

STATE OF WYOMING)

IN THE DISTRICT COURT

) ss.

COUNTY OF LARAMIE)

FIRST JUDICIAL DISTRICT

THE STATE OF WYOMING,

Plaintiff,

vs.

MARGARET A. CARTER,

Defendant.

COPY

Doc. No. 28-707

The Defendant appeared before the Court for **RE-ARRAIGNMENT** proceedings in the Laramie County Courthouse, Cheyenne, Wyoming on the 23rd day of March, 2006, with the **HONORABLE NICHOLAS G. KALOKATHIS**, First Judicial District Court Judge, presiding;

THE PLAINTIFF, State of Wyoming, being represented by Mr. Craig Jones, Assistant District Attorney, for Laramie County, Cheyenne, Wyoming;

THE DEFENDANT, Margaret A. Carter, being represented by Mr. Terry Mackey. Attorney at Law, Cheyenne, Wyoming;

WHEREUPON, the following proceedings were held:

1 THE COURT: Margaret Carter, is she going to
2 be changing her plea?

3 MR. MACKEY: Yes. We'll be right there, Your
4 Honor.

5 MR. JONES: Your Honor, may I approach? I
6 have a written plea agreement.

7 THE COURT: Yes. What is the plea agreement?
8 What are the details?

9 MR. MACKEY: Your Honor, the plea agreement
10 provides that the defendant has agreed to plead
11 guilty to one count of the crime of false swearing
12 pursuant to Section 6-5-303(b). And the State and
13 defendant have agreed as follows: The State will
14 dismiss the remaining four charges of the crimes of
15 allegedly false swearing. The defendant will
16 receive a sentence of not less than 18 months and
17 not more than 36 months of incarceration, sentence
18 to be suspended in favor of two years of supervised
19 probation with terms pursuant to the PSR, and the
20 defendant may seek transfer of her probation
21 supervision from the state of Wyoming to the state
22 of California, provided she comply with all of the
23 requirements of the Wyoming Department of Probation
24 and Parole and the Probation and Parole Department
25 in the state of California in order to facilitate

the transfer. Your Honor, those are the essentials of the agreement.

MR. JONES: That is correct, Your Honor.

4 THE COURT: How much restitution is owed?

5 MR. MACKEY: Your Honor, restitution pursuant
6 to the plea agreement has already been paid in full.

7 THE COURT: Okay.

8 MR. MACKEY: The State has agreed to that.

9 MR. JONES: That's correct, Your Honor.

10 THE COURT: Which count is going to remain?
11 Is that Count I?

12 MR. JONES: It doesn't matter.

13 MR. MACKEY: I believe -- Your Honor, let me
14 look and see. Yes, Your Honor; it was Count I.

15 THE COURT: We'll go with that then. It says
16 that on the 29th day of June of 2004 in Laramie
17 County, Wyoming, that you knowingly submitted a
18 false claim for \$85.65 with the intent to defraud
19 the City of Cheyenne. That's what the State would
20 have to prove.

21 The maximum possible penalty for that would
22 be a possible two years in the -- am I correct? Is
23 it two years for this, or is it more than that?

24 MR. MACKEY: I did not bring a copy of the
25 statute with me, Your Honor.

2 THE COURT: Let's check that out. My notes
say two years, but I could be wrong.

3 MR. MACKEY: We might have to amend the plea
4 agreement then.

5 THE COURT: Sounds like we might have to.
6 Let's see what it says. I don't have a copy of that
7 statute. I'll get it in my office.

(Whereupon the Judge momentarily left the
courtroom.)

10 THE COURT: 6-5-303(b). Let me take a look
11 at that.

12 MR. MAKCEY: Thank you, Your Honor.

13 THE COURT: It is a two-year sentence.

14 MR. MACKEY: Your Honor, under those
15 circumstances the State has agreed with the
16 defendant to amend paragraph B of the plea agreement
17 to read not less than 18 months and not more than 24
18 months of incarceration.

19 THE COURT: Okay.

20 MR. JONES: That's correct, Your Honor.

21 THE COURT: Are you agreeable to that
22 amendment, Miss Carter?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Thank you. Let me tell
25 you what your constitutional rights are. First, you

1 have a right to remain silent. You need not make
2 any statement to anybody. However, if you plead
3 guilty here today, you give up the right of silence.
4 The Court could then require you to tell me under
5 oath what happened and what you did, if anything.
6 If you don't tell me the truth under oath, you could
7 be held accountable for the additional charge of
8 perjury.

9 You have a right to persist in a plea of not
10 guilty, in which case you are entitled to a trial
11 before a jury of 12, and you have a right to be
12 represented and assisted by counsel in that trial.
13 At that trial you are presumed to be innocent, and
14 the jury would be so instructed.

15 At that trial you are entitled to be
16 confronted in open court by the witnesses against
17 you and to cross-examine them through your attorney.
18 At that the trial you're entitled to have this Court
19 issue its orders and subpoenas to compel the
20 attendance of witnesses in your behalf and the
21 production of evidence in your behalf.

22 You don't have to produce any evidence. That
23 burden belongs to the State, and it must prove your
24 guilt beyond a reasonable doubt. You cannot be
25 compelled to take the witness stand and by your own

1 testimony produce evidence that might incriminate
2 you. You are permitted to testify in your own
3 behalf if you decide it is wise to do so, knowing
4 that you would then be subject to cross-examination
5 by the district attorney.

6 Now, if the jury were to find you guilty, you
7 would be entitled to an appeal to the Wyoming
8 Supreme Court. Upon such an appeal you would be
9 entitled to be represented by a lawyer, and that
10 lawyer would be provided at State expense if you
11 could not afford to employ one of your own choosing.

12 If you plead guilty here today you waive all
13 of these rights. Do you have any questions about
14 any of those rights?

15 THE DEFENDANT: No, sir.

16 THE COURT: I need to inform you now, as far
17 as the plea agreement is concerned that I will have
18 to wait until I see the presentence report before I
19 commit to accepting the plea agreement. And on the
20 surface it looks like a reasonable agreement, but I
21 don't know. I don't want to commit myself at this
22 point. And should you choose to plead guilty now
23 and should I not accept plea agreement after seeing
24 your presentence report, I won't allow you to
25 withdraw your plea for that reason alone. Do you

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you still want to go through
4 with this deal?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. How do you wish to plead
7 to these charges?

8 THE DEFENDANT: Guilty.

9 THE COURT: Raise your right hand, please.
10 (Whereupon the defendant was administered
11 the oath by the Court.)

12 THE DEFENDANT: I do.

13 THE COURT: Other than the plea agreement that
14 we have put on the record, has anybody promised you
15 anything further as an inducement to have you plead
16 guilty?

17 THE DEFENDANT: No.

18 THE COURT: Is your plea wholly voluntary and
19 of your own free will?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Let's see. The State says that
22 this happened on June 29th of 2004. Would that be
23 the correct date?

24 THE DEFENDANT: I believe so.

25 THE COURT: Did it happen in Laramie County?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: What did you do in regard to this
3 voucher?

4 THE DEFENDANT: I signed the voucher swearing
5 that the money was in the coffers when it was not.

6 THE COURT: You signed a voucher for \$358.65,
7 would that be correct?

8 THE DEFENDANT: I believe so.

9 THE COURT: What did you say on the voucher?

10 THE DEFENDANT: I just -- I signed an account
11 number, and then I signed.

12 THE COURT: What did the voucher call for,
13 payment for what?

14 THE DEFENDANT: I'm sorry, sir. That was so
15 long ago, I'm not sure.

16 THE COURT: Can you help us with this,
17 Mr. Jones?

18 MR. JONES: Yes, Your Honor. It is just a
19 little more complex, Your Honor. The actual voucher
20 was for the amount of \$188.72, that's voucher
21 094232. The problem was, contained within that
22 voucher were two transactions, one on December 3 of
23 2003 for \$47.75 and one on December 22 of 2003 for
24 \$37.90 both of these transactions were for a
25 company called Sheer Cover Cosmetics. It was a

1 purchase for cosmetics, makeup.

2 THE COURT: I see.

3 MR. JONES: That's where you get the 84 some
4 dollars comes from, by the total of those two
5 transactions.

6 THE COURT: That's what happened?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I'll receive and enter your plea
9 and order a presentence report.

10 MR. MACKEY: Your Honor, may I suggest we
11 have the defendant initial the change in the plea
12 agreement along with the State?

13 THE COURT: Yes. One more -- there's one
14 more item here I neglected to advise you of. You'll
15 be expected to pay \$100 into the Victim's
16 Compensation Fund. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you still want to go through
19 with this deal and maintain your plea of guilty
20 knowing that?

21 THE DEFENDANT: Yes.

22 THE COURT: And you'll have to do a \$75 drug
23 evaluation fee, and you'll have to pay for those.

24 With those two changes or additions, are you
25 still willing to go forward with this plea

agreement?

THE DEFENDANT: Yes.

THE COURT: Okay. Thank you, folks. We'll order a presentence report.

MR. MACKEY: Your Honor, we will make arrangements to meet with probation today.

THE COURT: That's great.

(Proceedings were concluded.)

REPORTER'S CERTIFICATE

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

I, Tammy Trowbridge Fleming, Official Court Reporter in and for the First Judicial District of Wyoming, hereby certify that the foregoing transcript of proceedings is a true and correct transcription of my stenographic notes taken on the date indicated.

Dated this 10th day of April, 2006.



TAMMY TROWBRIDGE FLEMING, RPR
Official Court Reporter
Judicial District 1-B