

1986

State of Utah v. Fredrick George Olsen : Petition for Rehearing

Utah Supreme Court

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Fredrick George Olsen; pro se.

David L. Wilkinson; attorney general; attorney for respondent.

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860272 IN THE SUPREME COURT OF THE STATE OF UTAH

THE STATE OF UTAH,	:	
Plaintiff/Respondent	:	
vs.	:	Case No. 860272
FREDRICK GEORGE OLSEN,	:	
Defendant/Appellant	:	

PETITION FOR REHEARING

Petitioner/Appellant's Petition for Rehearing before the Supreme Court of the State of Utah for consideration of Supplemental Brief in the above entitled case.

FREDRICK GEORGE OLSEN
Petitioner/Appellant
In Propria Persona
Post Office Box 250
Draper, Utah 84020

DAVID L. WILKINSON
Attorney General
236 State Capitol Building
Salt Lake City, Utah 84114
Attorney for Respondent

FILED
FEB 13 1987

Clerk, Supreme Court, Utah

IN THE SUPREME COURT
OF THE STATE OF UTAH

FREDRICK GEORGE OLSEN,)	P E T I T I O N F O R
)	
Petitioner/Appellant,)	R E H E A R I N G
In Propria Persona;)	
)	
VS.)	
)	
GARY DELAND, DIRECTOR, UTAH)	Civil Case No. <u>860272</u>
STATE DEPARTMENT OF CORRECTIONS,)	
et al,)	
)	
Respondents/Appellees.)	

Comes now the Petitioner/Appellant, In Propria Persona, and respectfully moves the above entitled Court to grant a Petition for Rehearing, based upon the grounds and for the reasons as hereinafter submitted for this Court's consideration.

STATEMENT OF THE FACTS

1. That an appeal was filed by the Petitioner/Appellant in the above entitled Court on October 30, 1986.

2. That a Supplemental Brief and an Affidavit of Support was filed by the Petitioner/Appellant in the above entitled Court on February 3, 1987. (A copy of which is attached hereto.)

3. That the above entitled Court filed its decision concerning the Petitioner/Appellant's Case No. 860272 on February 2, 1987, one day prior to the filing of Petitioner/Appellant's Supplemental Brief and Affidavit of Support.

4. That the Petitioner/Appellant is in belief that the Supplemental Brief and Affidavit of Support filed on February 3, 1987, should be heard and considered by the above entitled Court based upon its merits.

5. That the Petitioner/Appellant files for this Petition for Rehearing pursuant to Rule 35(a) of the Rules of Appellate Procedure.

CONCLUSION

THEREFORE, in conclusion of the facts as stated above in paragraphs 1 through 5 of this Petition for Rehearing, the above named Petitioner/Appellant asks the above entitled Court to grant this Petition for Rehearing filed herein by the Petitioner/Appellant.

Dated this 13 day of February, 1987.

RESPECTFULLY SUBMITTED,



FREDRICK GEORGE OLSEN
Petitioner/Appellant
In Propria Persona
Post Office Box 250
Draper, Utah 84020

CERTIFICATE OF SERVICE

I, Fredrick George Olsen, hereby certify that I have caused four true and correct photocopies of the foregoing Petition for Rehearing to be personally served upon the Office of the Utah State Attorney General, located at 236 State Capitol Building, Salt Lake City, Utah 84114, this 13 day of February, 1987.


FREDRICK GEORGE OLSEN, APPELLANT

Delivered by _____ this _____ day
of February, 1987.

IN THE SUPREME COURT
OF THE STATE OF UTAH

FREDRICK GEORGE OLSEN,)
)
)
) Petitioner/Appellant,)
) In Propria Persona;) S U P P L E M E N T A L
)
) VS.) B R I E F
)
) GARY DELAND, DIRECTOR, UTAH)
) STATE DEPARTMENT OF CORRECT-)
) IONS, et al.,) Civil Case No. 860272
)
) Respondents/Appellees.)
)

SUPPLEMENTAL BRIEF OF APPELLANT

Comes now the Petitioner/Appellant, In Propria Persona,
and respectfully moves the above entitled Court to grant the
addition of the Petitioner/Appellant's Supplemental Brief and
Personal Affidavit, based upon the grounds and for the reasons
as hereinafter submitted for this Court's consideration.

STATEMENT OF THE FACTS

1. That an appeal was filed by the Petitioner/Appellant in the above entitled Court on October 30, 1986.
2. That the above named Petitioner/Appellant entered a plea of guilty before the Honorable Boyd Bunnell and was subsequently sentenced to the Utah State Prison for a minimum mandatory term of 10 years to life.
3. That the above named Petitioner/Appellant submits his Affidavit in support, attached hereto, to the above entitled

Court for its consideration.

4. That the above named Petitioner/Appellant is in belief that, because of his personal relationship and past business dealings with the Honorable Boyd Bunnell in Price, Utah, the Honorable Boyd Bunnell should have recused himself from the Petitioner/Appellant's case at bar, and, if another judge was unavailable to hear Petitioner/Appellant's case, the Honorable Boyd Bunnell should have afforded the Petitioner/Appellant the opportunity for a change of venue.

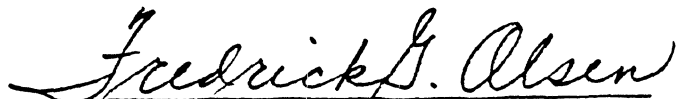
5. That Petitioner/Appellant is in belief that Rule 63(b), Disqualification of A Judge, should apply to the case at bar.

CONCLUSION

THEREFORE, in conclusion of the facts as stated above in paragraphs 1 through 5 of the Supplemental Brief, the above named Petitioner/Appellant seeks the additional relief from the above entitled Court pursuant to Rule 30(a) of the Utah Appellate Rules of Civil Procedure.

Dated this 26 day of January, 1987.

RESPECTFULLY SUBMITTED,



FREDRICK GEORGE OLSEN
Petitioner/Appellant
In Propria Persona
P. O. Box 250
Draper, Utah 84020

IN THE SUPREME COURT
OF THE STATE OF UTAH

FREDRICK GEORGE OLSEN,)
) AFFIDAVIT OF
) FREDRICK GEORGE OLSEN
) IN SUPPORT OF PETITIONER/
) APPELLANT'S SUPPLEMENTAL
) BRIEF
)
VS.)
)
)
GARY DELAND, DIRECTOR, UTAH) Civil Case No. 860272
STATE DEPARTMENT OF CORRECT-)
IONS, et al.,)
)
)
) Respondents/Appellees.
)
)

AFFIDAVIT OF APPELLANT

State of Utah)
 : SS.
County of Salt Lake)

Fredrick George Olsen, being duly sworn upon oath, hereby deposes and says:

1. I am of lawful age and reside in Draper, Utah.
2. I am the Petitioner/Appellant in the above entitled matter as captioned above: Petitioner/Appellant, In Propria Persona.
3. That the Honorable Boyd Bunnell of the Seventh Judicial District Court in Price, Utah, was the Judge to which I entered my plea of guilty and who also sentenced me to minimum mandatory term of ten years to life in the Utah State Prison.
4. That I have personally known the Honorable Boyd Bunnell from January, 1968, to the present.

5. That I personally served with the Honorable Boyd Bunnell in the LDS Church Elder's Quorum Presidency in the Price 2nd Ward, Price North Stake, in the early seventies.

6. That I was personally involved with the Honorable Boyd Bunnell and his wife in many Church socials while we were members of the LDS Church Price 2nd Ward together.


7. That I was on such a personal relationship with the Honorable Boyd Bunnell since the year 1968, that he referred to me as "Fred" and I, in turn, referred to him as "Boyd" and to his wife as "Dorothy", and they, in turn, referred to my wife as "Raline."

8. I have been a guest in the Honorable Boyd Bunnell's home with my wife on occasion, in which I personally believe such visits were on a social level.

9. The Honorable Boyd Bunnell and his wife, Dorothy, were invited guests at my wedding reception in the month of September, 1970.

10. I have also had business dealings involving the Honorable Boyd Bunnell with respect to legal matters while I was an employee of Walker Bank (now First Interstate Bank). The Honorable Boyd Bunnell represented the former Price, Utah Branch of Walker Bank & Trust Company (now first Interstate Bank) in legal matters.

Dated this 26 day of January, 1987.


FREDRICK GEORGE OLSEN
Petitioner/Appellant
In Propria Persona
P. O. Box 250
Draper, Utah 84020

The foregoing Affidavit was subscribed and sworn to before me by Fredrick George Olsen on this the 26 day of January, 1987.


E. Diane Hassler
NOTARY PUBLIC

My Commission Expires: 10-21, 19 89

^{Employed}
~~Residing~~ At: Utah State Prison

CERTIFICATE OF MAILING

I, Fredrick George Olsen, hereby certify that I mailed four true and exact copies of the foregoing Supplemental Brief of Appellant to the Attorney General's Office at 236 State Capitol Building, Salt Lake City, Utah 84114, this 28 day of January, 1987.


FREDRICK GEORGE OLSEN;
APPELLANT