

1950

# State of Utah in the interest of Lynn Lueorn Christensen : Brief of Respondent

Utah Supreme Court

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Clinton D. Vernon; G. Hal Taylor; Attorneys for Respondent;

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# In the Supreme Court of the State of Utah

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STATE OF UTAH, In the Interest  
of  
LYNN LUEORN CHRISTENSEN,  
Alleged Delinquent Child.

Case No. 7559

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## RESPONDENT'S BRIEF

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## TABLE OF CONTENTS

STATEMENT OF FACTS.....	3
STATEMENT OF POINTS.....	6
ARGUMENT .....	7
I. The Vision of the Child is Defective.....	7
II. Witnesses in This Case, on the Part of the State, Were Not Sworn.....	8
III. The Complaint Does Not State a Cause of Action.....	11
IV. Appellant's Points IV, V, VI and VII Were Not Argued in Appellant's Brief and Therefore They Are Deemed Waived.....	23
V. Appellant's Argument With Regard to Appel- lant's Point VIII Concerning Admission of Evidence Consists of Nothing More than a Number of Citations of Authorities and is Not Specific and Therefore Should Not be Considered by the Court.....	26
CONCLUSION .....	26

## AUTHORITIES

3 Am. Jur. 296, Section 708.....	25
----------------------------------	----

## CASES CITED

Christensen v. Harris (1945), 109 U. 1, 163 Pac. (2) 314-18.....	15
Felkner v. Smith (1931), 77 U. 410; 296 Pac. 776.....	24
Newcombe v. Wood, 97 U.S. 581; 24 L. Ed. 1085.....	9
Sandall v. Sandall (1920), 57 U. 150, 193 Pac. 1093.....	24
Stoker v. Gowans (1915), 45 U. 556, 147 Pac. 911.....	13

## STATUTES

Section 14-7-13, Utah Code Annotated 1943.....	11, 21
Section 14-7-25, Utah Code Annotated 1943.....	10, 17
Section 14-7-31, Utah Code Annotated 1943.....	21

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### STATEMENT OF FACTS

The appellant has adopted as his Statement of Facts excerpts from the transcript of testimony and insofar as the testimony sets forth material facts, they are adopted by the respondent. However, it is deemed advisable to set forth a more detailed statement of the facts which give rise to this appeal.

On the 21st day of February, 1950, Lynn Lueorn Christensen appeared before the Hon. Sterling R. Bossard, Judge of the Juvenile Court of the Fourth Juvenile District in and for the County of Sanpete, State of Utah, on a petition for delinquency which alleged that the child had committed certain acts which

would constitute him a delinquent child. At the hearing on February 21, 1950, the child Lynn Lueorn Christensen was found to be delinquent and was ordered on probation (R. 8) The present appeal does not contain a record of proceedings had on the 21st day of February, 1950. However, the report and the petition of the probation officer alleges these facts which are not transversed by the appellant and may be accepted as true. Further, there is no record of an appeal from the judgment of February 21 and the findings that the child was delinquent may be deemed for the purpose of this appeal to have become final. The present case arises upon a Report and Petition of the Probation Officer for Rehearing of the Case and a Modification of the Order. The petition alleges that the child has violated the order of probation in this: that he "did on May 10, 1950, and on several other occasions, steal a bicycle belonging to Beth Stewart of Ephraim, Utah; that he did damage the tires and the seat of said bicycle; that he had the bicycle without permission of Beth Stewart and her family; that during the past few weeks on several occasions, said child did unlawfully enter class rooms in the Jr. High School, even after being advised not to enter; said rooms were not school rooms in which said child has classes; that he has unlawfully on different occasions during the past few weeks, entered the girls' dressing room unlawfully and that he has also on different occasions made indecent advances

toward girls in the First, Second, and Third Grade of Elementary School; that the above actions are similar to those of which said child has been accused during the past year and said child has been warned against continuing such action'' (R. 8).

On the 12th day of May, 1950, the child appeared before the Honorable S. R. Bossard, Juvenile Judge of the Fourth Juvenile Court in and for the County of Sanpete, State of Utah. It appeared that service had not been made upon the parents of the child 48 hours prior to the time of the hearing but that the father Orval Christensen and the child had voluntarily appeared before the court; the court advised the father of his legal rights and the father asked that he be permitted time to get the services of an attorney and to be properly served. It was then ordered that the matter be set for hearing on the 1st day of June, 1950, at 3:00 o'clock (R. 9-10).

At the hearing of February 21, 1950, the child was placed on a suspended commitment to the State Industrial School and was placed on probation for further supervision and study (R. 9).

On the 2nd day of June, 1950, Judge Sterling R. Bossard entered a decree and judgment providing that "subject to the continuing jurisdiction of the court, the said Lynn Lueorn Christensen is hereby

committed to the Utah State Industrial School until he reaches the age of twenty-one (21) or is sooner discharged by due process of law; said commitment to be for further supervision and treatment;" (R. 21).

It is from this Order that the appellant takes his appeal to this court.

### STATEMENT OF POINTS

- I. THE VISION OF THE CHILD IS DEFECTIVE.
- II. WITNESSES IN THIS CASE ON THE PART OF THE STATE WERE NOT SWORN.
- III. THE COMPLAINT DOES NOT STATE A CAUSE OF ACTION.
- IV. APPELLANT'S POINTS IV, V, VI AND VII WERE NOT ARGUED IN APPELLANT'S BRIEF AND THEREFORE THEY ARE DEEMED WAIVED.
- V. APPELLANT'S ARGUMENT WITH REGARD TO APPELLANT'S POINT VIII CONCERNING ADMISSION OF EVIDENCE CONSISTS OF NOTHING MORE THAN A NUMBER OF CITATIONS OF AUTHORITIES AND IS NOT SPECIFIC AND THEREFORE SHOULD NOT BE CONSIDERED BY THE COURT.

## ARGUMENT

### I.

#### **The Vision of the Child is Defective.**

A perusal of the record indicates that the only reference to the defective vision of the child is made in a letter written by Dr. H. H. Ramsay, M.D., Superintendent of the Utah State Training School, American Fork, Utah, which was admitted in evidence as Exhibit "A" over the objection of the appellant. Were the child in this case being committed to the State Industrial School for the sole reason that he was retarded in school, appellant's contention with regard to the vision of the child being defective might have some merit. Appellant states in his brief on page 27, "there is no mention of the fact that the boy's vision is bad, or that he cannot read well in the complaint or petition, and it was not an issue in this case except that it was made an issue over the objection of the defendant." Appellant does not point out wherein the vision of the child was made an issue, and respondent is unable to determine that such fact was an issue in this case. Findings of Fact make no mention concerning the defective vision of the child. The court's findings that

"School is quite difficult for said child, especially the 8th grade work which he has been trying to do. Said child does have some ability when working with his hands. He is unable to read above a third or fourth grade level."



which is supported by the sworn testimony of Glen Bartholomew (Tr. 37-38).

We respectfully submit, therefore, that plaintiff's Point I with regard to the vision of the child is without merit and that the child is not being committed to the Industrial School because he has poor eye sight.

## II.

### **Witnesses in This Case, on the Part of the State, Were Not Sworn.**

With the exception of the question asked by Mr. Larson, appellant's attorney, and addressed to the court, "Isn't the Court swearing these young witnesses?" (Tr. 100), no reference is made in the record nor was any objection raised by appellant because the witnesses were not sworn. Marie Dodge, who was 13 years old, was placed under oath after the Court explained that he felt that the young witnesses do not appreciate the meaning of an oath (Tr. 100). Thereafter when Rue Nielson was called as a witness (Tr. 111), and when Charles Nielson was called as a witness (Tr. 115), appellant's attorney did not have these young witnesses sworn. Particularly no objection was raised at any time during the state's case by appellant with regard to the swearing of child witnesses. It is fundamental and too well settled in this jurisdiction to require citation of authorities, that objection cannot be raised for the first time on appeal. If Mr. Larson had objected at the time the young witnesses were called, the court could have made a determination as

to whether it was advisable or necessary to swear these witnesses.

We submit that the appellant has waived any error with regard to the swearing of the witnesses because he proceeded with the hearing without objection. *Newcombe v. Wood*, 97 U.S. 581; 24 L. Ed. 1085. It would appear, therefore, unnecessary for the court to make a determination on this appeal as to whether a Juvenile Court must place children under oath before they can testify. Suffice it to say, and we submit to the court that this objection cannot be raised for the first time on appeal, particularly in view of the fact that the appellant after not objecting has waived that defect.

Appellant points out in his argument under this point that Exhibits "A" and "B" were admitted in evidence over his objection. However, the objection was made on the grounds

"That is not proper, it's irrelevant and not within the issues involved in this particular case."

True it is the court overruled this objection and allowed the introduction of the letter from the Training School, Exhibit "A" and the letter from the Superintendent of Schools, Exhibit "B" into evidence. Appellant has failed to point out wherein the introduction of these two letters into evidence was prejudicial to the child. The first letter, Exhibit "A", written

by Dr. H. H. Ramsay, Superintendent of the Utah State Training School was a report made with regard to the physical and mental condition of Lynn Lueorn Christensen. No finding of fact was based upon this evidence and it is respectfully submitted that the rights of the child were not prejudiced by the introduction of irrelevant evidence.

With regard to Exhibit "B", a letter signed by Leland E. Anderson and sworn to before Sterling R. Bossard, Judge, the court's finding of fact with regard to the testimony of Leland E. Anderson was based in part upon Exhibit "B" (R. 17). However, Mr. Anderson, when called as a witness by appellant did testify with regard to Lynn Lueorn Christensen's mental aptitude (see Tr. 94), wherein the following testimony was recorded:

"LARSON: Has Lynn's wrongful conduct been called to your attention?

"ANDERSON: All I know is his record, in fact I am the one who gives the I.Q. tests to the district, and also give progressive activity tests. This is in the first, fifth, sixth, and eleventh grades. I know the record very well.

"LARSON: Lynn probably is behind in mathematics as other students are?

"ANDERSON: Academically, he's quite slow."

Section 14-7-25, Utah Code Annotated 1943, pro-

vides in part that:

“ \* \* \* \* The court may hear evidence in the absence of such children, and may compel children to testify concerning the facts alleged in the petition. The court shall inquire into the home environment, history associations and general condition of such children, may order physical and mental examinations to be made by competent physicians, psychologists and psychiatrists, and may receive in evidence the verified reports of probation officers, physicians, psychologists or psychiatrists concerning such matters.”

It is submitted that in view of this section that the receiving into evidence of the sworn statement of Leland E. Anderson, which merely supports the sworn testimony, was not prejudicial error.

### III.

#### **The Complaint Does Not State a Cause of Action.**

The appellant in his statement of points apparently argues that the “complaint” or petition does not state a cause of action. Numerous statements are made, none of which point out clearly wherein said complaint fails. Appellant apparently takes the view that the petition does not contain all of the essential elements necessary in order to bring the child properly within the jurisdiction of the Juvenile Court. Section 14-7-13 provides as follows.

“The petition shall be verified, alleging briefly and in a general way the facts which

bring the child within the jurisdiction of the court, stating the name, age and residence of the child; the names and residences of his parents, (a) of his legal guardian, if there is one, (b) of the person or persons having custody or control of the child, and (c) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

“The proceeding shall be entitled. ‘State of Utah in the interest of..... delinquent child’ (or a dependent or neglected child, or a child otherwise within the jurisdiction of the court, as the case may be.)”

This section obviously refers to the proceedings which initially are instituted in order to bring a child within the jurisdiction of the Juvenile Court. In this case, however, Lynn Lueorn Christensen was on the 21st day of February, 1950, adjudged to be a delinquent child and committed to the Utah State Industrial School until he reached the age of 21 or was sooner discharged by due process of law. The execution of the order was suspended until May 15, 1950, at which time the actions of said child were to be reviewed to determine whether further treatment was needed (R. 15). The Report and Petition of Probation Officer for Rehearing of Case and Modification of Order alleges that the child violated the order of probation. In the Order for hearing dated 12th of May, 1950, and signed by the Court (R. 9) the court stated that “the child was placed on a suspended com-

mitment to the State Industrial School and placed on probation for further supervision and study.” While nothing in the record now before this court indicates what the exact terms of the probation were, it must be assumed from a reading of the report and petition (R. 8) that the actions of the child set forth in the petition were a violation of his probation. The statutory provisions of Title 14, Utah Code Annotated 1943, do not set forth in specific language what type of proceeding must be had once a child has been adjudged delinquent and placed on a suspended commitment or probation.

In the case of *Stoker v. Gowans* (1915), 45 Utah 556, 147 Pac. 911, this court upon appeal from the judgment of the district court denying a writ of habeas corpus discussed the powers and duties of the Juvenile Court and held:

“We thus have an act which practically confers parental powers and duties upon the Juvenile Court. How can another court thus be called on to review every act of the juvenile court which may in some way and by some parents or guardians be considered inimical to the delinquent? Moreover, how can a law be framed so as to define and provide for every act the court shall take or order that it shall or may make respecting the care, custody, control, or conduct of all delinquent children? To attempt this would be as impossible as it is impractical. It seems to us that by suspending

the supposed sentence the court did no more than if it had in the first instance committed Fern to the custody of the probation officer, and had required her to report to the court from time to time, and had thereafter, upon application of such officer, modified the original order or judgment by ordering her committed to the Industrial School. The only difference is that the court made the order of commitment upon the first hearing, and then conditionally suspended its operation. and, after the probation officer made application to the court in which he alleged that Fern had violated the conditions imposed by the court upon which sentence was suspended, then ordered that she be committed. *The proceeding may have been somewhat irregular, but, under the provisions of the law, it was not void*". (Italics added.)

After discussing other points, this court affirmed the order of the district court, denying the writ of habeas corpus. In this case, as in the Stoker case, the court made an order of commitment upon the first hearing and conditionally suspended its operation. Also it appears here, as in the Stoker case, that the child violated conditions imposed by the court on which sentence was suspended. It is therefore respectfully submitted that the action of the Juvenile Court in committing Lynn Lueorn Christensen to the Utah State Industrial School, while there may have been some irregularity, is not void.

No case has been found in which this court has discussed the question as to whether a juvenile once



committed to the Utah State Industrial School and having had his commitment stayed and being placed on probation is entitled to a hearing. The reasoning of Mr. Justice Wolfe in the concurring opinion in the case of *Christensen v. Harris* (1945), 109 Utah 1, 163 Pac. (2d) 314-318, discussing the question of revocation of a suspended sentence in the criminal case may readily be applied to the situation now before this court. There it was said:

“In probation as in parole the defendant is convicted and has only conditional liberty. When a law intended to benefit a convicted defendant is so construed as to require formal pleadings, right of counsel, formal hearing with all the judicial trimmings and right of appeal just to insure against the possible rare case of arbitrary action by a judge, it goes a long way to discourage a judge from granting probation and defeats the salutary purposes of the act. A judge may feel in a doubtful case that if he tries probation, the convicted defendant will be put in such strategic position as to virtually defeat needed revocation. I have expressed my willingness to go along with the Zolintakis case if it is construed only as requiring that before probation is revoked the probationer be given a hearing on the question of whether he has violated the conditions of his probation. I do not think he need be notified in writing as to the facts relied upon for revocation, nor that he is entitled to counsel, nor that the hearing be formal. A hearing implies a right to present relevant evidence. I think the right to examine



and cross-examine witnesses is largely in such type of case in the discretion of the judge who granted probation. The intent of the law was to give the judge a supervisory jurisdiction over the probation and if we are to adhere to the holding that the defendant is entitled to a hearing, we should hold that it is in the nature of an inquiry, the nature and extent of which is largely in the discretion of the judge. The judge could call in the probationer, question him on matters which were brought to the judge's notice by others. Whether the probationer should be confronted by those witnesses is within the choice of the judge. The inquiry need not extend beyond an informal hearing and certainly need not be expanded into a formal trial. It is not to be presumed that the judge will be arbitrary. It is to be presumed that he will act on a reasonable factual basis. The judge had absolute discretion to grant or refuse probation. If we hold that he has a limited discretion in revoking, I think we are going beyond what the statute intended but certainly with a right of appeal, the rights of the probationer which we have judicially given him are sufficiently protected without holding that he is entitled to all of the formality and procedure which due process may require in the case of a man charged but not convicted of a crime. It seems to me the appeal should be limited to determine only whether the trial judge was arbitrary in revoking the suspension. And if he accorded a hearing on reasonable notice and reasonable opportunity to the defendant to present his side of the story, the judge could not be said to have been arbitrary at least in regard to procedure."

As in the case of a criminal on probation, it would seem that the rights of a child who has been adjudged a delinquent, are amply protected if he is given a hearing in which he has the opportunity to present his witnesses and to be confronted by witnesses, with the right of cross-examining such witnesses with regard to the violation of his probation or the condition of a suspended commitment to the Industrial School.

In the petition (R. 8), Mr. Calvin M. Kempf stated that he (Christensen) did "on May 10, 1950, and on several other occasions, steal a bicycle belonging to Beth Stewart of Ephraim, Utah; that he did damage the tires and the seat of said bicycle; that he had the bicycle without permission of Beth Stewart and her family;" Even assuming that the child would be entitled to a formal hearing on a petition to modify an order of commitment, we submit that the petition sufficiently advises the child as to the charge made against him with regard to the bicycle to enable him to answer the same.

Section 14-7-25, Utah Code Annotated 1943, with regard to proceedings before the Juvenile Court provides:

" \* \* \* The court may conduct the hearing in an informal matter and may adopt any form of procedure in such cases which it deems

best suited to ascertain the facts relating to such case and to make a disposition in the best interests of such children and of the public \* \* \*."

In view of this provision, it is submitted that it matters not that the probation officer denominated the taking of the bicycle as "stealing a bicycle", and further conceding that what the child, in this case, did was "nothing more than riding of a bicycle around a school yard", such action on the part of the child would seem to be in violation of the Order of probation, particularly in view of his action in damaging the tires and the seat of the bicycle.

The court in its findings of fact stated (Tr. 16):

"Further testimony was given that a bicycle belonging to Beth Stewart had been taken on different occasions and the seat and tire cut and ruined by a knife. The evidence was conflicting, although it appeared to the court that the testimony did show that the bicycle was taken by Lynn Christensen and damaged by him. Also, there was no provocation for taking or damaging the bicycle. By the evidence, it was shown that although said child, Lynn Christensen, denied taking the bicycle or damaging the tire or seat, he and his father did replace the tire with a new one."

We submit that this finding is supported by the evidence even though such evidence was, as stated by the court, in conflict. See testimony of Richard Wright (Tr. 42-48); and testimony of Michael Lund (Tr. 50).

The finding of the court that the bicycle was taken by Lynn Christensen and damaged by him is further supported by the uncontroverted testimony of Beverly Stewart that he and his father did replace the tire with a new one (Tr. 54).

The petition further states (R. 8):

“That during the past few weeks on several occasions such child did unlawfully enter class rooms in the Jr. High School, even after being advised not to enter; said rooms were not school rooms in which said child had classes.”

The plaintiff states that

“The statement that the child did unlawfully enter class rooms is merely a conclusion and even the allegations of the petition are not supported by the testimony.” (Plaintiff’s brief, pp. 30-31).

The court found with regard to this matter:

“That he had told said child that he was not to enter said class rooms after 3:30 in the afternoon; and that it was necessary on two or three occasions to send him home for being in said class rooms in violation of his order.” (R. 15).

This finding, we submit, is supported by the testimony of Glenn Bartholomew:

“BARTHOLOMEW: Well, one of the contacts I’ve had with Lynn is the problem that I talked

over with his mother about him leaving school after 3:30.

“LARSON: He was there then?

“BARTHOLOMEW: I talked with Lynn about this personally, about his leaving the building at 3:30, and it was with the wishes of his parents that we have him come home at 3:30. That’s what we wanted him to do because we felt that would probably help clear up some of the difficulties with Lynn. We felt that considerable of his trouble has been caused because of his idle time and hanging around school with nothing to do. I have, a time or two, had to send him home from school at 3:30. \* \* \*”  
(Tr. 37).

This finding is further supported by the testimony of Wayne Graser where he testified as follows:

“P. O. KEMPF: What was your reaction when you caught him? The first time?

“GRASER: I asked him why he had not gone. He said he didn’t know. I don’t know just exactly what I said, but I told him that I wanted him to get dressed and get out of there is a big hurry, which he did. By the time I locked up or got ready to lock up, he had left.”  
(Tr. 79).

We submit to the court that the child’s action in having to be sent home several times at 3:30 and having to be sent out of the gymnasium whether “unlawful” or not, was in violation of the conditions of his parole.

Appellant complains that "there is no allegation here to the effect that the parents are unfit, incompetent, or that they have knowingly failed and neglected to provide for said child the proper maintenance, care, training and education required by both law and morals." (Plaintiff's Brief, p. 31). It is submitted that no such allegation is necessary even on original proceedings. The statute, Section 14-7-13, Utah Code Annotated 1943, does not require such an allegation; nor is it necessary that there be any allegation that a child has been tried on probation in the custody of his parents or that said parents have ever, either of them, been convicted of a felony as contended by appellant (Appellant's Brief, p. 31). Section 14-7-31, Utah Code Annotated 1943, provides:

"No child as defined in this chapter shall be taken from the custody of its parents or legal guardian without the consent of such parents or legal guardian, unless the court shall find from the evidence introduced in the case that such parent or legal guardian is incompetent, or has knowingly failed and neglected to provide for such child the proper maintenance, care, training and education contemplated and required by both law and morals, or unless a child, being a ward of the court, has been tried on probation in the custody of its parents or legal guardian and has failed to reform; or unless either parent, having full custody and control over a child, or the child's legal guardian, has been convicted of a felony; or unless the court shall find from all the circumstances

in the case that public welfare or the welfare of a child requires that his custody be taken from its parents or legal guardian.”

Admittedly the Juvenile Court must find from the evidence either that the parent has knowingly failed to provide the child with proper maintenance and care contemplated and required by both law and morals, or, shall find from all the circumstances in the case that the welfare of the child requires that its custody be taken from the parent. There is nothing in this record to indicate whether the Juvenile Court made such a finding in the original proceedings or not. However, it is submitted that inasmuch as no appeal was taken that it must be presumed that the former order of commitment was in all respects regular and that such a finding was made. The court did, however, conclude that “from the experience of said child while on probation, he is not able to get such help (specialized, supervised treatment) in his home or in the community; it is therefore to the best interests and welfare of said child that he be committed to the State Industrial School \* \* \* and that the parents of necessity be deprived of the care, custody and control of said child.” (Tr. 19)

All of plaintiff's argument with regard to the question as to whether the “complaint” states a cause of action assumes that a formal complaint in this type of hearing is necessary. Such, we submit, is not

the case. It is the contention of the respondent that the fundamental issue decided by the Juvenile Court was whether Lynn Lueorn Christensen had violated the terms of his probation and whether the suspended commitment committing said child to the Utah State Industrial School should be revoked. It is submitted that when considering any of the arguments of counsel for the appellant with regard to a cause of action that there is sufficient competent material evidence in the record to support the court's findings and conclusions that the child's probation should be terminated and the order of commitment issued. The testimony of the high school coach, Mr. Wayne Graser (Tr. 78-82) concerning the child's actions and his conduct with a little girl is sufficient, we submit, to warrant the revocation of the probation. The petition alleges as one of the reasons that the child had violated the order of probation was that he, Lynn Lueorn Christensen, "has also on different occasions made indecent advances toward girls in the first, second and third grade of the elementary school."

#### IV.

#### **Appellant's Points IV, V, VI and VII Were Not Argued in Appellant's Brief and Therefore They Are Deemed Waived.**

It is fundamental that an appellant who assigns errors must, as a general rule, argue such errors or otherwise they will be deemed waived. Plaintiff's points IV, V, VI and VII were stated apparently as errors.



However, no argument was made of such points either in the Statement of Points or in that section of plaintiff's brief denominated "Argument". In the case of *Felkner v. Smith* (1931), 77 Utah 410 296 Pac. 776, an assignment of error was made by the plaintiff but was not argued in the briefs. The court there held:

"That assignment of error is not argued in appellant's brief and, therefore, it is deemed waived."

In the case of *Sandall v. Sandall* (1920), 57 Utah 150, 193 Pac. 1093, the appellant assigned errors which were not referred to in appellant's brief. The court in discussing the question of such omissions held:

"Such omissions on the part of appellant are in disregard of the rules of practice of this court and have been condemned by the decisions of the court in every case with which we are familiar wherein the objection has been seasonably made and relied on. To cite all the cases so holding would require more space than ought to be accorded an entire opinion in an ordinary case. We cite a few, however, as a gentle reminder: *Walker v. Cont. Ins. Co.*, 2 Utah 331; *People v. Peacock*, 5 Utah 237, 14 Pac. 332; *Herriman Irr. Co. v. Keel*, 25 Utah 96, 69 Pac. 719; *Warren v. Robison et al.*, 25 Utah 205, 70 Pac. 989; *Beatty v. Shelly*, 42 Utah, 593, 132 Pac. 1160; *Egelund v. Fayter*, and cases cited, 51 Utah 579, 172 Pac. 313; *Holt v. Great Eastern Casualty Co.*, 53 Utah 543, 73 Pac. 1168."

## V.

**Appellant's Argument With Regard to Appellant's Point VIII Concerning Admission of Evidence Consists of Nothing More Than a Number of Citations of Authorities and is Not Specific and Therefore Should Not Be Considered By the Court.**

There can be no particular disagreement with the rules set forth by appellant in discussing Point VIII with regard to the admission of evidence. However, it is not pointed out wherein such rules are applicable to the case at bar, and particularly there is no specific error argued by counsel under this point. The general rule is as stated in 3 Am. Jur. 296, Sec. 708:

“The general rule that assignments of error must be specific applies to assignments based on the rulings of the trial court in regard to matters of evidence. Thus, an assignment of error in the admission or exclusion of evidence, to be sufficient, must be specific and must clearly indicate the particular rulings complained of. It will not be considered where it does not set out the testimony referred to with the specific objection thereto, nor give the page of the paper, book or record where it is printed in its regular order.”

We submit, therefore, in view of the vagueness of the argument, and the fact that there is no specific argument with regard to Point VIII, that the court should not consider such point.

## CONCLUSION

In conclusion the respondent respectfully submits that the appeal herein presented is without merit and that the Order of the court committing the child to the Utah State Industrial School should be sustained. While there are some irregularities, it is our contention that they are not prejudicial to the rights of the child.

Respectfully submitted,

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