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**IN THE HEBER CITY JUSTICE COURT
WASATCH COUNTY, STATE OF UTAH**

HEBER CITY,

Plaintiff

vs.

UNKNOWN NAMED DEFENDANTS

Defendant.

**CITY'S STANDING MOTION FOR
PLEA IN ABEYANCE FOR MOVING
VIOLATIONS**

Judge Randy B. Birch

Plaintiff, HEBER CITY, by and through its counsel, J. Mark Smedley, hereby moves the Court to, in or outside the presence of the City Prosecutor, to accept a six (6) month plea in abeyance agreement in an approved form, pursuant to Title 77, Chapter 2a of the Utah Code Annotated:

MOVING VIOLATIONS. Any moving violation, that complies with the conditions precedent as outline below, and is legally classified as an infraction or a class C misdemeanor, in accordance with either the Utah Annotated Code or the Heber City Code.

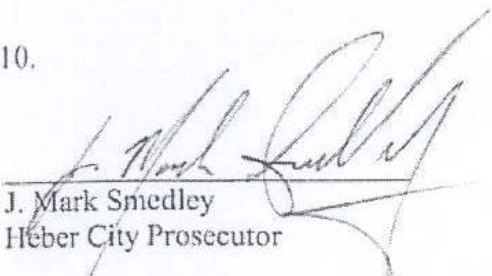
In order to qualify for a plea in abeyance, the following requirements must be met:

1. The Defendant must not have more than two prior convictions or pleas in abeyance for moving violations within the last three years, in any jurisdiction. To determine the appropriateness of any plea in abeyance, the court shall verify the Defendant's Driver's License Record for traffic offenses.

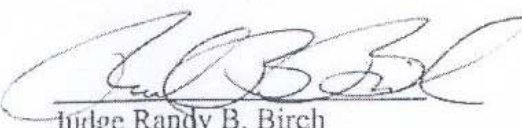
2. The offense cannot involve a traffic accident.
3. The offense cannot be speeding violation in excess of 15 MPH.
4. The offense cannot involve speeding in either a school zone or a construction zone.
5. The underlying offense cannot be, or involve any offense in which a mandatory appearance is required in accordance with law.
6. The accused accepts and agrees to comply with the following terms in the plea in abeyance agreement:
 - a. The Defendant shall pay a plea in abeyance fee consistent with the State bail for the offense committed as set forth in the Uniform Bail Schedule, plus \$25.00.
 - b. The Defendant shall pay for, and complete, the traffic course taught by the Heber City Police Department, on online traffic course, or other course accepted by the Heber City Justice Court.
 - c. The Defendant shall have no further traffic violations.
7. Defendants with Commercial Drivers Licenses do not qualify for a plea in abeyance for moving violations.

All such pleas in abeyance shall be dismissed by the court at the end of the 6 months without further motion of the prosecution or defendant upon the successful completion of the above-listed requirements unless notice is otherwise given. If out of compliance an Order to Show Cause will be scheduled.

DATED this 26th day of October, 2010.


J. Mark Smedley
Heber City Prosecutor

Agreed and accepted as to procedure:


Judge Randy B. Birch