

1988

# State of Utah v. Kaylin Robinson : Petition for Rehearing

Utah Court of Appeals

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John Spikes; attorney for respondent.

Kaylin Robinson; petitioner pro se.

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## Recommended Citation

Petition for Rehearing, *Utah v. Robinson*, No. 880697 (Utah Court of Appeals, 1988).

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IN THE UTAH COURT OF APPEALS

DOCKET NO. 880697-CA

STATE OF UTAH,	)	
	(	
Plaintiff/Respondant	)	Case No. 880697-CA
	(	
v.	)	Priority No.
	(	
KAYLIN ROBINSON,	)	
	(	
Defenant/Petitioner	)	

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PETITION FOR REHEARING

Petition for Rehearing on  
Petition for Writ of Mandamus  
filed December 16, 1988  
in the Utah Court of Appeals  
and denied December 30, 1988

KAYLIN ROBINSON, pro se  
Petitioner  
P. O. Box 213  
Riverton, Utah 84065

JOHN SPIKES, Attorney  
Respondant  
2001 South State  
Room S3700  
Salt Lake City, Utah 84190-1300

JAN 12 1989

COURT OF APPEALS

IN THE UTAH COURT OF APPEALS

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STATE OF UTAH,  
Plaintiff

V.

KAYLIN ROBINSON,  
Defendant

)  
(  
)  
)  
(  
)  
(

PETITION FOR REHEARING

Case No. 880697-CA

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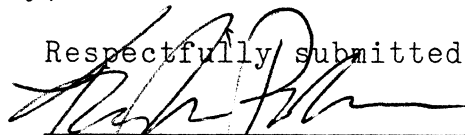
Comes now the Defendant in the above-entitled case, pursuant to Rule 35 of the Rules of the Utah Court of Appeals, to petition the Court for Rehearing on the matter of her Petition for Writ of Mandamus. The defendant beleives that the Court may have mis apprehended the cause for said Petition, and feels that the issue should be reheard, in order to affect justice in this case.

Defendant states that this Petition is made owing to a true beleif that the Court missinterpeted her cause of action, and is not to for the purpose of delay or harrassment, Defendant further states that she believes that she is entitled to releif sought.

The issues and facts relating to said rearing are herewith attached

Dated this 11th day of January, 1989.

Respectfully submitted.



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KAYLIN ROBINSON

## STATEMENT OF FACTS

1. Defendant did appear in Justice Court, First Precinct, the Honorable Justice Andrus presiding, on April 25, 1988, pursuant to a traffic citation. At that time defendant did request an Information before entering plea.
2. An Information was filed in that Court on June 5, 1988, but was not served upon Defendant until August 19, 1988.
3. Defendant appeared for Arraignment September 19, 1988, and submitted a Motion for dismissal pursuant to Utah Constitution Article 1 §12. Her motion was denied.
4. On October 17, 1988 Defendant filed an Interlocutory Appeal to that deial, said appeal was not handed up.
5. Defendant did not learn that said appeal was not handed up until November 1988, during a telephone conversation with Justice Andrus.
5. To date Defendant still has not been tried on this issue.
6. Defendant filed a Petition for Writ of Mandamus seeking to have her Interlocutory Appeal handed up.
7. Said Writ was denied, on December 30, 1988.

STATEMENT OF ISSUES

1. The lower Court, The Justice of the Peace Court of Salt Lake County, first precinct, the HOnorable judge Andrus presiding, erred in not handing up Defendants Interlocutory Appeal. The Utah Constitution Art. 1 §12 provides that an accused will have the right of Appeal in all cases.
2. The lower Court has no Jurisdiction to decide if the Appeal has merit or not, as the Court from which the appeal is taken becomes an interested party at the filing of such appeal.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing Petition for Rehearing as well as all of it's attachments was mail via U. S. Mail to John Spikes, 2001 South State Street, Room S3700, Salt Lake City, Utah, 84190-1300. On the 11th day of January, 1989.

