

1990

## Utah v. Workman : Unknown

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.

unknown.

unknown.

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

---

### Recommended Citation

Legal Brief, *Utah v. Workman*, No. 900103 (Utah Court of Appeals, 1990).  
[https://digitalcommons.law.byu.edu/byu\\_ca1/2482](https://digitalcommons.law.byu.edu/byu_ca1/2482)

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](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.

FILED

OFFICE OF  
THE ATTORNEY GENERAL

DEC 14 1990



STATE OF UTAH

R. PAUL VAN DAM - ATTORNEY GENERAL

236 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • TELEPHONE: 801-538-1015 •

Court  
Appeals

JOSEPH E. TESCH  
CHIEF DEPUTY ATTORNEY GENERAL

**UTAH COURT OF APPEALS  
BRIEF**

December 13, 1990

UTAH  
DOCUMENT  
KFU  
50  
.A10  
DOCKET NO. 900103

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

Re: State v. Workman, Case No. 900103-CA

Dear Ms. Noonan:

Pursuant to rule 24(j), Utah Rules of Appellate Procedure, I submit the following supplemental authority in support of the State's argument in the above case. In Point I. B. of the State's brief at page 17, is the assertion that "[t]here are no cases in Utah establishing a standard for a trial judge's review of the sufficiency of the evidence on a motion to arrest judgment." However, in State v. Myers, 606 P.2d 250, 251 (Utah 1980), the Utah Supreme Court stated the following:

When there has been a trial by jury, the state, as well as the defendant, is entitled to the benefit of the findings and the verdict of the jury. The trial judge can intrude upon the prerogatives of the jury and substitute his judgment therefor only if he can so rule as a matter of law.

The concurring opinion of Justice Wilkins states:

An appellate court, or a trial court, is not permitted in a civil or criminal action to substitute its judgment for the jury's unless the verdict is based on evidence that is so inherently improbable that no reasonable mind could believe it . . . .

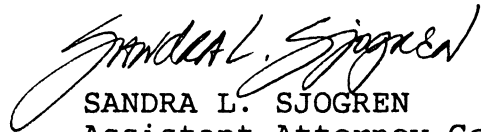
In short, the legal mechanism of arresting a judgment is a firmly entrenched exception to the rule of law in a proper case that jurors

Mary Noonan  
December 13, 1990  
Page Two

are the exclusive judges of the credibility  
of the witnesses and the weight of the  
evidence.

606 P.2d at 253 (footnote omitted, emphasis in original).

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra L. Sjogren". The signature is written in a cursive style with a large, looping initial "S".

SANDRA L. SJOGREN  
Assistant Attorney General  
Criminal Appeals Division

SLS/pg

cc: Edwin Beus