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THIRD JUDICIAL DISTRICT - SALT LAKE COUNTY DISTRICT COURT

SALT LAKE COUNTY, STATE OF UTAH

_____	)	
STATE OF UTAH,	)	Case No. 161904414
	)	
Plaintiff,	)	
	)	
v.	)	TRANSCRIPT OF:
	)	SENTENCE, JUDGEMENT,
GREGORY TAMBONE,	)	COMMITMENT
	)	
Defendant.	)	
_____	)	

BEFORE THE HONORABLE LINDA JONES

MATHESON COURTHOUSE  
450 SOUTH STATE STREET  
COURTROOM #W42  
SALT LAKE CITY, UTAH 84114

JUNE 29, 2018



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A P P E A R A N C E S

For the State of Utah:

Matthew B. Janzen  
SALT LAKE COUNTY ATTORNEY  
35 East 500 South  
Salt Lake City, Utah 84111

For the Defendant:

Joshua S. Baron  
SB LEGAL  
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Lehi, Utah 84048

-ooOoo-



1 June 29, 2018

2 P R O C E E D I N G S

3  
4 MR. BARON: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MR. BARON: Would the Court call the Tambone  
7 matter?

8 THE COURT: State versus Gregory Tambone, case  
9 161904414. Mr. Tambone is here this morning.

10 And can I have the attorneys please make their  
11 appearances?

12 MR. BARON: Joshua Baron for the defendant.

13 MR. JANZEN: Matthew Janzen for the State, Your  
14 Honor.

15 THE COURT: Thank you.

16 It looks like we need an arraignment in this case?

17 MR. BARON: Your Honor, we actually have a  
18 resolution today that will include a guilty plea.

19 MR. JANZEN: Your Honor, may I approach with the  
20 amended information?

21 THE COURT: Please.

22 MR. BARON: The amendment is as part of our --

23 THE COURT: Thank you.

24 MR. BARON: -- plea negotiation.

25 Our plea negotiation also includes a Rule 11

1 agreement on the sentence. I can present that to the Court now  
2 if that's okay.

3 THE COURT: Go ahead.

4 MR. BARON: Again, pursuant to Rule 11, the parties  
5 have agreed, and are requesting that the Court agree, that Mr.  
6 Tambone receive credit for time served for the time already  
7 served. I believe it's 42 days.

8 Is that right?

9 THE DEFENDANT: (Inaudible).

10 MR. BARON: Forty-eight days credit for time served  
11 with no additional jail time to be imposed. Eighteen months of  
12 court probation. Restitution for the extradition in the  
13 agreed-upon amount of \$2,250, meaning that the government would  
14 not be able to later request a great amount for the extradition  
15 costs. Restitution would remain open for the victim in the  
16 case.

17 Other than that, the prosecution and the defense  
18 agree that no additional fines, classes, or evaluation will be  
19 imposed as part of the initial sentence.

20 THE COURT: Okay.

21 MR. JANZEN: That is correct, Your Honor.

22 And Your Honor, for the Court's sake, we have  
23 discussed this matter with the victim. She's in full agreement  
24 with this. She wanted this to be resolved in this way.

25 This was a matter that was filed some time ago.

1 The events occurred in 2015. He -- the defendant then was in  
2 Germany when he was extradited.

3 There was the cost. I have restitution  
4 information. If I can approach with that?

5 THE COURT: Yes, please. And parties may approach  
6 freely.

7 MR. JANZEN: Okay.

8 THE COURT: Thank you.

9 MR. JANZEN: That's just a -- for the court clerk,  
10 the address and -- and total amount of restitution for the  
11 extradition costs.

12 As we mentioned, restitution would be left open if  
13 there -- if victim has any. I've discussed that with the  
14 victim. At this point in time, I don't anticipate there being  
15 any other additional restitution costs. But as part of this  
16 agreement, during that 18 months, if there was, then that would  
17 be part of the court order.

18 THE COURT: Thank you, Mr. Janzen.

19 And Mr. Baron, I assume that you have seen this  
20 email outlining --

21 MR. BARON: Yes, Your Honor.

22 THE COURT: -- the restitution amount?

23 MR. BARON: I've received a copy of it, yes.

24 THE COURT: Okay. Very good.

25 Mr. Tambone, are you thinking clearly today?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Have you read, do you understand, and  
3 do you acknowledge the contents of the statement of the  
4 defendant in front of you?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Have you had a chance to discuss the  
7 statement of the defendant with your attorney?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand the constitutional  
10 rights set forth in the statement of the defendant?

11 THE DEFENDANT: Yes, Your Honor,

12 THE COURT: Do you have any questions about the  
13 document or your rights that you need me to explain?

14 THE DEFENDANT: No.

15 THE COURT: Is it your intent to waive those  
16 rights, sir?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you do so of your own free will?

19 THE DEFENDANT: Yes.

20 THE COURT: I make no assumption about immigration  
21 status, but a plea affect that status. It may be used to  
22 enhance charges in the future. And it may restrict your right  
23 to have or use firearms or ammunition.

24 Has anyone made any threats to you or has anyone  
25 placed any pressure on you about this plea?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Has anyone made any promises to you,  
3 other than what you have heard in court?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Are you entering the plea today  
6 voluntarily and knowingly?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Are you satisfied with the  
9 representation and the advice of your attorney?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: The crime at issue in this case is a  
12 class A misdemeanor. It carries a maximum penalty of one year  
13 in the county jail, plus a fine of \$2,500 and a 90 percent  
14 surcharge.

15 Have you reviewed the elements of the offense in  
16 the amended information, sexual battery, a class A misdemeanor,  
17 section 76-9-702.1?

18 MR. BARON: Do you understand what this charge is  
19 (inaudible).

20 THE COURT: They are the elements for the crime.

21 MR. BARON: You touched her breasts without knowing  
22 that it would cause her affront or alarm.

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Do you understand those  
25 elements, sir?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you understand that by entering a  
3 guilty plea today, you will be admitting to each and every one  
4 of those elements?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And Mr. Baron, would you please provide  
7 a factual basis?

8 MR. BARON: Yes, Your Honor.

9 Before I do that, can I just clarify that the Court  
10 is accepting the Rule 11 agreement with regard to the sentence?

11 THE COURT: Yes, I will.

12 MR. BARON: Okay.

13 The factual basis is that on August 22nd, 2015, Mr.  
14 Tambone touched the breast of another woman under a  
15 circumstance -- knowingly touched her breast, intentionally  
16 touched her breasts, under circumstances that he knew or should  
17 have known would likely cause affront or alarm to her.

18 THE COURT: Is there anything else in the facts you  
19 want to provide? That sounded like a list of the elements. Is  
20 there any additional information you can give me?

21 MR. BARON: Let me give you the -- the background  
22 of the case, and the reason -- and the reason for the  
23 significant reduction.

24 So this was a case where -- this occurred at a  
25 nightclub that Mr. Tambone was a bouncer at. This woman texted

1 Mr. Tambone saying, "I'm going to be there. Let's get  
2 together." They danced. They spent some time together. And  
3 then eventually went into a back part of the club where she  
4 claims that Mr. Tambone raped her. He was interviewed by  
5 police soon after. Said, "No, we had consensual sex."

6 There was really no -- other than her statements,  
7 there was no other evidence to support the idea that it had  
8 been anything other than consensual. There was evidence of  
9 sexual contact, but not that it was forced, or that it was  
10 rape.

11 And so because of the factual dispute, we've agreed  
12 that Mr. Tambone will plead that he -- that he touched her  
13 breasts under circumstances that he should have known would  
14 cause her affront or alarm.

15 But -- but that -- that's kind of the background of  
16 the case. And again, the victim is -- I think was willing to  
17 come to court, but would have -- had to have been obligated by  
18 a subpoena, and did not want the case to go forward.

19 THE COURT: All right.

20 And Mr. Tambone, you heard Mr. Baron describe that  
21 you touched a woman's breasts and it caused -- in a fashion  
22 that would cause affront or alarm. Is that what you did, sir?

23 THE DEFENDANT: Umm --

24 THE COURT: Your Honor, for the purpose of the  
25 plea, we're willing to admit that there's a substantial

1 likelihood that, at trial, that would be proven by the  
2 prosecution.

3 THE COURT: All right. So this isn't actually a  
4 plea, it's an Alford?

5 MR. BARON: Is it? I think it's an Alford plea  
6 with the --

7 MR. JANZEN: My understanding was it would be a  
8 plea, but --

9 THE COURT: Okay.

10 MR. BARON: I mean, the -- he -- the problem is  
11 that it would be difficult for me to -- I mean, he's maintained  
12 his innocence of that throughout. And so I think -- we  
13 understand the prosecution not wanting to accept a no contest  
14 plea. But he's never said that he -- he did anything  
15 nonconsensual in this case.

16 THE COURT: Mr. Janzen?

17 MR. JANZEN: But I -- I think the understanding was  
18 that he engaged in sexual activity with another that caused an  
19 affront or alarm to her. Certainly, she reported it. That  
20 would be an affront or alarm. But that the issue related to it  
21 being a nonconsensual situation is, which would amount to rape,  
22 is the -- is the difference here. He engaged in sexual  
23 activity with a person. It caused her affront or alarm. And  
24 he should have known that, under those circumstances, it would  
25 have caused affront or alarm.

1           That, I think, is what he needs to admit to here.

2           THE COURT: All right.

3           And Mr. Baron, it sounds like we may not be going  
4 forward with this plea --

5           MR. BARON: Are you willing to admit that?

6           THE COURT: -- at this time.

7           MR. BARON: I mean, are you willing to admit what  
8 Mr. Janzen said? If not, that's -- I mean --

9           THE DEFENDANT: Yeah, I mean, I'm willing to.

10          MR. BARON: He's willing to admit what --

11          THE COURT: Sir, it's completely up to you.

12          MR. BARON: -- Mr. Janzen said.

13          THE COURT: I don't want you to feel pressured  
14 about this.

15          THE DEFENDANT: I don't feel pressured. I -- I --  
16 I mean, I need to be done with this. I -- I -- this has pretty  
17 much destroyed my life and I'm trying to move -- move on with  
18 my life. So I'll admit it. I mean, I --

19          THE COURT: Okay.

20          So the question is, did you touch a woman's breasts  
21 intentionally, knowing that it would cause affront or alarm?

22          THE DEFENDANT: I think the way that the gentleman  
23 here explained it is what --

24          THE COURT: Mr. Janzen, do you want to say it  
25 again?

1 MR. JANZEN: Certainly.

2 THE COURT: Yeah.

3 MR. JANZEN: Do you understand that you engaged in  
4 sexual activity--touching the breasts or genitals of another  
5 female--and that caused her to have affront or alarm, or you  
6 knew or should have known that would cause an affront or alarm  
7 to her?

8 THE DEFENDANT: Yes. I'll -- it's --

9 THE COURT: All right. That's what --

10 THE DEFENDANT: And I had --

11 THE COURT: -- you did, sir?

12 THE DEFENDANT: -- consensual sex at the club with  
13 this girl. And -- but it was -- yeah, it was at a nightclub.  
14 It was in a public place. It was -- I -- it could have  
15 definitely caused affront or alarm. So --

16 THE COURT: So you admit to those facts Mr. Janzen  
17 just described?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. That's what you did, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: Thank you, sir.

22 To amended count 1, sexual battery, a class A  
23 misdemeanor, how do you plead?

24 THE DEFENDANT: Guilty.

25 THE COURT: And sir, would you please sign the

1 statement of the defendant there?

2 I am also signing the statement of the defendant  
3 and incorporating it by reference. I find that the plea is  
4 knowingly, intelligently, and voluntarily made, and I will  
5 enter it at this time.

6 I also have the recommendation from the parties,  
7 the Rule 11 request from the parties, credit for 48 days  
8 served, no additional jail time, 18 months court probation,  
9 restitution in the amount of \$2,200 -- \$2,250, and restitution  
10 for the victim to remain open.

11 Is there anything else I need to know?

12 MR. BARON: No, Your Honor.

13 THE COURT: All right.

14 Mr. Tambone, you also have the right to tell me  
15 whatever you think is important before I issue sentence. And I  
16 would be happy to hear from you, sir.

17 THE DEFENDANT: I think that -- I don't feel like I  
18 need to say anything else, Your Honor.

19 THE COURT: All right. Thank you, sir.

20 For sexual battery, a class A misdemeanor, I'm  
21 ordering one year in the county jail, and I'm suspending that  
22 term. I am ordering 48 days in the county jail with credit for  
23 time served. I am also ordering 18 months' court probation.  
24 It will be supervised by the court, with restitution for  
25 extradition costs in the amount of \$2,250. And we will put you

1 on a payment schedule so that we can track the probation. And  
2 I am also leaving restitution open for the statutory time.

3 I'm going to put you on a schedule of \$200 a month.  
4 Will that work?

5 THE DEFENDANT: Yes, Your Honor.

6 MR. BARON: Can we begin August --

7 THE COURT: First?

8 MR. BARON: First, and the first every month after  
9 that?

10 THE COURT: Yes.

11 MR. BARON: Okay.

12 THE COURT: So that's exactly what I would  
13 anticipate doing, is the first payment will be due August 1st,  
14 \$200. We will set up an account here at the court. And you  
15 can get the information from your attorney as to where you pay.  
16 The first payment will be August 1st, \$200, and payment every  
17 month on the first of the month in the amount of \$200.

18 If -- if you miss a payment, Mr. Janzen is going to  
19 be filing an order to show cause, and we'll come back into  
20 court and talk about that.

21 All right, sir?

22 THE DEFENDANT: Your Honor, would I -- it would be  
23 very important for me to be able to get the bail money back, so  
24 I can pay.

25 THE COURT: Have your attorney file -- file a

1 motion to release the bail.

2 THE DEFENDANT: Okay.

3 THE COURT: And I will give Mr. Janzen 14 days to  
4 respond to that, unless Mr. Janzen stipulates. And at that  
5 point it will be submitted for my decision.

6 MR. JANZEN: Your Honor, we'd stipulate.

7 THE COURT: Okay.

8 MR. JANZEN: So he can go ahead and file the  
9 motion.

10 THE COURT: Okay. All right.

11 Mr. Baron, if you want to file a motion and  
12 proposed order, then I will --

13 MR. BARON: I'll do that.

14 THE COURT: -- enter that order.

15 MR. BARON: Thank you, Your Honor.

16 THE COURT: All right.

17 You have 30 days to appeal, sir. Good luck.

18 THE DEFENDANT: Thank you.

19 THE COURT: Thank you.

20 MR. JANZEN: Your Honor, that's all I have. May I  
21 be excused?

22 THE COURT: You may.

23 MR. JANZEN: Thank you.

24 THE COURT: Thank you, Mr. Janzen.

25 (Proceedings concluded.)

1 STATE OF UTAH )  
 )  
2 COUNTY OF SALT LAKE )

3 I, CECILEE WILSON, Certified Shorthand  
4 Reporter for the State of Utah, certify:

5 That I received the audio recording in this  
6 matter, that I transcribed it into typewriting, and that a  
7 full, true, and correct transcription of said audio recording  
8 so recorded and transcribed is set forth in the foregoing pages  
9 inclusive, except where it is indicated that the recording was  
10 inaudible.

11 I FURTHER CERTIFY that I am neither counsel  
12 for nor related to any party to said action nor in anywise  
13 interested in the outcome thereof.

14 Certified and dated this 13th day of February,  
15 2026.

16 

17 CECILEE WILSON, CSR, RDR, CRR  
18 Certified Shorthand Reporter  
19 for the State of Utah  
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<b>\$</b>	<b>admitting</b> [1] - 8:3 <b>advice</b> [1] - 7:9 <b>affect</b> [1] - 6:21 <b>affront</b> [12] - 7:22, 8:17, 9:14, 9:22, 10:19, 10:20, 10:23, 10:25, 11:21, 12:5, 12:6, 12:15 <b>ago</b> [1] - 4:25 <b>agree</b> [2] - 4:5, 4:18 <b>agreed</b> [3] - 4:5, 4:13, 9:11 <b>agreed-upon</b> [1] - 4:13 <b>agreement</b> [4] - 4:1, 4:23, 5:16, 8:10 <b>ahead</b> [2] - 4:3, 15:8 <b>alarm</b> [12] - 7:22, 8:17, 9:14, 9:22, 10:19, 10:20, 10:23, 10:25, 11:21, 12:5, 12:6, 12:15 <b>Alford</b> [2] - 10:4, 10:5 <b>amended</b> [3] - 3:20, 7:16, 12:22 <b>amendment</b> [1] - 3:22 <b>ammunition</b> [1] - 6:23 <b>amount</b> [8] - 4:13, 4:14, 5:10, 5:22, 10:21, 13:9, 13:25, 14:17 <b>anticipate</b> [2] - 5:14, 14:13 <b>appeal</b> [1] - 15:17 <b>appearances</b> [1] - 3:11 <b>approach</b> [3] - 3:19, 5:4, 5:5 <b>arraignment</b> [1] - 3:16 <b>assume</b> [1] - 5:19 <b>assumption</b> [1] - 6:20 <b>attorney</b> [4] - 6:7, 7:9, 14:15, 14:25 <b>attorneys</b> [1] - 3:10 <b>August</b> [4] - 8:13, 14:6, 14:13, 14:16	15:13, 15:15 <b>Baron</b> [6] - 3:12, 5:19, 8:6, 9:20, 11:3, 15:11 <b>basis</b> [2] - 8:7, 8:13 <b>battery</b> [3] - 7:16, 12:22, 13:20 <b>begin</b> [1] - 14:6 <b>bouncer</b> [1] - 8:25 <b>breast</b> [2] - 8:14, 8:15 <b>breasts</b> [6] - 7:21, 8:16, 9:13, 9:21, 11:20, 12:4	4:20, 5:5, 5:8, 5:18, 5:22, 5:24, 6:2, 6:6, 6:9, 6:12, 6:15, 6:18, 6:20, 7:2, 7:5, 7:8, 7:11, 7:20, 7:24, 8:2, 8:6, 8:11, 8:18, 9:19, 9:24, 10:3, 10:9, 10:16, 11:2, 11:6, 11:11, 11:13, 11:19, 11:24, 12:2, 12:9, 12:11, 12:16, 12:19, 12:21, 12:25, 13:13, 13:19, 14:7, 14:10, 14:12, 14:25, 15:3, 15:7, 15:10, 15:14, 15:16, 15:19, 15:22, 15:24 <b>court</b> [10] - 4:12, 5:9, 5:17, 7:3, 9:17, 13:8, 13:23, 13:24, 14:14, 14:20 <b>Court</b> [4] - 3:6, 4:1, 4:5, 8:9 <b>Court's</b> [1] - 4:22 <b>credit</b> [4] - 4:6, 4:10, 13:7, 13:22 <b>crime</b> [2] - 7:11, 7:20	<b>done</b> [1] - 11:16 <b>due</b> [1] - 14:13 <b>during</b> [1] - 5:16
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