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IN THE SECOND JUDICIAL DISTRICT COURT

IN AND FOR WEBER COUNTY  
DISTRICT COURT  
WEBER COUNTY  
STATE OF UTAH

FEB

8 1994

STATE OF UTAH,

'94 FEB 7 PM 1 46

Plaintiff,

CASE NO. 921900407

vs.

OGDEN, UTAH

DOUGLAS A. LOVELL,

DECEMBER 13, 1993

Defendant.

HEARING

HONORABLE STANTON M. TAYLOR, PRESIDING

APPEARANCES:

FOR THE PLAINTIFF: MR. WILLIAM F. DAINES  
Deputy Weber County Attorney  
7th Floor, Municipal Building  
Ogden, Utah 84401

FOR THE DEFENDANT: MR. DOUGLAS A. LOVELL, PRO SE

**FILED**  
UTAH SUPREME COURT

JUL 16 2003

PAT BARTHLOMEW  
CLERK OF THE COURT

**FILED**

FEB 9 1994

CLERK SUPREME COURT,  
UTAH

*20030262-SC*

FILED  
UTAH APPELLATE COURTS

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Laurie Shingle, C.S.R.  
(801) 399-8510

*20061025 SC*

1 THE COURT: State of Utah versus  
2 Douglas A. Lovell.

3 MR. LOVELL: Shall I see him first  
4 or what?

5 THE COURT: Pardon me? No. Come on  
6 up. That's fine.

7 (Mr. Lovell comes forward.)

8 THE COURT: Is -- do we have an  
9 attorney entered on this now or who's taking it over?

10 MR. LOVELL: I'm -- I'm not sure  
11 what's going on. It's really why I'm here today. I  
12 know that we had it set for the 13th, but I have  
13 talked to other attorneys, one in state and one from  
14 out of state, that want to take my case. And, in  
15 fact, Karen Chaney come down and seen me from  
16 Arizona -- she now resides in Texas -- and has  
17 offered to take my case.

18 And then I get a letter a couple of weeks  
19 ago -- or maybe a week ago -- from Laker -- Mr.  
20 Laker.

21 THE COURT: Uh huh.

22 MR. ALLEN: Mr. Laker has been  
23 working with our office trying to arrange for  
24 somebody to come in and -- and assist Mr. Lovell, as  
25 I understand it. I think he's contacted some of the

1 national attorneys that specialize in this kind of  
2 stuff, trying to figure out if somebody wants to get  
3 into it.

4 MR. LOVELL: The two attorneys that  
5 I want is -- is --

6 THE COURT: Well, Mr. Lovell, it's  
7 not really your choice unless you pay for your  
8 attorney. That's the problem. And so what -- I  
9 guess what we're going to have to do is work through  
10 this thing. What did Laker say in his letter?

11 MR. DAINES: I -- I think they're  
12 trying to get him counsel. I think they're -- I'm  
13 not sure that -- I agree with Your Honor's assessment  
14 of the law, but I think due to other circumstances,  
15 it might very well be that they are attempting to get  
16 out of house counsel, out of the public defenders  
17 counsel.

18 MR. ALLEN: That's correct.

19 MR. DAINES: Because I think Mr.  
20 Allen is correct.

21 MR. ALLEN: What Mr. Laker is doing  
22 is looking for attorneys that are supported  
23 specifically to handle defense of this kind of case  
24 when it's in this position, and is supported from an  
25 outside private fund other -- other funding sources

1 other than the state or county. So I think that's --

2 THE COURT: So we're still involved  
3 in that process?

4 MR. ALLEN: I believe so.

5 THE COURT: Yeah. You, also, have a  
6 pending motion. You know, Mr. Lovell had filed a  
7 pro se motion concerning setting aside the plea.

8 MR. DAINES: It's actually set today  
9 for hearing.

10 MR. ALLEN: That's what it's on for  
11 today.

12 MR. LOVELL: Yes. That's what I was  
13 under the understanding we were going to do today,  
14 but because of these other attorneys and now this  
15 letter that I got --

16 THE COURT: Well, I, frankly, would  
17 prefer you have an opportunity to have an attorney  
18 before we deal with the motion to set aside the plea,  
19 unless you -- you know, unless you want to go ahead.

20 MR. LOVELL: No. I want an attorney  
21 for that.

22 THE COURT: All right. Why don't we  
23 do this then. Why don't we have Mr. Laker continue  
24 on in his efforts, but we -- you know, there is  
25 some -- there is some time pressures, you know, that

1 are involved. And so that we don't really lose track  
2 of it, why don't we put it on the calendar for report  
3 on counsel for January 3rd. That's as soon as I'm  
4 going to be back. I'm going on vacation for the next  
5 couple of weeks. So I'll put it on for January 3rd  
6 for a report from Mr. Laker. And then at that point,  
7 they'll notify you and we'll decide where to go from  
8 there.

9 MR. LOVELL: Okay. I don't even  
10 know -- Mr. Laker isn't here today?

11 THE COURT: No.

12 MR. ALLEN: He's not.

13 THE COURT: I'm not sure that he  
14 even knew about this.

15 MR. LOVELL: I had numerous  
16 questions that I wanted to ask him to get it on court  
17 record. I would like to find out for myself -- find  
18 out if this man is even qualified to handle a death  
19 penalty case.

20 MR. ALLEN: Well, he's not intending  
21 to handle it.

22 THE COURT: He is not going to--

23 MR. ALLEN: All he's doing --

24 MR. LOVELL: Okay.

25 MR. ALLEN: -- he's the manager --

1 THE COURT: He is the manager of the  
2 Public Defender's Office.

3 MR. ALLEN: He's just attempting to  
4 find counsel that is qualified to handle it.

5 THE COURT: Yeah. Okay?

6 MR. LOVELL: Okay.

7 THE COURT: Any other questions?

8 MR. LOVELL: January 3rd?

9 THE COURT: January 3rd. Thank you.

10 MR. ALLEN: Perhaps we could ask Mr.  
11 Lovell if -- if counsel not associated with where Mr.  
12 Laker is looking does enter the case, make sure that  
13 they contact us so that we wouldn't be duplicating  
14 your efforts.

15 THE COURT: I think the people he's  
16 talking about, I had a young woman come up and talk  
17 to me about it, and what I had basically done was  
18 referred her back to Mr. Laker. And -- and I think  
19 she was from Arizona and was talking to another  
20 attorney from Utah.

21 MR. LOVELL: Jim Bradshaw out of  
22 Salt Lake.

23 THE COURT: Is it Bradshaw?

24 MR. LOVELL: Yeah.

25 THE COURT: Out of Salt Lake.

1 MR. LOVELL: They both come out.  
2 Karen's come and seen me twice out at the state  
3 prison, and Mr. Bradshaw has come out and seen me  
4 once out at the prison. She come all the way from  
5 Arizona. She now resides in Texas.

6 THE COURT: Does she?

7 MR. LOVELL: She just moved.

8 THE COURT: If there's any question,  
9 maybe Mr. Laker could give Mr. Bradshaw a call.

10 MR. ALLEN: I'm writing him a note  
11 here, Your Honor.

12 THE COURT: Okay. Anything else,  
13 Mr. Lovell?

14 MR. DAINES: No. I think we'll need  
15 an Order to Produce to have Mr. Lovell here on the  
16 3rd. Somebody asked that question. I think we have  
17 to have one.

18 THE COURT: Yeah. Let's do an Order  
19 to Produce.

20 MR. LOVELL: Now, is what they're  
21 trying to work out is -- is Karen Chaney and Mr.  
22 Bradshaw to represent me or other counsel?

23 THE COURT: I think they're  
24 probably --

25 MR ALLEN: I know he's talked to a

1 number of attorneys on a national scale that work on  
2 these kinds of cases, so I'm not sure exactly what  
3 results he had. There are, also, some local Utah  
4 attorneys that he was discussing the possibility of  
5 working on this case.

6 THE COURT: Okay.

7 MR. ALLEN: And I understood that  
8 Mr. Lovell himself and his -- Lovell's family had  
9 some things they were attempting to do to try and  
10 work out counsel, and I don't know if that's still  
11 going on or not.

12 THE COURT: Well, we'll talk to Mr.  
13 Laker and see you on the 3rd then.

14 MR. LOVELL: Okay. Can I -- can I  
15 ask this Court if there is any problem with Jim  
16 Bradshaw or Karen Chaney?

17 THE COURT: From the standpoint of  
18 their representation, there isn't. From the  
19 standpoint of payment and contract with the public  
20 defenders, that's a potential problem. And it would  
21 depend a lot on whether they would be able to work  
22 out an appropriate arrangement. That's their  
23 concern, I suppose.

24 MR. LOVELL: So it comes down to  
25 money is the issue.



1 THE COURT: That's one of the  
2 issues. That's one of issues.

3 MR. LOVELL: Okay. I don't -- I  
4 don't think that's fair, but I -- especially being a  
5 capital case, but I -- I don't see where I have any  
6 say so on that.

7 THE COURT: I understand. Okay.

8 MR. LOVELL: Okay.

9 THE COURT: See you then.

10 (WHEREUPON, at this time proceedings  
11 conclude.)  
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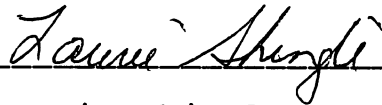
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CERTIFICATE

STATE OF UTAH        )  
                          ) ss.  
COUNTY OF WEBER    )

I, Laurie Shingle, do hereby certify that the foregoing nine pages of transcript constitute a true and accurate record of the proceedings to the best of my knowledge and ability as an Official Court Reporter for the Second Judicial District Court of Weber County in and for the State of Utah.

Dated at Ogden, Utah, this the 7<sup>th</sup> day of February, 1994.

  
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Laurie Shingle, C.S.R.