

2001

# State of Utah v. Leslie G. Knoefler : Brief of Appellant

Utah Supreme Court

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IN THE SUPREME COURT  
OF THE STATE OF UTAH

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STATE OF UTAH, :  
Plaintiff-Respondant, : CASE NO.  
vs. : 14837  
LESLIE G. KNOEFLER, :  
Defendant-Appellant. :

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BRIEF OF APPELLANT

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Appeal from a conviction for Driving Under the  
Influence of Intoxicants and  
Inflicting Bodily Injury on Another  
in the Sixth District Court for Garfield County  
The Honorable Don V. Tibbs, Judge

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Defendant-Appellant. :

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STATEMENT OF THE NATURE OF THE CASE

This is a case involving the use of an admission made by the Defendant to establish his driving of a vehicle involved in an accident with injuries. This appeal is from a conviction, judgment and sentence for the crime of Driving Under the Influence of Intoxicants and thereby Inflicting Bodily Injury on Another in violation of section 41-6-44(b) and (d) U.C.A. 1953 (as amended). The issue raised by Appellant is that his admission was improperly placed into evidence before the jury without the State having first established the elements of the corpus delicti.

DISPOSITION IN LOWER COURT

Appellant was tried by jury before the Honorable Don V. Tibbs, Judge of the Sixth Judicial District Court, and convicted and sentenced for Driving Under the Influence of Intoxicants and thereby Inflicting Bodily Injury on Another in violation of section 41-6-44(b) and (d) U.C.A.

1953 (as amended).

In the course of the trial the State elicited testimony from two of its witnesses to the effect that the Appellant had admitted to being the driver of the subject vehicle at the time of the accident. Appellant objected to the admission of this evidence on three different occasions (T. 12, 13, 20). Appellant's objections were overruled and the evidence of the admission was given to the jury.

This appeal is from the rulings of the trial court placing the Appellant's admission into evidence before the jury, absent a showing of corpus delicti by the State.

#### RELIEF SOUGHT ON APPEAL

Appellant seeks a reversal of his conviction and respectfully requests that this court remand this case for a new trial wherein Appellant's admission would not be entered into evidence without the State having first established corpus delicti.

#### STATEMENT OF FACTS

At about 6:15 A.M. on January 28, 1976, Appellant and two other men were riding in a car, headed north on U.S. 89 between Panguitch and Circleville. Just south of the Garfield-Piute County line the vehicle swerved across and off the road, sheared off a stop sign, returned to the paved surface, flipped on its top and came to rest on the east side of the highway in the barrow pit. As a result

of the accident Appellant and the other two men in the car, Stevens and Lund, were injured. Stevens sustained spinal injuries requiring hospitalization, and Lund received similar injuries, but was not hospitalized. Appellant received only minor abrasions on the backs of his hands

Trooper Larry Brown of the Utah Highway Patrol arrived at the scene of the accident at approximately 6:30 A.M. and began an investigation. After calling an ambulance for Stevens, Trooper Brown approached Appellant and Lund, formed the opinion that both were intoxicated, and asked who had been driving. Appellant responded that he had been the driver. Appellant was then placed under arrest and taken to Circleville where a Breathalyzer test was administered, showing a blood alcohol content of .21 percent by weight.

POINT 1

THE TRIAL COURT ERRED IN ADMITTING INTO EVIDENCE THE APPELLANT'S ADMISSION OF DRIVING WHEN THE STATE HAD NOT PRODUCED ANY EVIDENCE TO ESTABLISH THE CORPUS DELICTI WITHOUT THE AID OF APPELLANT'S ADMISSION

The corpus delicti rule is founded upon two policies. First, the rule was created to protect against the danger of an innocent person, who out of mental or emotional imbalance or for public attention or whatever reason, making a false confession and being thereby convicted. Second is the logical courtroom sequence that states a confession of a crime should not be heard until it has been established that a specific crime occurred. This procedural flow of evidence was definitively established in Utah in State v. Johnson, 95 Utah 572, 83 P. 2d 1010 (1938) where Justice Larsen stated "We adhere to the doctrine that there must be independent proof of the corpus delicti before the confession can be received for the consideration of the jury . . ." p. 1014.

In the instant case the Appellant did not supply a confession. That is, he did not claim responsibility for each element of the crime charged. To do so he would have had to inform the officer that he had been the driver of the vehicle, had been under the influence of intoxicants while driving, and while so under the influence had operated the vehicle in a manner which proximately caused injury to Stevens and Lund. The Appellant did not establish each of these elements. Rather he only admitted to being the driver at the time of the accident. Therefore, his statement was an admission, not a full confession.



However, the application of the corpus delicti rule in Utah would still cover the admission made by Appellant. Appellant's admission should not have gone before the jury absent the proof of corpus delicti by the State. In the case of State v. Erwin, 101 Utah 365, 120 P.2d 285 (1941), District Judge Wade, at page 297 wrote:

In order to support a verdict the State must prove the corpus delicti; that is, that a crime was committed. In this case (conspiracy to suppress enforcement of anti-vice laws) it must be shown that there was such an agreement as was alleged in the indictment, between some of the defendants, and that one of the overt acts alleged has been committed, and this without the aid of the admissions of the defendants themselves.

The effect of the Appellant's admission in this case at bar is the same as that of a confession and for that reason the corpus delicti rule should be similarly applied. All other elements of the offense charged were readily ascertainable by the arresting officer. It was obvious that an accident had caused bodily injury. Through the implied consent law it could be determined if the Appellant was under the influence of intoxicants. However, the State's case rested solely on Appellant's admission naming himself as the driver of the vehicle. No other evidence was offered to show Appellant as the driver. In this set of circumstances the admission should be treated in the same manner as a confession for the purpose of the corpus delicti rule.

Since Appellant's admission amounted to a confession, it was erroneous to allow the admission to be examined by the

jury without independent evidence establishing corpus delicti. The State also failed to establish Appellant as the driver of the vehicle by any evidence other than the admission. The jury, therefore, had to depend solely upon the improperly admitted statement made by Appellant in order to convict him. This is in opposition to the corpus delicti rule in Utah. State v. Erwin, supra., State v. Johnson, supra., State v. Cazier, \_\_\_ Utah 2d \_\_\_, 521 P.2d 554, (1974).

#### CONCLUSION

This case should be reversed and remanded for the reason that the jury was improperly given the only evidence it had upon which to convict the Appellant. The record shows that Appellant was under the influence of alcohol at the time his admission was given. (T.19) Thus, the policy behind the corpus delicti rule is borne out in this case. A statement made by Appellant while intoxicated and shortly after a traffic accident should not be used to convict him without some other evidence of the crime, independent of that statement.

Respectfully submitted,

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