

1986

Utah v. Sery : Unknown

Utah Court of Appeals

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BRIEF



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DOCKET NO. 860333-CA

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November 23, 1987

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Re: State v. Sery,
Case No. 860333-CA

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COURT OF APPEALS

Dear Mr. Shea:

I wish to cite to the Court one additional authority in support of an argument presented in the State's brief in State v. Sery. State v. Miller, 64 Utah Adv. Rep. 28 (Utah Ct. App. 1987) supports the argument contained in Point II C (brief of respondent at 25) that an officer is entitled to assess the facts in light of his experience. The following passage is relevant:

When viewed as a whole, through the eyes of a trained, experienced officer, the facts become not so innocuous.²

Footnote 2 provides:

"Police officers by virtue of their experience and training can sometimes recognize illegal activity where ordinary citizens would not. Some recognition should appropriately be given to that experience and training where there are objective facts to justify the ultimate conclusion." State v. Dorsey, 731 P.2d 1085 (Utah 1986).

Timothy Shea
November 23, 1987
Page Two

64 Utah Adv. Rep. at 30, 31. This supplemental authority is submitted pursuant to Utah R. Ct. App. 24(j) (1987).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kimberly K. Hornak".

KIMBERLY K. HORNAK
Assistant Attorney General

KKH:bks

cc: Joan Watt, Esq.
Karen Stam, Esq.