

1997

State of Utah v. Labrum : Unknown

Utah Court of Appeals

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Jan Graham; Attorney General; Thomas B. Bruncker; Assistant Attorney General; Attorneys for Appellee.

Robert K. Heineman; Kristine M. Rogers; Salt Lake Legal Defender Ass'n; Attorneys for Apellant.

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COURT OF APPEALS

February 2, 1998

Ms. Julia D'Alesandro
Clerk of the Court
Utah Court of Appeals
230 S. 500 East, Suite 400
Salt Lake City, Utah 84102

Dear Ms. D'Alesandro:

Re: State v. Labrum
Case No. 970099-CA

In accordance with Rule 24(i), Utah Rules of Appellate Procedure, appellant submits the following supplemental authority in support of his argument in Point I of the opening brief (pp. 15-20) and Point I of the reply brief (pp. 6-12) that there was insufficient evidence of criminal complicity of a third person to support imposition of the gang enhancement:

State v. Michael Charles Layman, No. 960814-CA, slip op. at 5 et seq. (Utah App. Jan. 29, 1998) ("However, '[w]here the only evidence presented against the defendant is circumstantial, the evidence supporting a conviction must preclude every reasonable hypothesis of innocence...").

**UTAH COURT OF APPEALS
BRIEF**

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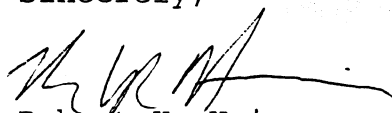
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DOCKET NO. 970099-CA

Ms. Julia D'Alesandro
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February 2, 1998

I appreciate your distribution of this letter to the members of the Court. This case is set for argument February 27, 1998 at 9:30 a.m.

Sincerely,

A handwritten signature in black ink, appearing to read 'RKH', with a long horizontal flourish extending to the right.

Robert K. Heineman
Attorney for Appellant

RKH:kll

cc: Thomas B. Bruncker, Asst. A.G.