that the evidence would support the conviction of the defendant for the offense for which the plea is entered and acceptance of the plea would serve the public interest.

DATED this 24th day of June, 2022



CHÉ ARGUELLO
Assistant Attorney General

ORDER

Based upon the facts set forth in the foregoing *Statement of Defendant in Support of Guilty Pleas*, the accompanying *Plea Agreement* and the *Certifications of Counsel*, and based upon any oral representations in court, the Court witnesses the signatures and finds that the defendant's plea of guilty is freely, knowingly and voluntarily made.

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

DATED this 1 day of August, 2022

BY THE COURT:



HONORABLE BRANDON MAYNARD
District Court Judge



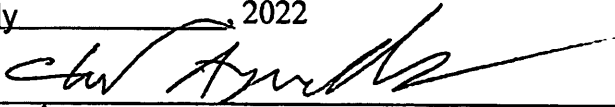
PLEA AGREEMENT

NOW THEREFORE, the State and BRAYDON MICHAEL BRAILSFORD, defendant, voluntarily enter into this Plea Agreement:

1. The defendant agrees to plead guilty to: Count 2, Rape, in violation of Utah Code Ann. § 76-5-402, a first-degree felony; Count 3, Rape, in violation of Utah Code Ann. § 76-5-402, a first-degree felony; Count 8, Rape, in violation of Utah Code Ann. § 76-5-402, a first-degree felony; and Count 11, Forcible Sodomy, in violation of Utah Code Ann. § 76-5-403(2), a first-degree felony.
2. Upon entry of this plea, the State agrees to move to dismiss the remaining charges against the defendant in this case, Case No. 211100175. The State further agrees to not file any additional charges related to any of the complaining victims set forth in the “protected” and/or “private” list of complaining victims attached to, and incorporated with, this plea agreement. The defendant agrees that each of the listed complaining victims may submit a victim impact statement to be incorporated into any ordered pre-sentence report and/or submit a statement to the Court or speak to the Court during the sentencing hearing on any matter relevant to sentence.
3. The State will recommend consecutive prison sentences. More specifically, the State will recommend an indeterminate prison sentence of 5 years to life on each of the 4 counts to which the defendant is pleading guilty and that they run consecutive with each other and consecutive to both the sentences in Case No. 211100064 (Box Elder County) and Case No. 211100286 (Cache County). The defendant will be free to argue for any sentence he deems appropriate.

4. The defendant agrees that restitution will include amounts related to dismissed counts and on charges that the State has agreed not to file as part of this plea agreement. Again, a list of all complaining victims has been filed with the Court as a “protected” and/or “private” attachment to, and is incorporated with, this plea agreement. The defendant agrees to pay restitution to all of these complaining victims. If the parties are unable to agree upon a restitution amount, the parties agree to set a restitution hearing.
5. The defendant acknowledges that he will submit to registration on the Sex and Kidnap Offender Registry, pursuant to Utah Code Ann. § 77-41-101 et seq.
6. The defendant agrees that as a condition of this plea agreement he may not have any contact, directly or indirectly, in person or through third parties, with any of the complaining victims set forth in the “protected” and/or “private” attachment.
7. The defendant agrees to abide by any other terms and conditions imposed upon him by the Court.
8. The *Plea Agreement* is specifically incorporated and made a part of the *Statement of Defendant* in this case.

DATED this 29th day of July 2022



CHÉ ARGUELLO

Assistant Attorney General

/s/ Braydon Brailsford signed with approval

BRAYDON MICHAEL BRAILSFORD
Defendant



MICHAEL STUDEBAKER
Attorney for Defendant

CHÉ ARGUELLO, Bar #12412
Assistant Attorney General
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Attorneys for the State of Utah

IN THE FIRST JUDICIAL DISTRICT COURT IN AND FOR
BOX ELDER COUNTY, STATE OF UTAH

<p>STATE OF UTAH, Plaintiff, vs. BRAYDON M. BRAILSFORD, DOB: 04/24/2001 Defendant.</p>	<p>Acknowledgment of Firearm Restriction (Utah Code 76-10-503.1) Case No. 211100175 Judge Brandon Maynard</p>
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I acknowledge and understand that:

1. 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

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.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at Cache County, Utah

This 29th day of July, 2022.

/s/ Braydon Brailsford signed with approval
Signature: _____

BRAYDON MICHAEL BRAILSFORD