

Alternatives to Prison Time for Utah Sex Crime Conviction

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Sex crime convictions in Utah can result in long prison sentences, but in some cases, lengthy incarceration can be avoided, and alternatives to prison time can be ordered by the court. For example, a defendant can pursue options including deferred adjudication, during the pre-trial phase. Below is an alternative to prison sentences that may be available to some defendants in Utah sex crime cases, under some circumstances. An experienced Utah sex crime lawyer can help you make your case for receiving deferred adjudication.

What is Deferred Adjudication?

Deferred adjudication is a kind of plea bargain in which a judge permits the defendant to avoid going to trial and potentially being incarcerated, by instead pleading guilty, or “no contest,” to a sex crime charge. In exchange for this plea, the judge imposes an alternative to having a criminal trial, and that exception is called *deferred adjudication*.

Under a deferred adjudication arrangement, the court’s requirements may include performing some form of community service for a specified period, and attending educational programs, and living under community supervision (probation). By allowing a defendant to comply with these kinds of alternatives to potential prison time, the court *defers* the possible outcome of a guilty verdict in a criminal trial.

If the defendant completes all requirements and remains in compliance with the court's directives throughout the process, the judge may dismiss the case, after which the defendant does not have a final conviction. However, the criminal charge remains on his or her record.

The option of deferred adjudication is not offered to every defendant in Utah sex crime cases as an alternative to trial and possible conviction. But, for some first-time adult alleged offenders, there is a possible opportunity to be granted this alternative by the court. Some juvenile or child alleged offenders may also be allowed this option. Being permitted the deferred adjudication option is usually determined by whether the State offers it to the defense, or whether the judge will allow it when an "open plea" has been entered. (An open plea is a plea made by the defendant, without any promise from prosecutors regarding what sentence they will recommend.)

What is Community Supervision?

Community supervision is deferred adjudication, or probation, which can also be allowed by the court as an alternative to a prison sentence when a defendant pleads guilty. Community supervision may be up to 2 years for a misdemeanor and up to 10 years for a felony charge. If a defendant successfully completes all requirements of community supervision, without violating any of the conditions of the probation, then there will be no conviction listed on the individual's record.

Community supervision as the penalty in a Utah sex offense case can involve many difficult requirements, such as:

- Entry in the Sex Offender Registry
- Submitting either to GPS or electronic monitoring
- Paying restitution to victims
- Performing community service
- Attending specified educational programs
- Receiving alcohol and drug testing
- Reporting to a probation officer
- Having no contact with any minors
- Submitting a DNA sample to law enforcement

For numerous kinds of sex offenses in Utah, community supervision can be required for 5 to 10 years. Under State law, community supervision must be at least as long as the minimum prison term established for the particular crime.

The court may sentence the defendant to some amount of prison or jail time to be served prior to the start of community supervision — up to 30 days for a misdemeanor, and up to 180 days for a felony. After the initial period of incarceration, the community supervision period begins. During the entire period of the community supervision, if the defendant fails to comply consistently with all terms of the probation, he or she can be sent back to prison or jail, to continue serving the sentence there.

Why You Need a Utah Sex Crime Defense Attorney

So, as you see, there are some possible judge's options other than prison sentence or local jail time for defendants charged with a sex crime in Utah. But, you will need an experienced Utah sex crime defense attorney to make the case that it is right for the court to grant you deferred adjudication as an alternative to going to trial. If you do go to trial and are facing a potentially long prison sentence, your lawyer will protect *all* of your rights throughout the legal processing of your criminal case. Your attorney will navigate the complex requirements of the Utah court system for you. A top Salt Lake City sex crimes defense lawyer will further strategize and build the strongest possible case to get you acquitted.

The Wasatch Defense Lawyers have helped many such defendants in criminal cases throughout the greater Salt Lake City area. We're here to help you too.

Wasatch Defense Lawyers, Salt Lake City Utah

We are criminal defense lawyers in Salt Lake City, Utah. We specialize in sex crimes defense. Our lawyers go to work immediately to try to get your charges reduced or dismissed entirely and to keep you from going to jail and off the sex offender registry. Our aggressive approach has proven effective. We will provide you with a free confidential review of your case.

We have attorneys who speak fluent Spanish and German. We offer military discounts, and we can help you with payment arrangements.

Call Wasatch Defense Lawyers, Salt Lake City, UT at (801) 980-9965, or contact us online, to schedule your confidential consultation, including discussing possible alternatives to prison in your case.
