

1989

Utah v. Harrison : Unknown

Utah Court of Appeals

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R. Paul Van Dam; attorney general; attorney for respondent.

Vernice S. Ah Ching, Elizabeth Holbrook; Salt Lake Legal Defender Assoc.; attorney for appellant.

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October 18, 1990

DOCK

Ms. Mary Noonan
Utah Court of Appeals
400 Midtown Plaza
230 South 500 East
Salt Lake City, Utah 84102

Re: State v. Harrison
Case No. 890617-CA

Dear Ms. Noonan:

I am writing this letter of supplemental authority pursuant to Utah Rule of Appellate Procedure 24(h). At pages 14 through 18 of Mr. Harrison's opening brief, and at pages 14 and 15 of Mr. Harrison's reply brief, he asserts that the prosecutor's explanation of the peremptory challenges (that they were exercised on the basis of the stricken jurors' gender) is inadequate under Batson v. Kentucky, 476 U.S. 79 (1986), relating to federal equal protection, and under the Utah Constitution.

As additional support for these assertions, Mr. Harrison refers the Court to the following cases discussing gender based peremptory challenges and federal and state constitutional law:

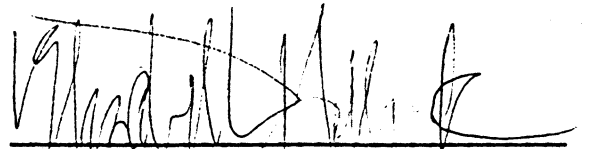
State v. Levinson, 795 P.2d 845 (Hawaii, 1990)

People v. Irizarry, ___ N.Y.S.2d ___, 1990 WL 134705
(N.Y.A.D. 1 Dept 1990)

United States v. DeGross, 913 F.2d 1415 (9th Cir. 1988)

The oral argument in this case is scheduled to occur on Tuesday, October 23rd, 1990 at 9:00 a.m.

Thank you for your assistance.



ELIZABETH HOLBROOK
Attorney for Mr. Harrison

cc: Sandra L. Sjogren
Assistant Attorney General
for the State of Utah