

2010

Layton City v. Sherri Lee Tatton : Brief of Appellant

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

LAYTON CITY, :
Plaintiff/Appellee, :
vs. : Case No. 20100264-CA
SHERRI LEE TATTON, :
Defendant/Appellant. :

BRIEF OF APPELLANT

APPEAL FROM A CONVICTION FOR DISORDERLY CONDUCT, A CLASS C MISDEMEANOR VIOLATION OF UTAH CODE ANN. § 76-9-102, IN THE SECOND JUDICIAL DISTRICT COURT, DAVIS COUNTY, THE HONORABLE MARK DECARIA, PRESIDING.

ORAL ARGUMENT IS REQUESTED

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SHERRI LEE TATTON,
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BRIEF OF APPELLANT

JURISDICTION AND NATURE OF THE PROCEEDINGS

This is an appeal from a conviction for Disorderly Conduct, a class C misdemeanor violation of Utah Code Ann. § 76-9-102. This Court has jurisdiction pursuant to Utah Code Ann. § 78A-4-103(2)(e) (2010).

ISSUES ON APPEAL AND STANDARDS OF REVIEW

1. **Did the district court err by failing to instruct the jury on the proper definition of vehicular traffic?**

Claims of erroneous jury instructions present questions of law that are reviewed for correctness. State v. Jeffs, 2010 UT 49; Steffenson v. Smith's Management Corp., 682 P.2d 1342, 1346 (Utah 1993).

2. Was the defendant's conviction for making 'unreasonable noise' improper because it effectively criminalized protected speech?

Whether a statute is unconstitutionally overbroad or vague is a question of law reviewed for correctness. State v. Norris, 2007 UT 6, ¶ 10.

3. Did the district court err by failing to instruct the jury that the defendant had a right to protect her property?

Claims of erroneous jury instructions present questions of law that are reviewed for correctness. State v. Jeffs, 2010 UT 49; Steffenson v. Smith's Management Corp., 682 P.2d 1342, 1346 (Utah 1993).

4. Did the district court err by failing to instruct the jury that the intent to cause public inconvenience, annoyance or alarm must have been the defendant's predominant intent?

Claims of erroneous jury instructions present questions of law that are reviewed for correctness. State v. Jeffs, 2010 UT 49; Steffenson v. Smith's Management Corp., 682 P.2d 1342, 1346 (Utah 1993).

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

Utah Code Annotated § 76-9-102: Disorderly conduct.

(1) A person is guilty of disorderly conduct if: (a) he refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:

- (i) engages in fighting or in violent, tumultuous, or threatening behavior;
- (ii) makes unreasonable noises in a private place which can be heard in a public place; or
- (iv) obstructs vehicular or pedestrian traffic.

Utah Code Annotated § 41-61-102(62):

“Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

STATEMENT OF THE CASE

Sherri Lee Tatton was charged by Information with one count of Disorderly Conduct and one count of Criminal Trespass. (R. 9.) The City later amended the Disorderly Conduct count to allege violations of two specific subsections of the statute, namely the subsections prohibiting unreasonable noise and the obstruction of vehicular or pedestrian traffic, respectively. (R. 16.) The case proceeded to jury trial, where the City’s principal witnesses

testified that the defendant yelled at Haley Bruce inside and outside of Salt City Pizza, a restaurant adjacent to the private parking lot owned by the defendant. The defendant repeatedly told Ms. Bruce, the patron inside Salt City Pizza who had parked her vehicle in the defendant's private parking lot, that she needed to move the car.

Bruce quickly left Salt City Pizza, and she walked to her car. Instead of backing out of the parking lot as the defendant requested, Bruce attempted to drive forward through the defendant's private parking lot. Tatton refused to let Bruce pull forward, instead demanding that Bruce back out of the parking lot through the same place she entered. Bruce called the police, who responded to the scene and issued the parties citations. Bruce was cited with trespassing, and Tatton was cited with Disorderly Conduct and Criminal Trespass for her putative entrance inside Salt City Pizza. At trial, the defendant asked for a number of jury instructions, most of which were denied. Among the instructions requested were instructions informing the jury that Tatton had a right to protect her property, that obstruction of vehicular traffic required more than the obstruction of a single vehicle, and that the defendant's predominant intent had to have been to cause annoyance, inconvenience or alarm in order to be found guilty of Disorderly Conduct. Ultimately, the jury found the defendant guilty of Disorderly Conduct and not guilty of Criminal Trespass.

STATEMENT OF THE FACTS

On May 22, 2009 Haley Bruce drove her car into the parking lot of Costume Castle

in Layton, Utah. (R. 87 at 52.) Ms. Bruce parked in the first stall of the parking lot, which was owned by the defendant, Sherri Tatton, and her husband. (Id. at 23, 93.) Despite numerous signs indicating that the parking lot was reserved for patrons of Costume Castle,¹ Bruce nonetheless left her vehicle in the parking lot and walked to Salt City Pizza, which was adjacent to the parking lot. Upon seeing Bruce leave her car in the private parking lot, the defendant went over to Salt City Pizza to tell Bruce that she needed to move her car. (Id. at 97.)

According to Randall Hunt, an employee of Salt City Pizza, the defendant soon entered the store and began yelling at Bruce to move her car. (Id. at 38.) Hunt testified that Tatton was in the store for roughly 45-50 seconds. (Id. at 45.) Bruce, however, testified that Tatton was in the store for only a few seconds, and that Tatton was yelling at her to move the car. (Id. at 62-63.) Bruce further testified that she left the store to move her car almost immediately after Tatton's request. (Id.)

Bruce returned to her vehicle, and she backed out a short distance from the parking stall, which was closest to the east entrance of the parking lot. (Id. at 54.) She then attempted to drive her car forward so that she could drive through the parking lot and exit the west entrance. (Id. at 101.) Tatton stepped in front of the vehicle, refusing to let Bruce drive through the private parking lot to the other exit. (Id.) Tatton indicated that Bruce needed to back out of the parking lot the same way she entered, rather than driving through her private

¹ As noted above, there were numerous signs indicating that the parking lot was reserved for patrons of Costume Castle. Indeed, there were such signs on the east side of the lot where Bruce parked, in the middle of the lot on a utility pole, and another sign placed just outside the entrance to Salt City Pizza.

property. (Id.) Unwilling to back out of the parking lot, Bruce drove forward, striking Tatton. (Id.) After Tatton refused to move out of her way, Bruce called the police for assistance. (Id. at 56.) At trial, Bruce acknowledged that she could have left the parking lot by backing out onto the street. (Id. at 63.)

One Layton City officer, Wesley McKinney, testified a trial that he responded to the scene shortly after dispatch received Bruce's phone call. (Id. at 12.) Upon his arrival, he heard Tatton talking about people parking in her private lot. (Id. at 22.) Officer McKinney also observed the no trespassing signs throughout the parking lot, and he further testified that a driver would have been able to leave the parking lot by backing onto the street. (Id. at 24-29, 33.)

Based on the incident described above, Layton City charged Tatton with Disorderly Conduct, in violation of U.C.A. § 76-9-102, and Criminal Trespass, in violation of U.C.A. § 76-6-206(2)(a). (R. 9.) Before trial, Layton City amended the information filed in the case, and it proceeded to trial on two specific subsections of the Disorderly Conduct statute. (R. 16.) The two pertinent subsections required the City to demonstrate that the defendant, intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, made unreasonable noises in a public place or obstructed vehicular or pedestrian traffic. See U.C.A. §§ 76-9-102(b)(ii) & (iv).

Before the trial, the defendant argued that the Disorderly Conduct statute was both vague and overbroad. (R. 87 at 5-8.) The defendant proffered in evidence demonstrating that the City could not meet its burden of showing that Tatton obstructed vehicular or

pedestrian traffic. (Id. at 9-10.) The trial judge reserved ruling on the matter, noting that the defendant could renew that motion at the close of the City's case. (Id. at 11.) At the close of the City's case, the defendant moved the court for directed verdict on the subsection of the disorderly conduct statute alleging that the defendant obstructed vehicular or pedestrian traffic, again arguing that the definition of "traffic" required more than a potential obstruction of the movement of one vehicle. (Id. at 68.) The court denied the defendant's motion, noting that it was 'not going to deny the State's ability to use that as one of the elements of the offence.' (Id. at 71.) The defendant also asked the court to instruct the jury on the definition of vehicular traffic, specifically requesting that "the language from the Connecticut decision that [counsel] cited earlier – just for the record, 363 Atlantic 2d 772 – be incorporated into that instruction." (Id. at 79.) The court denied the requested instruction, noting that 'vehicular traffic is undefined in the State of Utah and that if it needs to be defined, that some Court other than myself will define it.' (Id. at 79-80.)

In addition to the motion for directed verdict and the jury instruction regarding 'vehicular traffic,' the defendant also requested an additional instruction regarding the defendant's right to defend her property. (Id. at 77, 83-84.) More specifically, the defendant argued that she 'should be entitled in this case to a jury instruction about defense of property.' (Id. at 77.) The defendant proposed that the court instruct the jury that "it's a complete defense to the charges if you determine that [the defendant's] actions were necessary to prevent or terminate custodial interference² with real property." (Id.) The court

² The court recognized that counsel misspoke in referring to "custodial interference," noting that defense counsel was "saying custodial interference, but what you mean is criminal interference." (Id. at 78.)

denied the defendant's motion, despite acknowledging that "[c]ertainly an individual in this state is allowed the right to use force to defend property against unreasonable interference with that property." (Id. at 78.)

Similarly, the defendant requested an instruction that recognized the need for the City to demonstrate that the defendant's predominant intent was to cause public inconvenience, annoyance, or alarm. (Id. at 83-84.) The requested instruction was based on a decision from the Connecticut Supreme Court in State v. Indrisano, 228 Conn. 795 (1994), and the defendant specifically asked the court to implement the holding of Indrisano and instruct the jury that "in order to convict the defendant of disorderly conduct, you must determine that the predominant intent of the defendant was or is to cause annoyance, inconvenience or alarm, rather than to exercise her constitutional rights." (Id.) In arguing for the requested instruction, counsel noted that it was "a proper instruction to give so that somebody's not unduly convicted based on the fact that they engaged in conduct that may or may not have been intended to safeguard their constitutional rights. In this case, a protection of private property." (Id. at 85.) The court ultimately denied the defendant's request, noting that it "was not going to allow Connecticut to make law in Utah." (Id.)

The jury ultimately convicted the defendant of Disorderly Conduct, a class C misdemeanor, and acquitted the defendant of Criminal Trespass. The court imposed a sentence of 90 days in jail and a \$500.00 fine, though it suspended imposition of the jail term and \$300.00 of the fine. The court also imposed a term of twelve months court probation with the condition that the defendant complete an anger management class.

SUMMARY OF THE ARGUMENTS

The district court erred in failing to properly instruct the jury at trial. More specifically, the judge erred in failing to instruct the jury about the definition of ‘vehicular traffic,’ and further erred by failing to grant the defendant’s motion for a directed verdict when it was apparent that there was only one vehicle that could have conceivably been obstructed. In addition, the trial court failed to properly instruct the jury that the defendant was entitled to defend her personal property and that the jury also needed to find that the defendant’s predominant intent was to cause annoyance, inconvenience or alarm in order to convict her of Disorderly Conduct.

ARGUMENT

POINT I.

- I. The District Court Erred By Failing to Instruct the Jury on the Proper Statutory Meaning of ‘Traffic’ And By Failing to Grant Tatton’s Motion for a Directed Verdict.

The second relevant prong of Utah’s disorderly conduct statute prohibits the defendant from obstructing vehicular or pedestrian traffic. See U.C.A. § 76-9-102(b)(iv). Courts interpreting similar statutory language in other states have held that ‘traffic’ necessarily encompasses more than the interference with one vehicle. See State v. Anonymous, 363 A.2d 772 (Conn.Com.Pl. 1976); Seymour v. Seymour, 289 N.Y.S.2d 515 (N.Y.Fam.Ct. 1968). In addition, while the disorderly conduct statute does not specifically define traffic, the Utah Traffic Code provides that “[t]raffic means

pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together *while using any highway for the purpose of travel.*” U.C.A. § 41-6a-102(62) (emphasis added).

In State v. Anonymous, *supra*, the defendants were charged with disorderly conduct for ‘obstruction of vehicular traffic’ when one of them stood by the side of the complainant’s car, preventing him from exiting. The court held that such behavior did not constitute a “violation of [the subsection regarding the obstruction of vehicular traffic] by any fair construction of the statute. 363 A.d at 775. The definition of ‘traffic,’ reasoned the court, “refers to the flow of pedestrians or vehicles along a street or highway; it does not apply to a single individual... .” *Id.*

Similarly, the case in Seymour, *supra*, involved a situation in which a husband was charged under an analogous subsection when he attempted to force his wife’s car off the road with his own vehicle. Despite the indisputably aggressive nature of the allegation, the New York court dismissed the charge, holding that “the type of conduct which the subsection proscribes relates to the blocking of highways or thoroughfares for extended periods of time to the public’s inconvenience.” 289 N.Y.S.2d at 518.³

At trial, the defendant first requested a directed verdict at the close of the City’s case, arguing that “vehicular or pedestrian traffic has to require more than obstructing one vehicle, if even one vehicle is obstructed in this case.” (R. 87 at 68.) The defendant cited

³ Significantly, the penal statute at issue in Seymour was virtually identical to the Utah statute at issue here. As the court noted, the relevant statute in Seymour provided: ‘A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ... 5. He obstructs vehicular or pedestrian traffic[.]’

to the Connecticut decision detailed above, but the district court denied the defendant's motion. Later, the defendant asked the court to instruct the jury on the proper definition of 'vehicular traffic,' again citing the Connecticut decision. (R. 87 at 79.) The court denied the requested instruction, noting that:

The code is – the Utah code is absolutely unhelpful in determining what constitutes vehicular traffic. And while you [defense counsel] have cited case law out of other jurisdictions that would describe vehicular traffic as something other than what has been described ... I'm going to deny your motion and state that vehicular traffic is undefined in the State of Utah and that if it needs to be defined, that some Court other than myself will define it.

(R. 87 at 79-80.)

The decisions in Anonymous and Seymour make clear that there must be more than the mere obstruction of one vehicle's movement in order to obstruct vehicular traffic. Such a requirement is also consistent with the fact that the disorderly conduct requires an intent to cause *public* inconvenience. Further, had the Utah legislature intended for the obstruction of one car or one pedestrian to constitute a violation, it clearly could have said so. Indeed, it would not have been difficult for the Utah legislature to simply proscribe the obstruction of a 'vehicle or pedestrian.' In addition, while the term 'vehicular traffic' is undefined in the disorderly conduct statute, this Court may look to the definition of 'traffic' provided by U.C.A. § 41-6a-102(62), which clearly requires that a vehicle or pedestrian use a "highway for the purpose for the purpose of travel" in order to constitute "traffic."

At trial, it was clear that Bruce parked her vehicle on private property owned by Tatton. Her egress was obstructed only to the extent that Tatton would not permit her to

leave the private property through another exit, instead instructing her that she should back out of the parking lot the same way that she came in. There was no evidence presented that any other vehicles or pedestrians were obstructed whatsoever. Further, there was no evidence presented that satisfied the definition of ‘traffic’ set forth in U.C.A. § 41-6a-102(62). As such, conviction under that prong of the disorderly conduct statute was in error. Because “no special verdict form was employed at trial” and the “jury was not required to indicate the basis for its finding,” State v. Jeffs, 2010 UT 49 at ¶ 38, it is entirely possible that the jury convicted under the prong prohibiting the obstruction of vehicular traffic, which would require reversal of the defendant’s conviction. Id.

POINT II.

II. Conviction Under the Unreasonable Noise Subsection Was Erroneous as the Statute Cannot Be Read to Criminalize Speech.

In Logan City v. Huber, 786 P.2d 1372 (UT App 1990), the Court of Appeals struck down a municipal disorderly conduct ordinance proscribing ‘obscene’ or ‘abusive’ language when spoken with the same intent described in the state disorderly conduct statute. In that case, the defendant was charged with disorderly conduct for shouting vulgarities to police officers when they tried to obtain his vehicle registration. Id. at 1373. The Court invalidated that subsection of the ordinance as unconstitutionally overbroad on its face, holding that the provision “criminalizes speech.” Id. at 1374. Significantly, it held that the “constitutional guarantees of freedom of speech do not permit the government to punish the use of words or language outside of ‘narrowly limited classes of speech.’” Id. (quoting Gooding v. Wilson,

405 U.S. 518, 521-22 (1972)). The Court also stated that the ordinance was unconstitutional because it applied to “all harsh insulting words that recklessly create a risk of inconvenience, annoyance or alarm,” and that it punished a “significant amount of protected verbal expression, including criticism and challenge, vulgarities and remonstrations, whether [...] directed at a police officer, ordinary citizen, or one who is not even present.” *Id.* at 1376.

In this case, the defendant challenged the constitutionality of the statute before trial, arguing that the statute was impermissibly overbroad and vague. (R. 87 at 5-9.) At trial, the words that were characterized as ‘unreasonable noise’ were ‘vulgarities and remonstrations’ directed at Bruce, an ‘ordinary citizen.’ While potentially insulting and annoying, the government sought to criminalize Tatton’s speech simply because it could lead the court and jury to believe that vulgarities and remonstrations constitute ‘unreasonable noise.’ Indeed, the government’s final arguments to the jury are telling. In discussing what constitutes ‘unreasonable noise,’ the City queried the jury. It asked the following questions: “Is it reasonable to go into a public store where there may be patrons and where there are employees and do what the defendant did? [...] Is it reasonable that the employee, Mr. Randall, had to be subjected to that?” (R. 87 at 130.) It is also telling that the government never raised the issue of the volume of the noise or the nature of the sound during its cross-examination of the defendant, instead relying almost exclusively on the expletives, harsh language, and vulgarities that the defendant allegedly used. (R. 87 at 106-11.)

The City simply couched its arguments regarding abusive and obscene language in the ‘unreasonable noise’ subsection of the statute, which has already been held unconstitutional

by the Utah Court of Appeals. While it is undoubtedly clear that vulgarities and remonstrations may be annoying and bothersome to some people, it is equally clear that they constitute protected speech. Conviction on this theory of the case was therefore erroneous. Furthermore, there is at least a reasonable likelihood that the jury based its verdict on this erroneous theory, which requires the conviction to be reversed, Jeffs, 2010 UT at ¶ 38.

POINT III.

III. The District Court Erred By Failing to Instruct the Jury That the Defendant Had a Right to Protect Her Private Property.

It is well recognized that an individual may protect her property rights.⁴ Indeed, Utah law has explicitly adopted a defense for the protection of one's property. Utah Code Annotated § 76-2-406 provides:

A person is justified in using force, other than deadly force, against another when and to the extent that he reasonably believes that force is necessary to prevent or terminate criminal interference with real property or personal property:

- (1) lawfully in his possession; or
- (2) lawfully in the possession of a member of his immediate family; or
- (3) belonging to a person whose property he has a legal duty to protect.

As evident above, the pertinent statute provides a defense for an individual trying to prevent criminal interference with her property.

While the statute specifically refers to "force," a logical reading of the statute would

⁴ The comments made by the trial judge in this case clearly demonstrate the court's awareness of a right to protect one's own property. As the trial judge observed, "[c]ertainly an individual in this state is allowed the right to use force to defend property against unreasonable interference with that property." (R. 87 at 78.)

imply that a person's verbal attempts to prevent criminal interference with her property should also be protected under the statute. Logically, if the legislature intended for the use of force to be justified in defending one's property, it should follow that other, non-forceful means of protecting one's property should constitute a defense as well. It would surely be an incongruous result to suggest that an individual could use physical force to protect her property, but could not be verbally aggressive in doing so.

In this case, the defendant specifically asked the court for an instruction recognizing her right to protect her property. (R. 87 at 77.) Such a request was based on the fact that the defendant was the owner of the parking lot as well as the fact that Bruce had trespassed on the property by parking her car in an area reserved for patrons of Costume Castle.⁵ The court denied the defendant's requested instruction, reasoning that "my sense is that kind of interference usually applies to personalty rather than realty when somebody's attempting to leave the property." (*Id.* at 78.)

Had the jury been properly instructed, however, it could have easily considered the defendant's actions in preventing Bruce from driving forward through the defendant's personal property as a lawful exercise of the right to prevent criminal interference with her personal property. In addition, a jury could have easily considered the words spoken by Tatton—regardless of whether they were loud or vulgar—as a lawful means of protecting her property. It is difficult to surmise how Tatton may have been justified in the use of physical force against Bruce yet unable to verbally confront a trespasser or require that the trespasser exit her property the way she entered instead of continuing to drive through the property. By

⁵ Bruce in fact received a citation for trespassing. (R. 87 at 58.)

failing to instruct on Tatton's right to protect her property, the trial court deprived Tatton of her ability to meaningfully defend herself against the charges.

POINT IV.

IV. The District Court Erred By Failing to Instruct the Jury that the Intent to Cause Public Inconvenience, Annoyance, or Alarm Must be the Defendant's Predominant Intent.

Statutes similar to Utah's disorderly conduct statute have been frequently challenged as impermissibly vague. See, e.g., Colten v. Kentucky, 407 U.S. 104, 108-09 (1972); State v. Indrisano, 228 Conn. 795 (1994). In order to preserve the constitutionality of those respective state statutes, some courts have imposed an additional requirement in interpreting the limitations placed on conduct that is done 'with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof.' In order to ensure that the statute did not infringe upon an individual's constitutional rights, the Kentucky Court of Appeals in Colten interpreted the disorderly conduct statute as follows:

As reasonably construed, the statute does not prohibit the lawful exercise of any constitutional right. We think that the plain meaning of the statute, in requiring that the proscribed conduct be done 'with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof,' is that the specified intent must be the *predominant* intent. Predominance can be determined either (1) from the fact that no bona fide intent to exercise a constitutional right appears to have existed or (2) from the fact that the interest to be advanced by the particular exercise of a constitutional right is insignificant in comparison with the inconvenience, annoyance or alarm caused by the exercise.

Colten v. Commonwealth, 467 S.W.2d 374, 377 (Ky. 1971) (emphasis in original; internal quotation marks omitted).

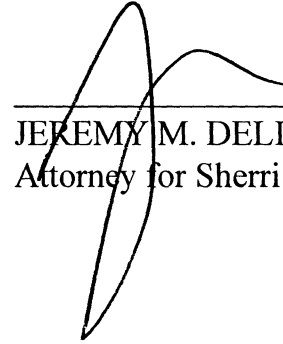
The Connecticut Supreme Court recognized that the “United States Supreme Court approved the Kentucky gloss on the statute,” Indrisano, 228 Conn. at 807, and adopted the requirements imposed by the Kentucky Court of Appeals. Specifically, the court in Indrisano held that “in order to support a conviction for disorderly conduct, the defendant’s predominant intent must be to cause inconvenience, annoyance or alarm, rather than to exercise his constitutional rights.” Id. at 809.

In this case, the defendant requested that the court instruct the jury that the defendant’s predominant intent must have been to cause inconvenience, annoyance or alarm rather than the exercise of her protected rights, namely the right to protect her property. Clearly, there was ample evidence to suggest that the defendant was motivated by the desire to protect her property. The trial was replete with testimony indicating that Tatton wanted Bruce to move her vehicle off the defendant’s property. See, e.g., (R. 87 at 20.) (Officer McKinney noting that Tatton “was pacing back and forth and raising her voice, yelling about people trespassing on her property”); (R. 87 at 41-43.) (describing measures taken by defendant to ward off trespassers, including ropes and posted signs); (R.87 at 53.) (Bruce testifying that Tatton opened restaurant door and began telling Bruce she “needed to get [her] car off [Tatton’s] property.”). Clearly, the jury could have easily found that the defendant’s predominant intent was to protect her property rather than cause public inconvenience, annoyance or alarm. Instead, by depriving Tatton of her ability to contend that she was merely exercising a protected right, the trial court unjustifiably infringed on the defendant’s lawful exercise of a constitutional right.

CONCLUSION

Based upon the foregoing analysis, the conviction of Ms. Tatton must be reversed.

RESPECTFULLY submitted on the 8th day of October, 2010.



JEREMY M. DELICINO
Attorney for Sherri Lee Tatton

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was mailed/hand delivered
on this 8th day of October, 2010, to:

Bruce Ward
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437 North Wasatch Dr.
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Arica Brooks
Secretary

IN THE UTAH COURT OF APPEALS

FILED
UTAH APPELLATE COURTS
OCT 21 2010

LAYTON CITY,
Plaintiff/Appellee,

: ADDENDUM

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vs.

: Case No. 20100264-CA

SHERRI LEE TATTON,
Defendant/Appellant.

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No addendum needed for this case.