

**MEMORANDUM OF UNDERSTANDING AND AGREEMENT
FOR PROSECUTORIAL SERVICES**

PREAMBLE

This Agreement by and between the Utah Attorney General's Office, hereinafter referred to as UAGO, and the Tooele County Attorney's Office, hereinafter referred to as TCAO, each of which is a public agency and witnesses as follows:

WHEREAS, Utah Code Ann. §§ 11-13 et. seq. (Interlocal Cooperation Act), authorize public agencies to enter into agreements for joint or cooperative action; and

WHEREAS, TCAO is in need of additional prosecutorial assistance in a criminal matter; and

WHEREAS, the parties desire to contract for the services of assistant attorney generals provided from the UAGO's Justice Division, to provide prosecutorial assistance to TCAO:

NOW, THEREFORE the parties mutually agree as follows:

1. PURPOSE

The purpose of this Agreement is to provide TCAO the services of assistant attorney generals, from the UAGO's Justice Division, capable of providing prosecutorial assistance on aggravated murder prosecution in an ongoing criminal matter in Tooele County, State v. April Dawn Carter, Case No. 171300641.

2. CONTRACT

2.1 TERM: The term of the Agreement shall begin upon signature by both parties and shall continue until the resolution of the ongoing criminal matter in Tooele County.

2.2 MODIFICATIONS: Any and all changes or modifications to this Agreement must be in writing and signed by an acting representative of each of the parties hereto.

2.3 TERMINATION: This Agreement may be terminated at any time upon written notice by one party to the other, termination to be effective upon delivery of the written notice of intent to terminate.

3. UTAH ATTORNEY GENERAL'S OFFICE:

3.1 PROSECUTOR: The assistant attorney generals will provide prosecutorial assistance to TCAO in the criminal matter now pending in Tooele County through the criminal trial stage to jury verdict or other disposition, and as agreed below, the assistant attorney generals will provide prosecutorial assistance to TCAO with the sentencing phase should TCAO file a notice of intent to seek death penalty.

3.2 APPOINTMENT: UAGO shall assume responsibility for determining which assistant attorney generals have the experience and qualifications to provide the prosecutorial assistance required in the pending criminal matter in Tooele County.

3.3 BILLING: Time spent by the assistant attorney general on the criminal matter in Tooele County shall be recorded at a flat fee rate of \$20,000. TCAO shall pay UAGO in accordance with proper state billing procedure.

3.4 PAYMENT: UAGO will process reimbursement from TCAO in a manner consistent with the financial procedures and protocols required by the Utah State Division of Finance.

4. TOOELE COUNTY ATTORNEY

4.1 RESOURCES: TCAO will arrange for and provide assistant attorney generals with access to TCAO and the materials related to the criminal matter so the assistant attorney general may fully participate in the prosecution of the criminal matter.

4.2 REIMBURSEMENT: TCAO will reimburse UAGO as specified in ¶ 3.3 for all time spent by the assistant attorney general on the Tooele County criminal matter. All other costs and expenses incurred by assistant attorney generals in the performance of the duties for TCAO, will be included in the flat fee rate. Reimbursement shall be forwarded to UAGO in a reasonable time after UAGO has notified TCAO of any amount owing.

5. COOPERATION GUIDELINES AND OTHER MATTERS

5.1 ARBITRATION OF DISPUTES: If any conflict should arise between UAGO and TCAO regarding action or inaction by either party or the interpretation of their respective rights, duties and responsibilities under this Agreement, appeal may be made to the Chief Deputy of the UAGO and the Tooele County Attorney who will jointly arbitrate and decide any such dispute.

5.2 ADMINISTRATION OF AGREEMENT: This Agreement does not establish a separate legal entity, and the cooperative undertaking contemplated by this Agreement shall be administered by the Tooele County Attorney, or his designee, and the Chief Deputy of the UAGO, or his designee Division Director, Justice Division.

5.3 COMPLIANCE WITH LAW: The joint action contemplated by this Agreement is authorized under the applicable law of the State of Utah and in compliance therewith.

Dated this 24 day of May 2019.

SEAN D. REYES
Utah Attorney General

Craig L. Barlow
Criminal Deputy

Dated this 28 day of May 2019.

SCOTT BROADHEAD
Tooele County Attorney

Gary K. Searle
Chief Deputy County Attorney