

1986

Utah v. Fletcher : Unknown

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca1



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

unknown.

unknown.

Recommended Citation

Legal Brief, *Utah v. Fletcher*, No. 860358 (Utah Court of Appeals, 1986).
https://digitalcommons.law.byu.edu/byu_ca1/278

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

COURT OF APPEALS
BRIEF



THE ATTORNEY GENERAL
STATE OF UTAH

DAVID L. WILKINSON
ATTORNEY GENERAL

RECEIVED
JAN 4 1988

ET NO. 860358-CA

COURT OF APPEALS

PAUL M. TINKER
CHIEF DEPUTY ATTORNEY GENERAL

DALLIN W. JENSEN
Solicitor General

DONALD S. COLEMAN, Chief
Physical Resources Division

EARL E. DORRIS, Chief
Governmental Affairs Division

STUART W. HINCKLEY, Chief
Human Resources Division

December 31, 1987

PAUL M. WARNER
ASSOCIATE DEPUTY ATTORNEY GENERAL

STEPHEN G. SCHWENDIMAN, Chief
Tax & Business Regulation Division

STEPHEN J. SORENSON, Chief
Litigation Division

MICHAEL D. SMITH, Chief
Civil Enforcement Division

Timothy M. Shea
Utah Court of Appeals
230 South 500 East #400
Salt Lake City, Utah 84102

Re: State of Utah v. L. Brent Fletcher
Case No. 860358-CA

Dear Mr. Shea:

In accordance with the provisions of Rule 24(j) of the Rules of the Utah Court of Appeals, the Court is hereby advised of the Utah Supreme Court's opinion in State v. Mendoza and State v. Mendieta, 71 Utah Advance Reports 24 (Utah 1987). This opinion is cited to this Court because the Utah Supreme Court's opinion refers to Utah Code Annotated Section 77-35-12(g), to United States v. Leon, 468 U.S. 897 (1984), and Illinois v. Krull, 480 U.S. _____, 107 S.Ct. 1160 (1987), all of which were cited in the State's brief in this case.

The State cited U.C.A. § 77-35-12(g) at page 17, the Leon case at pages 17-19, and the Krull case at page 19 of its brief to the Court. The reason for our citing the Mendoza-Mendieta case to this Court is that the Supreme Court has ruled that U.C.A. § 77-35-12(g) is unconstitutional.

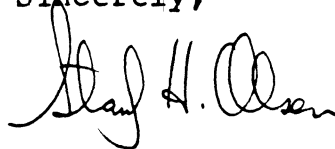
We adhere to the provisions of Rule 24(j) and cite this case to the Court without argument, but if the Court desires, we

Timothy M. Shea
December 31, 1987
Page Two

will gladly brief the issue of the Mendoza-Mendieta opinion's impact on the case now before the Court.

Also, we will contact counsel for the appellant and discuss the possibility of a motion to supplement the briefs.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stanley H. Olsen".

STANLEY H. OLSEN
Assistant Attorney General
Litigation Division

SHO/lm

cc: Max D. Wheeler
Rodney R. Parker
Sumner J. Hatch