

1988

William Andrews v. Gerald R. Cook : Unknown

Utah Supreme Court

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Unknown.

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March 15, 1989

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Corrected Letter (Rule 24(j))

Geoffery Butler
Court Clerk
UTAH SUPREME COURT
332 State Capitol
Salt Lake City, Utah 84111

RE: Andrews v. Cook
Case No. 880024

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UTAH SUPREME COURT
MAR 20 1989

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Dear Mr. Butler:

This letter is sent pursuant to Rule 24(j) (Citation of Supplemental Authorities) of the Rules of the Utah Supreme Court. Enclosed are nine copies of this letter.

The United States Supreme Court has just issued the following decisions which bear on the issues mentioned below in this case:

1. Dugger v. Adams, 57 U.S.L.W. 4276 (U.S. Feb. 28, 1989) is relevant on the issue of whether or not appellant can show "cause" justifying his procedural default when his current, allegedly novel issue could have been presented at earlier stages as a state law question. See brief of Appellee, Point I, B, pp. 54 to 60; and Point I, A, at pp. 32 to 40; Brief of Appellee in Opposition to Rehearing Point I.

2. Teague v. Lane, 57 U.S.L.W. 4233 (U.S. Feb. 22, 1989) Part IV, is relevant on the issue of whether a case, which may announce a new constitutional rule (such as Beck v. Alabama, 447 U.S. 625 [1980]), should apply to cases on collateral review which became final prior to the announcement of the new rule. Brief of Appellant, Point I, A and B; Brief of Appellee in Opposition to Rehearing, Point I.

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3. Harris v. Reed, 57 U.S.L.W. 4224 (U.S. Feb. 22, 1989) is relevant on the issue of the clarity with which a state court may desire to assert whether or not their decision rests upon a state procedural bar.

Yours truly,

HANSON, EPPERSON & SMITH

A handwritten signature in cursive script, appearing to read "Robert R. Wallace".

Robert R. Wallace

RRW:cb

cc: Timothy K. Ford
Counsellor at Law, P.S.

Gordon G. Greiner
HOLLAND & HART