



TENTH CIRCUIT PUBLIC DEFENDER OFFICE

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MAY 25 2016

SC Court of Appeals

RULE 203(d)(1)(B)(iv) WRITTEN STATEMENT

Factual Statement:

On or about June 5, 2014, Edrick Perego (89 years of age) was arrested and charged with Attempted Murder (4 counts) and Arson 3rd (2 counts). A mental health evaluation was conducted of Mr. Perego by the State Department of Mental Health and a private doctor retained by defense counsel. In March or April 2016, the State Department of Mental Health conducted a follow up evaluation and determined that Perego may have been faking symptoms. The case was placed on the trial docket for the week of May 16, 2016. On May 13, 2016, Perego entered a guilty plea and was sentenced to 10 years in prison. His current probation case was revoked to run concurrent.

Issue(s)

1. Was the plea freely and voluntarily made? **Not raised in lower court.**
2. Did the judge error is sentencing 89 year old man to 10 years, a sentence that is the equivalent of a life sentence. **Raised in the defense argument for a more reasonable sentence.**