

1977

State of Utah v. Leslie G. Knoefle : Brief of Respondents

Utah Supreme Court

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IN THE SUPREME COURT OF THE
STATE OF UTAH

STATE OF UTAH,

Plaintiff-Respondent, :

-vs- :

LESLIE G. KNOEFLER,

Defendant-Appellant. :

BRIEF OF RESPONDENT

APPEAL FROM THE JUDGMENT OF THE
JUDICIAL DISTRICT COURT, IN AND FOR
GARFIELD COUNTY, STATE OF UTAH,
HONORABLE DON V. TIESS, JUDGE.

ROBERT E. [illegible]
Attorney

EARL E. [illegible]
Assistant

236 State [illegible]
Salt Lake [illegible]

Attorneys

JAMES L. SHUMATE

78 West Harding Avenue
Cedar City, Utah 84720

Attorney for Appellant

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IN THE SUPREME COURT OF THE
STATE OF UTAH

----- : -----
STATE OF UTAH, :
Plaintiff-Respondent, : Case No. 14837
-vs- :
LESLIE G. KNOEFLER, :
Defendant-Appellant. :

----- : -----
BRIEF OF RESPONDENT

STATEMENT OF THE NATURE OF THE CASE

This appeal is based upon the requirement of the corpus delicti rule as applied to the charge of Driving Under the Influence of Intoxicants and Thereby Inflicting Bodily Injury on Another.

DISPOSITION IN LOWER COURT

Appellant was convicted by a jury for the crime of Driving Under the Influence of Intoxicants and Thereby Inflicting Bodily Injury on Another, and sentenced by the Honorable Don V. Tibbs, Judge of the Sixth Judicial District Court.

RELIEF SOUGHT ON APPEAL

Respondent seeks to have the jury verdict affirmed.

STATEMENT OF FACTS

Respondent accepts appellant's Statement of Facts except to add that a witness who came upon the scene of the accident heard appellant state that he had been the driver of the accident vehicle (Tr. 13).

ARGUMENT

POINT I

THE CORPUS DELICTI OF THE CRIME OF DRIVING UNDER THE INFLUENCE OF INTOXICANTS AND THEREBY INFLECTING BODILY INJURY ON ANOTHER WAS PROPERLY ESTABLISHED BY THE STATE IN THE INSTANT CASE.

Appellant argues that his admission of driving was improperly admitted into evidence by the trial court prior to the State establishing the corpus delicti of the crime of Driving Under the Influence of Intoxicants and Thereby Inflecting Bodily Injury on Another. Appellant's sole point on appeal misinterprets Utah case law pertinent to the corpus delicti rule.

State v. Cazier, 521 P.2d 554 (Utah 1974), a case summarily cited by appellant, speaks of the traditional and almost universally accepted definition of the term "corpus delicti." The Cazier Court held that ". . . it means literally, the body of the crime; and that as it is used in regard to proof of crime, it refers only to evidence that a crime has been committed." 521 P.2d at 555.

The State must prove that a crime has in fact been committed, but the corpus delicti rule does not require that the defendant be connected with the crime. State v. Erwin, 101 Utah 365, 120 P.2d 285 (1941).

The Cazier case, supra, also involved the charge of Driving Under the Influence of Intoxicants. The issue on appeal was identical to that in the instant case. The Court found defendant's argument that the "corpus delicti" required total proof of all elements necessary to sustain a conviction of the crime charged was simply an erroneous interpretation of the corpus delicti rule in Utah.

The defendant in the instant case, as well as in Cazier, attempts to expand the corpus delicti rule to include proof of the guilt of the accused. The Cazier Court held that the corpus delicti had been established without reference to the admission of the accused. Respondent submits that Cazier and Erwin require an identical holding in the instant case.

Although appellant does point out that his statement that he was the driver of the accident vehicle amounted to an admission rather than a confession, the arguments raised on appeal are applicable to a factual situation involving only a confession. If appellant had walked into a police station and stated that he had just been driving an automobile, had been involved in an accident, and had been drunk at the time he was driving, the corpus delicti rule would require independent proof that there had been an injury accident caused by a driver under the influence of intoxicants.

However, when independent proof exists that there has been an injury accident and that the driver was under the influence of intoxicants, the Utah corpus delicti rule has been satisfied. The fact that appellant admitted driving the accident vehicle serves to connect him with the crime charged, a determination quite apart from establishing the corpus delicti of a crime.

In arguing that the corpus delicti was not properly established by the State, appellant places great weight upon the fact that his admission to being the driver of the accident vehicle was introduced prior to other evidence establishing that a crime had occurred. Appellant cites State v. Johnson, 95 Utah 572, 83 P.2d 1010 (1938), in support of the required sequence of evidence.

The Johnson case, however, deals with a confession by a mother to the killing of her newborn child. The State had not established that the child had been killed through criminal agency. The Supreme Court held that there must be some independent proof of the corpus delicti before the jury could consider

the mother's confession to killing her child.

As noted above, the instant case involves only an admission of driving and not a confession to the crime charged. Neither Johnson nor any other case requires that an admission be introduced sequentially after proof of the corpus delicti of the crime of Driving Under the Influence of Intoxicants. Even if Johnson were so interpreted, it can be argued that the first witness who testified that he heard appellant admit to driving also testified that he came upon an injury accident. However, respondent would argue that appellant's admission could be introduced at any time so long as the corpus delicti of the crime is established prior to the case going to the jury.

CONCLUSION

Utah case law clearly defines the corpus delicti rule. The State must establish that a crime was committed through the criminal agency of another. The State did establish the necessary elements in the instant case. Appellant's admission that he was the

driver served to link him with the crime, a factor beyond the confines of the corpus delicti rule. Thus, the aforementioned authorities clearly support the verdict of the trial court.

Respectfully submitted,

ROBERT B. HANSEN
Attorney General

EARL F. DORIUS
Assistant Attorney General

Attorneys for Respondent