

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISION II

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO. CR 2023-0131-2

WILLIAM ASA HUTCHINSON III

DEFENDANT

PLEA AGREEMENT AND ORDER

- A. STATE AGREES TO REDUCE COUNT NO(S):
- B. STATE AGREES TO DISMISS/NOL PROS COUNT NO(S): Count 3 – 5-65-205 REFUSE TO SUBMIT TO CHEMICAL TEST
- C. DEFENDANT AGREES TO PLEAD GUILTY TO:

Count One: 5-64-419(a)(b)(1)(A) - Possession of a controlled substance

Count Two: 5-65-103 - DRIVING WHILE INTOXICATED - SECOND OFFENSE

- A. PROSECUTING ATTORNEY AGREES TO RECOMMEND THE FOLLOWING:

1. Probation 3 years unsupervised probation

← Check here if Act 346 of 1975 to only apply to count 1

(excludes DWI)

2. Assessment of Court Costs, Fines, Restitution:

\$ <u>300</u> Court Costs	\$ <u>1000</u> Fine
\$ _____ Benton County Restitution	\$ _____ Public Defender Fee
\$ <u>40</u> Booking Fee	\$ <u>250</u> DNA Fund Fee
\$ _____ Victim Restitution	\$ _____ Sex Offender Registration Fee
\$ _____ Other	\$ <u>150</u> Mandatory State Drug Fund
\$ <u>125</u> PA Drug Fund	

PAYABLE: \$0.00 this date and the remainder at a rate of \$50, plus a \$5.00 collection fee per month beginning 120 days from the date of release and payable on the first day of each month thereafter until paid in full.

4. County Jail time: for count 2 (DWI) 10 day(s) with 2 day(s) credit for time served

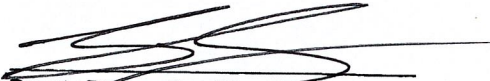
5. Defendant is to evaluate at Ozark Guidance Center or a similar facility for alcohol and substance abuse issues within 30 days of plea and comply with the recommended treatment within 180 days of plea *(completed)*


6. Defendant must complete the ASEP program within 6 months of plea.

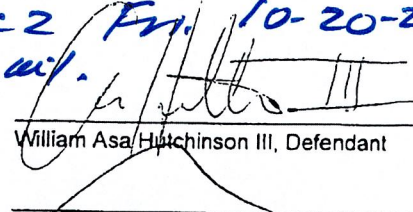
7. CONDITIONS OF PROBATION/SUSPENDED SENTENCE: Defendant to pay the above amounts, serve county jail time, perform written agreement, pay a monthly probation fee, if applicable and comply with the following:

Def shall report to BC2 Fri. 10-20-23 at 1:30pm to be transported to BC; w/.

DATE: 10/16/23


Deputy Prosecuting Attorney


William Asa Hutchinson III, Defendant


Shane Wilkinson, Attorney for Defendant

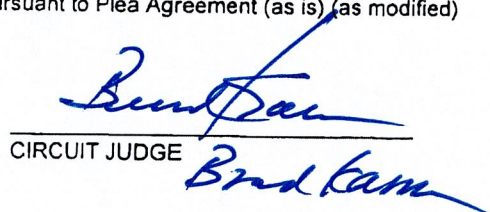
.....

ORDER

- I. Defendant's plea is rejected/accepted/noted/deferred.
- II. The Defendant is sentenced pursuant to Plea Agreement (as is) (as modified)

IT IS SO ORDERED

DATE: 10-17-23


CIRCUIT JUDGE

Brent Kam

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISION II

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO. CR 2023-0131-2

WILLIAM ASA HUTCHINSON III

DEFENDANT

DEFENDANT'S STATEMENT

THE DEFENDANT REPRESENTS TO THE COURT:

1. My full name is William Asa Hutchinson III and I request that all proceedings against me be held in that name, and I am mentally competent to make this petition. I understand should the plea of guilty herein tendered not be accepted and a trial follows, that admissions made herein would not be admissible against me at said trial.
2. I am represented by an attorney whose name is Shane Wilkinson.
3. I will plead guilty to the charge(s) of:

Count One: 5-64-419(a)(b)(1)(A) - Possession of a controlled substance

Count Two: 5-65-103 - DRIVING WHILE INTOXICATED - SECOND OFFENSE

4. I have told my attorney all the facts and circumstances known to me about the charges asserted in the information. I believe that my attorney is fully informed in all such matters. My attorney has counseled and advised with me on the nature on each charge and on all possible defenses that I might have in this case. I believe that my attorney has done all that anyone could do to counsel and assist me, **AND I AM SATISFIED WITH THE ADVICE AND HELP MY ATTORNEY HAS GIVEN ME.**
5. I understand that I may plead "not guilty" to any offense charged against me. If I choose to plead "not guilty" the Constitution guarantees me (a) the right to speedy and public trial by jury, (b) the right to see and hear all witnesses called to testify against me, (c) the right to use the power and process of the Court to compel the witnesses in my favor and (d) the right to have the assistance of an attorney at all stages of the proceedings, (e) I also understand that if I do not have funds and cannot obtain funds to employ an attorney, the Court will appoint an attorney to represent me, and (f) that I do not have to testify against myself.
6. I also understand that if I plead guilty to the charge(s) against me, the Court may impose the same punishments if I had pleaded "not guilty", stood trial and had been convicted by a jury.
7. My attorney informed me that the punishment which the law provides for the offense(s) charged in the Information is: (Check all that apply)

- 10-40 yrs. Or life [Y Felony]

- 5-20 yrs. /\$15,000.00 [B Felony]

- 0-6 yrs./\$10,000.00 [D Felony]

- 6-30 yrs./\$15,000.00 fine [A Felony]

- 3-10 yrs./\$10,000.00 fine [C Felony]

-Other 365 days/\$1,000 fine [U misdemeanor]

- Habitual Offender Enhancement up to _____

8. I declare that no officer or agent of any branch of government (federal, state, or local) nor my attorney, nor any other person(s), have made any promise of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "guilty", except as to the recommendation contained herein on the plea agreement offered by the Prosecuting Attorney.

1. My attorney has explained to me Act 93 of 1977, codified at A.C.A. §16-93-603, entitled "Classification of Inmates" and also Act 93 of 1977 codified at A.C.A. §16-93-603, entitled "Parole Eligibility" as amended by Act 630 of 1981. I understand that my parole is the sole responsibility of the Board of Pardons and Paroles, and I understand that this Court and my attorney and the Prosecutor do not have any control of whether or not I am granted a pardon or parole. I also understand that parole is a privilege and not a right. No person has made me any promise of any kind concerning the actual time that I will have to serve before I am eligible for parole. I also understand that I may not be granted parole.

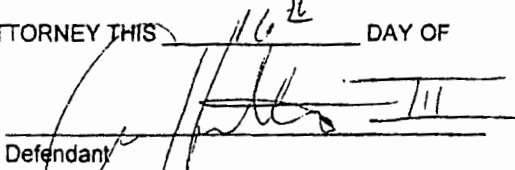
9. I have advised my attorney of my citizenship/immigration status and my attorney has advised me of the consequences thereto upon criminal conviction and the plea contained herein. No person has made me any promise regarding my citizenship/immigration status and I understand and hereby acknowledge that my final status will ultimately be determined by a separate federal court.

10. If the Act 346 of 1975 provision is noted on the Plea Agreement and Order, my attorney has explained to me what Act 346 of 1975 is, and I affirm to the Court that I have not previously been convicted of a felony nor is there anything on my record to prevent me from being eligible for Act 346 nor have I previously availed myself of the benefits of Act 346 of 1975.

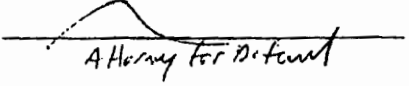
11. I understand that as a condition of this agreement, I am not entitled to the benefits of Act 346 of 1975 unless I have paid the victim restitution in full.

12. I plead "guilty" and respectfully request the Court to accept my plea of "guilty" and to enter my plea of "guilty".

13. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARY AND OF MY OWN ACCORD AND WITH FULL UNDERSTAND OF ALL THE MATTERS SET FORTH IN THE INFORMATION AND IN THIS PETITION AND THIS PLEA IS WITH THE ADVICE AND CONSENT OF MY ATTORNEY.

SIGNED BY ME IN THE PRESENCE OF MY ATTORNEY THIS 16th DAY OF October, 2022.

Defendant

MY ADDRESS IS: 110 SE 21st Bentonville, AR 72712
MY AGE IS: 46

SIGNED IN MY PRESENCE THIS 16th day of October, 2022.

Attorney for Defendant

19TH JUDICIAL DISTRICT WEST
PROBATION AGREEMENT – STATE SUPERVISED *unsupervised*

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO. CR 2023-0131-2

WILLIAM ASA HUTCHINSON III

DEFENDANT

Now on this 16th day of October, 2023, the Defendant having entered a plea of guilty or having been found guilty in the above styled action and the Court having suspended the imposition of sentence or having placed the defendant on probation for a period of three (3) years for the offense(s) of:

Count One: 5-64-419(a)(b)(1)(A) - Possession of a controlled substance

Count Two: 5-65-103 - DRIVING WHILE INTOXICATED - SECOND OFFENSE

IT IS HEREBY ORDERED that the following conditions of said suspension or probation are imposed upon the defendant:

1. You must not commit a criminal offense punishable by imprisonment. If arrested or questioned by a law enforcement officer, you will notify your supervising officer within 24 hours, unless such arrest or questioning occurs on a weekend, in which case you will notify your supervising officer the next working day.
2. You must not drink or possess intoxicating or alcoholic beverages, or be present in any establishment where its main source of income is derived from the sale of such beverages.
3. You must not use, sell, distribute, or possess any controlled substance, or associate with any person who is participating in or is known to participate in the illegal use, sale, distribution or possession of controlled substances, or be present in places where such persons congregate. You may use or possess controlled substances pursuant to a legitimate prescription from a physician. You must be able to present proof of your prescription and provide physician's name as requested. You must submit to random testing for the use of illegal substances or intoxicants. Testing may be of your breath, blood or urine at the direction of any supervising offices. You must pay for the expense of such testing.
4. You must not associate with persons who have been convicted of felonies, persons who are engaged in criminal activity, or other persons specified by any supervising officer.
5. You must not purchase, own, control or possess any firearm or other prohibited deadly weapon at any time, or be in the company of any person possessing the same.
6. You must report as directed to a supervising officer and permit him or her to visit you in your residence, place of employment or other property.
7. You must be gainfully employed or enrolled as a student at all times, pay your share of household expenses, support your legal dependents and pay all court ordered child support. You must notify your supervising officer in advance of any change in your address employment, education, telephone number, or family status. Where circumstances make it impossible for you to give advance notice, you must give notice as soon as possible. Prior approval for a supervising officer is required for you to change or stay away from your place of residence or to quit your employment.

8. You must remain within the State of Arkansas unless granted permission to leave by your supervising officer. You agree to waive extradition from any jurisdiction in or outside the United States of America and to not contest any effort to return to the State of Arkansas.
9. Your Supervising Officer may require you to submit to any of the following: Drug and Alcohol treatment, Psychiatric or Counseling Program, Community Based programs (such as NA or AA), or other available rehabilitative programs. You are responsible for the expense of any programs deemed necessary and must provide proof of compliance.
10. You must be truthful in all statements made to a supervising officer.
11. You must pay by money order a supervision fee of \$35.00 per month to the Department of Community Punishment.
12. You must pay the costs, fine(s), and victim restitution to the Benton County Circuit Clerk, 102 N.E. A St., Bentonville, AR 72712, in the total amount of \$ ___ in regular monthly payments of \$ 50 each month, plus a \$5.00 monthly collection fee, beginning 120 days after release and on the 1st day of each month thereafter until paid in full.

\$ <u>300</u> Court Costs	\$ <u>1000</u> Fine
\$ _____ Benton County Restitution (in lieu of fine)	\$ _____ Public Defender Fee
\$ <u>40</u> Booking Fee	\$ <u>250</u> DNA Fund Fee
\$ _____ Victim Restitution	\$ _____ Sex Offender Registration Fee
\$ <u>125</u> PA Drug Fund	\$ <u>150</u> Mandatory State Drug Fund

13. You must comply with the special conditions imposed by the court.
14. If the Court revokes your probation for your violating a condition, it may impose on you a sentence of up to ten (10) Years

SPECIAL CONDITIONS

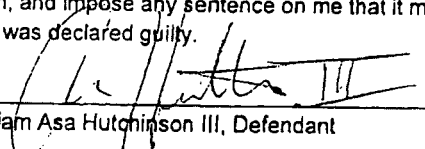
1. You shall consent to a search of your person, residence, or other property when required by your probation officer.
2. You must comply with all reasonable requests by your probation officer.
3. You must make a good faith effort to obtain your G.E.D., if applicable.

Probation/Parole Office

1001 W. Walnut Street
Rogers, Arkansas 72756
479-878-2000

ACKNOWLEDGEMENT

I hereby certify that I have read, understand and will comply with the terms and conditions of my suspension or probation. I understand that if I violate any of the conditions set out in this agreement, the court can revoke my suspension or probation, and impose any sentence on me that it might have imposed originally for the offense for which I was declared guilty.



William Asa Hutchinson III, Defendant

Dated October 16, 2020

DEFENDANT DATA SHEET
FOR PROBATION OR SUSPENDED SENTENCE

CASE NO.: CR 2023-0131-2 BENTON COUNTY

DEFENDANT'S NAME Hutchinson William Asa
LAST FIRST MIDDLE

A/K/A: _____

ADDRESS: 910 SE 21st St. Bentonville, AR 72712

RACE: W SEX: M DOB: 8/10/75 STATE OF BIRTH AR

HEIGHT: 6'3" WEIGHT: 210 LBS. HAIR: brown EYES: green

DRIVER'S LICENSE NO.: _____ STATE: AR

SOCIAL SECURITY NO: _____ MARITAL STATUS: -

OCCUPATION: attorney

EMPLOYER: self

EMPLOYER'S ADDRESS: _____

CHARGES: PCS, DWI

DATE OF SENTENCE: October 17, 2023

TERM OF SENTENCE: 3 years Unsupervised Probation w/ Act 346

BRIEF DESCRIPTION OF CRIME: The defendant possessed cocaine & was driving while intoxicated.