

1988

Sandy City v. Robert Felt : Brief of Appellant

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.

Robert Felt; pro se.

unknown.

Recommended Citation

Brief of Appellant, *Sandy City v. Robert Felt*, No. 880006 (Utah Court of Appeals, 1988).

https://digitalcommons.law.byu.edu/byu_ca1/803

This Brief of Appellant 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.

At approximately 9:00 o'clock p.m., Sandy City Police Officers Chris Pengrass and Richard Smith appeared at the residence and advised Appellant of complaints made because of the noise of the party. Appellant informed the officers that he was not the host of the party, nor a resident of the premises, but indicated to the officers that he would attempt to quiet the people down. Appellant at this time told them there had been a complaint made concerning the excessive noise, and requested them to leave the premises. At this time most of the participants vacated the premises, leaving only approximately ten guests.

Within an hour, at approximately 10:00 o'clock p.m., Officers Pengrass and Officer Richard Smith returned to the residence, and again indicated there had been another complaint about the noise. Appellant again indicated to the officers that he was not the owner of the premises, nor the host of the party, but that he had requested the participants to leave the party, and that a majority had, in fact, departed.

At this time the officers requested that the host come to the door, and although Appellant informed Bill Lovelace, the host, that Police Officers were at the door and wanted to talk with him, Mr. Lovelace refused to come to the door, and Appellant so informed the officers of Mr. Lovelace's refusal.

The officers then requested permission to enter upon the premises, however, your Appellant did not believe he had the authority to grant them leave to enter, and therefore refused to grant such permission.

The officers thereupon gave Appellant a ticket charging "Disorderly House". Appellant protested, again indicating to the officers that he was neither the resident of the premises, nor the host, and had, in fact, tried merely to quiet the noise and get the party goers to leave the premises.

The trial was held in the Circuit Court in and for Sandy City, Salt Lake County, State of Utah on the 23rd day of December, 1987, before the Honorable Robin Reese, as Case No. 871001246, and Appellant was found guilty as charged. It is from this verdict that your Appellant has filed this appeal, requesting a reversal of the Court's decision.

ARGUMENT

Appellant should not have been ticketed for the behavior of the host, inasmuch as he was merely a guest at the houseparty, not a resident of the premises nor host. Appellant merely acted as a third-party in attempting to quiet the participants and restore order, thereby preventing legal repercussions to the host of the party, Bill Lovelace and others.

Appellant repeatedly informed the Police Officers of his status, indicated his willingness to cooperate with the officers in order to maintain the peace, and also indicated that he had given the host knowledge of the presence and complaints of the officers.

Appellant should not be required to exercise control of the behavior of others, and should not be held accountable for the actions of others merely because he was attempting to comply with a police officer's orders.

Appellant admits that had he not been present at the house party, he would not have become involved in the situation, but alleges he acted merely as a "Good Samaritan", and therefore should not be charged with the same responsibility as that of the host.

SUMMARY

Appellant requests this Court to reverse the decision heretofore entered by the Circuit Court of Sandy City, Judge Robin Reese presiding, for the reasons set out above, for the reason that he was not the responsible party for the conduct of either the host or the guests who were there present.

Respectfully submitted, this 16th day of May, 1988.



Robert Felt, Appellant
Pro se

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of May, 1988, I personally mailed a true and correct copy of the foregoing Appellant's Brief addressed to Kathy Jefferies, Sandy City Attorney's Office, 440 East 8680 South, Sandy, Utah 84070, postage prepaid.



TABLE OF CONTENTS

	Page No.
Statement of Facts	1
Argument	3
Summary	4