

1989

Utah v. Hallett : Petition for Rehearing

Utah Court of Appeals

Follow this and additional works at: 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.

R. Paul Van Dam; Attorney General; Barbara Bearnson; Assistant Attorney General; Attorneys for Respondent.

Jack Hyrum Hallett; Pro Se.

Recommended Citation

Legal Brief, *Utah v. Hallett*, No. 890215 (Utah Court of Appeals, 1989).
https://digitalcommons.law.byu.edu/byu_ca1/1775

This Legal Brief 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. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

ORDER

TAH
DOCUMENT
FU

)

10

CKET NO. 89-215-CA IN THE UTAH COURT OF APPEALS

STATE OF UTAH

-ooOoo-

STATE OF UTAH,)	
)	
Plaintiff/Respondent)	
)	
vs	)	CASE NO: 890215-CA
)	
JACK HYRUM HALLETT,)	
)	
Defendant/Appellant,)	

-ooOoo-

APPELLANT MOTION TO CONSIDER ADDITIONAL DOCUMENTATION IN SUPPORT OF
MOTION FOR REHEARING

-ooOoo-

Jack Hyrum Hallett Pro Se
1325 University Village
Salt Lake City, Utah 84108
(801) 583-6112

R. PAUL VAN DAM (3312)
Attorney General
JUDITH S. H. ATHERTON (3982)
Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114

IN THE UTAH COURT OF APPEALS

STATE OF UTAH

-ooOoo-

STATE OF UTAH,)	
)	
Plaintiff/Respondent)	
)	
vs	)	CASE NO: 890215-CA
)	
JACK HYRUM HALLETT,)	
)	
Defendant/Appellant,)	

-ooOoo-

APPELLANT MOTION TO CONSIDER ADDITIONAL DOCUMENTATION IN SUPPORT OF
MOTION FOR REHEARING

-ooOoo-

Jack Hyrum Hallett Pro Se
1325 University Village
Salt Lake City, Utah 84108
(801) 583-6112

R. PAUL VAN DAM (3312)
Attorney General
JUDITH S. H. ATHERTON (3982)
Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114

Jack Hyrum Hallett Pro Se
1325 University Village
Salt Lake City, Utah 84108
(801) 583-6112

IN THE UTAH COURT OF APPEALS
STATE OF UTAH

STATE OF UTAH,)	
	)	MOTION TO CONSIDER ADDITIONAL
Plaintiff/Respondent	)	DOCUMENTATION IN SUPPORT OF
	)	MOTION FOR REHEARING
vs	)	CASE NO: 890215-CA
)	
JACK HYRUM HALLETT,)	
)	
Defendant/Appellant,)	

COMES NOW Jack Hyrum Hallett, acting Pro Se and respectfully requests this court receive and consider as addendum information to his MOTION FOR REHEARING statements from two additional witnesses available at time of trial, having pertinent information, but who were not called to testify, but who, had they been called, would have cast substantial doubt upon the veracity of the State's witness, Francis Cordle.

Submitted as an additional addendum (IV) is a response letter from Duchesne County Attorney Gillespie in support of statement in defendant's brief pertaining to efforts being made to obtain records supporting assertions made by defendant in his brief. Submitted also for this court's perusal is formal request by defendant for those same records.

Defendant respectfully prays this court accept these

documents and incorporate them in reconsidering this case.

Defendant has sought counsel from the Salt Lake Public Defenders but has been denied because this is a Duchesne County case. Further efforts are being pursued to engage legal assistance and defendant prays the court's forbearance of procedural errors until learned counsel is obtained.

RESPECTFULLY submitted this 14th day of September, 1990



Jack Hyrum Hallett
Pro Se

I hereby certify that a true and accurate copy of the forgoing Motion was mailed, postage prepaid, or hand delivered to

R. PAUL VAN DAM (3312)
Attorney General
JUDITH S. H. ATHERTON (3982)
Assistant Attorney General
236 State Capitol
Salt Lake City, Utah 84114

This 14th day of September, 1990



ADDENDUM TV



DUCHEсне COUNTY

August 16, 1990

Alberta Johnston Hallett
1325 University Village
Salt Lake City, Utah 84108

Re: Your letter dated August 7, 1990

Dear Mrs. Hallett:

I have received your letter of August 7, 1990, wherein you request me to send to you various items connected with Jack Hallett's case and witnesses in that case. While I understand you have done much research in this matter, unless I am mistaken, you are not an attorney and you state this matter is being handled "pro se". Therefore, I am unable to send you the information requested, as any such request must be made by the defendant himself, or his attorney.

I would strongly recommend that Mr. Hallett obtain an attorney to handle this matter on his behalf. However, if a request is received from Mr. Hallett himself, I will present it to the Court for its ruling and comply therewith.

If you have any questions, please feel free to contact me.

Sincerely,

Herbert Wm. Gillespie

Herbert Wm. Gillespie
Duchesne County Attorney

Jack Hyrum Hallett Pro se
1325 University Village
Salt Lake City, Utah 84108
(801) 583-6112

IN THE UTAH COURT OF APPEALS
STATE OF UTAH

STATE OF UTAH,	)	FORMAL REQUEST FOR DISCOVERY
	)	PURSUANT TO RULE 16 OF THE
Plaintiff/Respondent	)	RULES OF CRIMINAL PROCEDURE
)	
vs	)	CASE NO: 890215-CA
)	
JACK HYRUM HALLETT,)	
)	
Defendant/Appellant,)	


COMES NOW, the Defendant by and through Pro se action and requests the following material be provided immediately to Defendant, at the above address, as Discovery.

1. All police reports concerning the above-entitled case;
2. Any and all written or recorded statements of the Defendant, co-defendant(s), or witnesses;
3. The criminal record of the Defendant or felony convictions of any witnesses to be called by the prosecution;
4. Any and all evidence tending to negate or mitigate the guilt of the defendant;
5. All witnesses which the State has subpoenaed, will subpoena, or may subpoena to testify in this case;
6. All physical evidence taken and all investigative

analysis done on any evidence in the above-entitled case; as provided in Rule 16, Section 77-35-(5) (b), the State shall make available all above disclosures as soon as practicable following the filing of charges and before the Defendant is required to plea.

DATED this 28th day of August, 1990

Jack H. Hallett
Jack Hyrum Hallett, Pro se

A. Casperson
NOTARY
NOTARY PUBLIC
A. CASPERSON
310 South Main Suite 300
Salt Lake City, Utah 84101
My Commission Expires
February 12, 1994
STATE OF UTAH

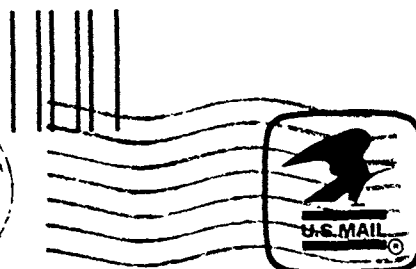
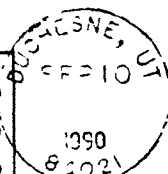
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below.

Alberta Hallett
1325 W. Village
SLC. Ut - 84108

<p>● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)</p> <p>2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to:</p> <p><i>Herbert Wm. Gillespie</i> <i>P.O. Box 206</i> <i>Duchesne, Ut. 84021</i></p>	<p>4. Article Number</p> <p><i>R 584106 551</i></p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and DATE DELIVERED</p>
<p>5. Signature — Addressee</p> <p><i>X</i> <i>Delvin Mitchell</i></p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p> <p><i>Duchesne, UT 84021</i></p> <p>1990 USPS</p>
<p>6. Signature — Agent</p> <p><i>X</i></p>	
<p>7. Date of Delivery</p> <p><i>X</i></p>	

ADDENDUM V

SWORN DEPOSITION

of

MERLE BELL

COMES NOW Merle Bell, also known as Gene Bell, and having been duly sworn disposes and says:

I am Merle Bell, my address is Box 42-12 153 South State, Roosevelt, Utah. Zip Code 84066. I have known Jack Hallett since I was a boy. I was raised with Jack H. Hallett and I have personal knowledge concerning him and his relationship with Francis Cordle and her daughter April Cordle. I met Francis the day after Jack met her and they stayed a couple of days at my home until Jack was able to find a place for them to live so Francis could have April with her again. Jack rented a place so Francis and April would have a place to live. The people Francis had been staying with kicked her out, said she couldn't stay with them anymore, April could, though. I was available to testify in Jack's behalf at his trial. I was present in the courtroom but was not called as a witness.

I have personal knowledge that Francis Cordle was irrationally jealous of Jack Hallett. On one occasion when I and my wife Mary accompanied Jack and Francis to Vernal to visit his children Francis exhibited that jealousy over the attention Jack was showing his little children. There was fire in her eyes, she was furious.

I have personal knowledge that Francis left April at home alone with Jack during the weeks she was in the hospital with her nose surgery. She never indicated at any time that she was concerned about leaving April with Jack, and after Jack was charged

with abuse of April, Francis blew her top as to who was charging Jack. She ranted and raved on about it and indicated there was no truth to the charge, stating there was no basis to it at all.

I have personal knowledge that Francis Cordle wanted Jack to marry her. She was angry and frustrated that he wouldn't marry her.

I have personal knowledge that Francis wanted to obtain all of Jack's property, and demanded that he put the cars and trailer in her name. He finally put one of the automobiles in her name to pacify her.

I have personal knowledge that Francis Cordle was not honest. Francis borrowed money from me and wanted to pay it back in trinkets instead of cash.

I have personal knowledge that Francis Cordle lied on the witness stand at Jack's trial.

I have personal knowledge that Jack Hallett broke his wrist when he was 20 years old and it healed crooked and impaired his grip with his right hand. I know for a fact that Jack did not have enough strength in his hand to pull the trigger of a gun with his right hand, never mind hold a knife to threaten anyone. He could not have held a knife in his hand with sufficient strength not to drop it at the slightest touch.

I have known Jack Hallett nearly all his life and I have never known him to threaten anyone or anything with a knife. I know Jack to be one who does not make threats. If he is going to hit someone, he will not threaten it first. He will just hit them.

During the two years April and Francis lived with Jack here in

Roosevelt Jack never said anything to me, nor in any way indicated any sexual interest in April Cordle. If anything he was repulsed by some of the things she did, like wetting herself or voiding where it was inappropriate to expose herself.

I SWEAR upon my OATH that this is a true and accurate statement.

Merle (Gene) Bell

SUBSCRIBED AND SWORN to before me this 13th day of August, 1990

Becky Ruennels
NOTARY PUBLIC

My Commission expires

My Commision
Expires 8/13/1991

DEPOSITION

EARL CHRISTENSEN
P.O. Box 871
Hamilton City, California 95951
(916) 826-00626

COMES NOW Earl Christensen, residing in Hamilton City, California, having been duly sworn, on his oath disposes and says:

My name is Earl Christensen, I am currently living in Hamilton City, California, but I used to live in Roosevelt, Utah. I was living in Roosevelt, Utah when Jack Hallett was charged with abuse of April Cordle. I have known Jack Hallett since about 1981. We were close friends for a long time. I know Jack about as well as anyone can know another person. I was available to testify in Jack's behalf, but I was not called.

I have personal knowledge of his relationship with Francis Cordle. I know she was irrationally jealous and on one occasion was present when she flew into a jealous rage. I had been fishing with Jack. We were gone quite late, we had been drinking and figured it was not safe to drive home, so we stayed the night and returned in the morning to Jack's trailer. Francis met us at the door and began accusing Jack of "stepping out" on her. She would not listen to a word of reason. She began throwing things around the trailer, stomping her feet and chewing Jack out for messing around with some other woman. Jack told her to stop breaking up the place or get outside. She stormed out, got in her car and left in a huff. She was hateful and resentful of any time Jack spent with anyone.

I have personal knowledge that Francis Cordle was trying to force Jack to marry her and I was present on one occasion when she threatened him. She said if he didn't marry her she would "get even" with him. She said on the same occasion that she would "fix him, good" and "make him pay." This incident took place a short time before Jack was arrested and charged.

I have personal knowledge of Jack's attitude toward April Cordle. He and I were "drinking buddies." Sometimes Jack would be somewhat intoxicated and would be prone to run on at the mouth. In all the time I knew Jack his conversation about April was always along the lines of concern for her welfare and not even once did he ever express that she was in any way appealing to him from a male/female standpoint. His statements were either concern for her, praise for her accomplishments, or gripes about one thing or another she might have done that annoyed him like any father would do. Never did he express any sexual interest in her whatever. I believe if there had ever been any such idea in his mind he would have expressed such to me when we were "shooting the bull" on women and sex.

I SWEAR upon my oath that this is a true and accurate statement.

Earl Christensen
SUBSCRIBED AND SWORN to before me this 16 day of August, 1990

NOTARY PUBLIC Sarah Odom

My Commission Expires 4/10/92

