

1988

Provo City Corp v. Callis R. Johnson : Brief of Appellant

Utah Court of Appeals

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Robert West; Provo City Prosecutor; Respondent.

Callis R. Johnson; Appellant.

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Springville, Utah 84663

UTAH COURT OF APPEALS

PROVO CITY COEPORATION)	
Plaintiff and Respondant)	APPELLANT BRIEF
)	
vs)	Court of Appeals NO. 880376-CA
)	
CALLIS R. JOHNSON)	
Defendant and Appellant)	

This appeal is from the final judgement of the trial court, ending all claims of all parties and giving jurisdiction on the UTAH COURT OF APPEALS to hear the appeal. This appeal from the final order of the trial court is necessary because of failure of said court to order documents from plaintiff that would provide for needed discovery and for documentation needed for evidence.

At ISSUE is the basic rights of the accused.

CASE: Defendant was accused of taking a padlock from Sears store without making payment. Plaintiff presented testimony from a Sears employee. Defendant denied the charges.

DISPOSITION: Defendant was convicted of the offense of theft and was sentenced by the trial court.

RELAVENT FACTS: 1. At the Arraignment Defendant requested court to give order for a copy of the Police Report to Defendant, and also to give order for Sears to supply copies of Sears' statement and statements made by any Sears' employees regarding the case, and copies of any and all records and items in the Sears file for C. R. Johnson / Callis R. Johnson. Defendant also requested a computer print-out showing all sales of the particular padlock in question and made on the day of Defendant's arrest. Hereafter, this entire combination of Sears' records and documents is referred to as "Copies". The Court agreed to do so but failed to provide.

2. By Written Request. In February 1988 Callis R. Johnson was hit by a car on the street in Springville, and had leg and knee injury. Because of this Defendant requested in writing a new date for the trial and along with this a notation that, "Nothing from Sears has been supplied as yet." referring to the aforesaid request for Sears to supply aforesaid "Copies". I then wrote, "Said request is hereby repeated, and will be needed before trial can be started." A copy of this notation and request is in the file sent to UTAH COURT OF APPEALS by the trial court, which see.

3. At the trial, Defendant called attention to these previous requests, aforesaid, and that nothing had been received, and again requested aforesaid "Copies" from Sears before proceeding with the trial. Although Defendant was unwilling to have trial without the said "Copies", the Court denied the request and ordered the trial to proceed.

ARGUEMENT:

Defendant's basic rights were denied, especially

- a. Defendant was denied right to know content of files pertaining.
- b. Defendant was denied right of discovery from requested documents.
- c. Defendant was denied right and opportunity to use such discovery or to use the print-out as evidence.

The Trial Court was remiss in the court's duty to order "Copies" aforesaid from Sears to be supplied to Defendant: First, at Arraignment, Second, by written request. Third, at the trial.

Further, the Trial Court was OUT OF ORDER to proceed with trial when aforesaid "Copies" were not supplied to Defendant. Appropriate objection was made by Defendant. Court stopped objection and explanation with unnecessary court rudeness.

CONCLUSION

WHEREAS:

1. Basic rights of Defendant were denied as outlined and listed herein.
2. The Trial Court failed repeatedly to get Sears "Copies" as requested and as needed by Defendant. This blocked Defendant's right of discovery and analysis and to investigate files pertaining to himself.
3. The Trial Court was OUT OF ORDER to proceed with the trial before the aforesaid "Copies" were supplied to Defendant, as requested repeatedly.
4. The court was rude and prevented Defendant to make motion, explanation or objection.

WHEREFORE:

Appellant requests that Judgement of the Trial Court be set aside and reversed, and that the case be dismissed.

DATED: August 5, 1988
and Signed



Callis R. Johnson
in propria persona