

1989

# State of Utah v. Eli Patrick Archuletta: Brief of Respondent

Utah Court of Appeals

Follow this and additional works at: [https://digitalcommons.law.byu.edu/byu\\_ca1](https://digitalcommons.law.byu.edu/byu_ca1)

 Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

James L. Shumate; Attorney for Appellant.

R. Paul Van Dam; Attorney General; David B. Thompson; Assistant Attorney General; Attorneys for Respondent.

---

## Recommended Citation

Brief of Respondent, *State of Utah v. Eli Patrick Archuletta*, No. 890168 (Utah Court of Appeals, 1989).  
[https://digitalcommons.law.byu.edu/byu\\_ca1/1700](https://digitalcommons.law.byu.edu/byu_ca1/1700)

This Brief of Respondent is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at [http://digitalcommons.law.byu.edu/utah\\_court\\_briefs/policies.html](http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html). Please contact the Repository Manager at [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu) with questions or feedback.

UTAH  
DOCUMENT  
KFU  
50  
.A10  
DOCKET NO.

890168 IN THE UTAH COURT OF APPEALS

---

STATE OF UTAH, :  
 Plaintiff-Respondent, : Case No. 890168-CA  
 v. :  
 ELI PATRICK ARCHULETA, : Category No. 2  
 Defendant-Appellant. :

---

BRIEF OF RESPONDENT

- - - - -

APPEAL FROM A CONVICTION OF ATTEMPTED  
AGGRAVATED ARSON, A SECOND DEGREE FELONY, IN  
THE FIFTH JUDICIAL DISTRICT COURT, IN AND FOR  
IRON COUNTY, STATE OF UTAH, THE HONORABLE J.  
PHILIP EVES, JUDGE, PRESIDING.

R. PAUL VAN DAM  
Attorney General  
DAVID B. THOMPSON  
Assistant Attorney General  
236 State Capitol  
Salt Lake City, Utah 84114

Attorneys for Respondent

JAMES L. SHUMATE  
110 North Main Street  
Suite H  
P.O. Box 623  
Cedar City, Utah 84720

Attorney for Appellant

IN THE UTAH COURT OF APPEALS

---

STATE OF UTAH, :  
Plaintiff-Respondent, : Case No. 890168-CA  
v. :  
ELI PATRICK ARCHULETA, : Category No. 2  
Defendant-Appellant. :

---

BRIEF OF RESPONDENT

- - - - -

APPEAL FROM A CONVICTION OF ATTEMPTED  
AGGRAVATED ARSON, A SECOND DEGREE FELONY, IN  
THE FIFTH JUDICIAL DISTRICT COURT, IN AND FOR  
IRON COUNTY, STATE OF UTAH, THE HONORABLE J.  
PHILIP EVES, JUDGE, PRESIDING.

R. PAUL VAN DAM  
Attorney General  
DAVID B. THOMPSON  
Assistant Attorney General  
236 State Capitol  
Salt Lake City, Utah 84114

Attorneys for Respondent

JAMES L. SHUMATE  
110 North Main Street  
Suite H  
P.O. Box 623  
Cedar City, Utah 84720

Attorney for Appellant

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	ii
JURISDICTION AND NATURE OF PROCEEDINGS.....	1
STATEMENT OF THE ISSUES PRESENTED ON APPEAL.....	1
CONSTITUTIONAL PROVISIONS, STATUTES AND RULES.....	1
STATEMENT OF THE CASE.....	2
STATEMENT OF THE FACTS.....	3
SUMMARY OF ARGUMENT.....	3
ARGUMENT	
POINT I    THERE WAS SUFFICIENT EVIDENCE PRESENTED AT TRIAL TO SUPPORT DEFENDANT'S CONVICTON OF ATTEMPTED AGGRAVATED ARSON.....	3
CONCLUSION.....	5

TABLE OF AUTHORITIES

CASES CITED

<u>State v. Booker</u> , 709 P.2d 342 (Utah 1985).....	5
<u>State v. Breckenridge</u> , 688 P.2d 440 (Utah 1983).....	3-4
<u>State v. Isaacson</u> , 704 P.2d 555 (Utah 1985).....	4
<u>State v. Murphy</u> , 674 P.2d 1220 (Utah 1983).....	4
<u>State v. Pacheco</u> , 114 Utah Adv. Rep. 36 (Utah Ct. App. 1989).	5
<u>State v. Pearson</u> , 680 P.2d 406 (Utah 1984).....	5

CONSTITUTIONS, STATUTES AND RULES

UTAH CODE ANN. § 76-4-101 (1978 & Supp. 1989).....	1-2, 5
UTAH CODE ANN. § 76-4-102 (1978 & Supp. 1989).....	1-2
UTAH CODE ANN. § 76-6-102.5 (1978).....	2
UTAH CODE ANN. § 76-6-103 (Supp. 1989).....	1-2, 4
UTAH CODE ANN. § 76-8-418 (1978).....	2
UTAH CODE ANN. § 78-2a-3 (Supp. 1989).....	1

IN THE UTAH COURT OF APPEALS

---

STATE OF UTAH, :  
Plaintiff-Respondent, : Case No. 890168-CA  
v. :  
ELI PATRICK ARCHULETA, : Category No. 2  
Defendant-Appellant. :

---

BRIEF OF RESPONDENT

- - - - -

JURISDICTION AND NATURE OF PROCEEDINGS

This appeal is from a conviction of attempted aggravated arson, a second degree felony, under UTAH CODE ANN. § 76-6-103 (Supp. 1989) and UTAH CODE ANN. §§ 76-4-101 and - 102(2) (1978 & Supp. 1989).

This Court has jurisdiction to hear the appeal under UTAH CODE ANN. § 78-2a-3(2)(f) (Supp. 1989).

STATEMENT OF ISSUES PRESENTED ON APPEAL

The sole issue on appeal is whether there was sufficient evidence to support defendant's conviction.

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

The following statutory provisions are pertinent to the resolution of the issue presented on appeal:

UTAH CODE ANN. § 76-4-101(1) (1978):

For purposes of this part a person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a

substantial step toward commission of the offense.

UTAH CODE ANN. § 76-6-103 (Supp. 1989):

(1) A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages:

(a) a habitable structure; or

(b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.

(2) Aggravated arson is a felony of the first degree.

#### STATEMENT OF THE CASE

Defendant, Eli Patrick Archuletta, was charged with attempted aggravated arson, a second degree felony, under UTAH CODE ANN. § 76-6-103 (Supp. 1989) and UTAH CODE ANN. §§ 76-4-101 and -102(2) (1978 & Supp. 1989); injuring a jail, a third degree felony, under UTAH CODE ANN. § 76-8-418 (1978); and assault by a prisoner, a third degree felony, under UTAH CODE ANN. § 76-6-102.5 (1978) (R. 18-19). A jury found defendant guilty of attempted aggravated arson and of injuring a jail, but returned a not guilty verdict on the assault by a prisoner charge (R. 48-49). The trial court sentenced defendant to a term of one to fifteen years in the Utah State Prison and ordered him to pay restitution on the attempted aggravated arson conviction. It stayed imposition of sentence on the conviction of injuring a jail (R. 89-91).

Defendant appeals only the aggravated arson conviction.

### STATEMENT OF FACTS

The basic facts pertinent to this appeal are not in dispute. Near midnight on May 31, 1988, defendant intentionally set fire to a pile of paper and clothing stacked on a bed frame in the corner of his cell at the Utah State Correctional Facility in Iron County where a number of prisoners are housed. The resulting blaze damaged the paint on the wall and ceiling and melted a garbage can before it was extinguished by corrections officers shortly after it started (T. 28, 36, 39, 41-42, 71-72, 103-04, 126-28). Defendant claimed that he started the fire to draw attention to his desire to be moved out of that particular area of the facility (T. 128).

### SUMMARY OF ARGUMENT

Under the applicable standards of review, there was sufficient evidence to support defendant's conviction of attempted aggravated arson.

### ARGUMENT

#### POINT I

THERE WAS SUFFICIENT EVIDENCE PRESENTED AT TRIAL TO SUPPORT DEFENDANT'S CONVICTION OF ATTEMPTED AGGRAVATED ARSON.

Without articulating a clear factual or legal argument to support his claim, defendant asserts that there was insufficient evidence presented at trial to support his conviction of attempted aggravated arson. Citing State v. Breckenridge, 688 P.2d 440 (Utah 1983), he suggests that the evidence did not establish an intent to damage a habitable structure. However, this ignores the well established principle



that intent may be inferred from the actions of the defendant or from the surrounding circumstances. State v. Isaacson, 704 P.2d 555, 558 (Utah 1985); State v. Murphy, 674 P.2d 1220, 1223 (Utah 1983). By his own testimony, defendant admitted that he intentionally set the fire. That fact, coupled with the additional facts that the fire was well fueled and set in the corner of defendant's cell, provided a solid basis from which the jury could have reasonably inferred that defendant intended to damage the structure. This inference is not weakened by defendant's testimony that he only wished to draw attention to his desire to move; that evidence is primarily relevant to defendant's motive for setting the fire, as opposed to the question of whether or not he intended to damage the structure. This case is therefore clearly distinguishable from Breckenridge, where the Court stated:

Neither in Breckenridge's so-called "confession" nor in his relation of events to the trial court can we find any facts that show he intended to damage any property.

688 P.2d at 443.

Defendant's claim that the burning of paint on a steel bunk, a cinder block wall, and a concrete ceiling does not constitute the type of damage required under UTAH CODE ANN. § 76-6-103 (1978) is similarly without merit. Section 76-6-103 contains no minimum damage requirement below which there can be no criminal responsibility; it simply requires that there exist some damage caused intentionally by the defendant. Furthermore, in that defendant was convicted of attempted aggravated arson, actual damage need not have been shown. Under UTAH CODE ANN.

§ 76-4-101(1) (1978), all that must be established to prove an attempt to commit an offense is that the defendant, "acting with the kind of culpability otherwise required for the commission of the offense, . . . engages in conduct constituting a substantial step toward the commission of the offense." Under this standard, it is obvious that defendant had committed attempted aggravated arson the moment he set the fire (and perhaps prior to that point), before any damage had even occurred. See State v. Pearson, 680 P.2d 406 (Utah 1984).

In sum, viewing the evidence in the record and all the inferences that the jury could have reasonably drawn from it, there was sufficient evidence presented at trial to support defendant's conviction of attempted aggravated arson. See State v. Booker, 709 P.2d 342, 345 (Utah 1985); State v. Pacheco, 114 Utah Adv. Rep. 36, 39 (Utah Ct. App. 1989).

#### CONCLUSION

Based on the foregoing arguments, this Court should affirm defendant's conviction.

RESPECTFULLY submitted this 8<sup>th</sup> day of September, 1989.

R. PAUL VAN DAM  
Attorney General

*David B. Thompson*  
DAVID B. THOMPSON  
Assistant Attorney General

CERTIFICATE OF MAILING

I hereby certify that four true and accurate copies of the foregoing Brief of Respondent were mailed, postage prepaid, to James L. Shumate, attorney for appellant, 110 North Main Street, Suite H, P.O. Box 623, Cedar City, Utah 84720, this 8<sup>th</sup> day of September, 1989.

David B. Thompson