

2009

Utah v. Santinio : Unknown

Utah Court of Appeals

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STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



MARK L. SHURTLEFF
ATTORNEY GENERAL

FILED
UTAH APPELLATE COURTS

OCT - 4 2011

Calendared
October 12, 2011
11:00am

JOHN E. SWALLOW
Chief Deputy

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KIRK TORGENSEN
Chief Deputy

October 4, 2011

Ms. Lisa Collins
Clerk of the Court
Utah Court of Appeals
450 South State Street, 5th Floor
PO BOX 140230
Salt Lake City, Utah 84111-0230

Re: *State v. Santonio*, 20090359-CA
Utah R. App. P. 24(j) Supplemental Authority Letter

Dear Ms. Collins:

The State hereby concedes that Defendant's appeal is timely. At the time co-counsel for the State wrote her response brief, Defendant had not yet provided a "notarized statement or written declaration" of timeliness pursuant to Rule 4(g), Utah Rules of Appellate Procedure. However, Defendant attached to his reply brief (Addendum B) a notarized affidavit which the State deems sufficient to comply with the rule and cure the jurisdictional defect.

While this matter may not exactly fall in the category of "supplemental authority" under Rule 24(j), Utah Rules of Appellate Procedure, the State uses this vehicle in an attempt to simplify the upcoming oral argument.

I appreciate your distribution of this letter to the Court.

Sincerely,

JOHN J. NIELSEN
Assistant Attorney General

cc: Randall Richards, counsel for Appellant