

1986

## State of Utah v. Mark Joseph Sery : Unknown

Utah Court of Appeals

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December 28, 1987

Mr. Timothy Shea  
Clerk of the Court  
Utah Court of Appeals  
400 Midtown Plaza  
230 South 500 East  
Salt Lake City, UT 84102

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DEC 23 1987

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

COURT OF APPEALS

Dear Mr. Shea:

I would like to cite to the Court an additional authority in support of the Appellant's argument in the reply brief in State v. Sery, Case No. 860333-CA (Appellant's Reply Brief at 13-14) that Rule 12(g) of the Utah Rules of Criminal Procedure is inapplicable to the present case. In State v. Mendoza, Slip Opinion No. 20922, filed December 1, 1987, the Utah Supreme Court held that Utah Code Ann. §77-35-12(g) (1982) violates the Fourth Amendment to the United States Constitution, and that the statute is invalid.

This supplementary authority is submitted pursuant to Utah Rules of the Court of Appeals 24(j)(1987).

Very truly yours,

*Joan C. Watt*

Joan C. Watt  
Appellate Attorney

JCW/kj  
cc: Kimberly Hornak