

with these victims. And-- And the--the children are young. I found in some of the pleadings that during this proceeding they were 9- and 6-years of age. I don't know, perhaps now they're 10 and 7. I didn't find their dates of births. But, in any event, they--they were 9- and 6-years of age as we were proceeding through this matter. I remember the 6-year old having difficulty, adjusting the chair in the witness box for her. These are young, young children who have been abused on multiple occasions.

And I--I do find in paragraph F of--paragraph 5(f), the Prosecutor makes reference to their case being jeopardized because of this reverse in course - almost kind of an estoppel argument - that the People have relied upon the plea, the knowing and freely given plea by the defendant, a 54-year old man, on June 11th of 2012, and now, more than a month later, after the--these children in their tender years have relied upon that plea, we had reversed course. I-- I don't mean to trivialize this matter 'cause it's obviously a very, very serious matter. We've got some abused victims here. And-- And the man, Mr. Hale, that is looking at, I believe there's also a sentencing recommendation of 10 years. So he's gonna go to prison for 10 years. I think he's probably the only person in this courtroom right now who has ever been convicted of an offense like this; but, perhaps, something that many people could understand, a--a buyer's remorse type of situation here.

I think that--that Mr. Hale, now understanding that he's likely going to prison for 10 years as a convicted sex offender, is having some buyer's remorse from the knowing decisions that a mature man--man made with, what I found to be, you know, zealous advocacy, as Mr. Sepic indicated, by Mr. Parish on June 11th of 2012. His future is ominous. I recognize that. I understand that. But, nothing in the defendant's pleading would warrant allowing him to withdraw his plea. I find a significant prejudice to the People if that were to be granted and, accordingly, deny the Defense motion.

Could you prepare a brief order consistent with that ruling, Mr. Sepic?

MR. SEPIC: Yes, judge. I have-- I--

THE COURT: All right. And I did schedule this hearing in advance of the sentencing just so we'd have adequate times. I wouldn't had to adjourn the sentencing. So it's my intent to continue as scheduled with his felony sentencing later this month.

MR. KIRK: Your Honor, might--we--we might be asking--let me bring up another point, though.

If this case were to go as you preceded and then Mr. Hale would have an appeal based on this Fonville case, in particular, that says that--that when you-- The point you brought up about the no contest, I think are valid, and that, that it's very likely that the high court's gonna see that the