1982

State of Utah v. Edward Houser : Brief of Appellant

Utah Supreme Court

John W. Ebert; Attorney for Appellant;
David Wilkinson; Attorney for Respondent;

IN THE SUPREME COURT OF THE STATE OF UTAH

THE STATE OF UTAH,	:	
Plaintiff-Respondent	:	
-v-	:	
EDWARD HOUSER,	:	Case No. CR 81-558
Defendant-Appellant	:	

BRIEF OF APPELLANT

An appeal from the conviction of Theft by Receiving, a Felony of the Second Degree, and of Carrying a Concealed and Dangerous Weapon, a Felony of the Third Degree, in the Third Judicial District Court in and for Salt Lake County, State of Utah, the Honorable David B. Dee, Judge presiding.

LINDA E. CARTER
Salt Lake Legal Defender Assoc.
333 South Second East
Salt Lake City, Utah 84111
Attorney for Appellant

DAVID WILKINSON
Attorney General
236 State Capitol Building
Salt Lake City, Utah 84114
Attorney for Respondent

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BRIEF OF APPELLANT

STATEMENT OF THE NATURE OF THE CASE

Edward Houser appeals from a conviction and judgment of Theft by Receiving, a Felony of the Second Degree, and of Carrying a Concealed and Dangerous Weapon, a Felony of the Third Degree, in the Third Judicial District Court in and for Salt Lake County, State of Utah, the Honorable David B. Dee, Judge presiding.

DISPOSITION IN THE LOWER COURT

Appellant, Edward Houser, was charged with Theft by Receiving, a Felony of the Second Degree, in violation of Utah Code Annotated §76-6-408 (1953 as amended), and with Carrying a Concealed Dangerous Weapon, a Felony of the Third Degree, in violation of Utah Code Annotated §76-10-504 (1953 as amended). He was convicted of both charges in a jury trial and was subsequently sentenced to incarceration at the Utah State Prison

for the indeterminate concurrent terms of 1 to 15 years and 0 to 5 years respectively.

RELIEF SOUGHT ON APPEAL

Appellant seeks reversal of the conviction and judgment rendered below ans asks to have the case remanded to the Third Judicial District Court for a new trial or to have the judgment vacated and a judgment of acquittal entered.

STATEMENT OF THE FACTS

On December 14, 1980, a burglary occurred at the home of Dr. and Mrs. Broadbent sometime between the hours of noon and 4:00 p.m. When they returned hom from church, they found a number of items missing from their home and their house in a shambles. (15 T. at 54-56)[1] The missing items included jewelry, a watch, a pen set, birth certificates, clinic cards, and a check from a tenant made out to Dr. Broadbent. (15 T. at 61-71). It was stipulated by the parties that the amount of the items was greater than $1,000. (20 T. at 2). The Broadbents also found two spent bullets in their home. (15 T. at 57).

On January 1, 1981 Mr. Houser was arrested by Officer

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1. All references to the trial transcript from July 15, 1981 will be designated as "15 T."; references to the transcript from July 16, 1981 will be designated at "16 T."; and all references to the transcript from July 20, 1981 will be designated as "20 T."

DeWitt. This arrest was the subject of a motion to suppress mid-trial. During the course of that motion, Officer DeWitt was the only witness. He testified that he saw Mr. Houser about 4:00 p.m. on January 1, 1981, walking in an area near 717 South 200 East with some type of handcart for moving furniture. (15 T. at 82). At this point, the officer observed no lettering on the handcart. (15 T. at 88). The officer watched Mr. Houser place this handcart into his stationwagon and then proceeded to stop Mr. Houser and question him (15 T. at 84). He testified that he had four reasons for doing so. One was that he knew that Mr. Houser had a prior record, although he was unaware of what Mr. Houser had been arrested for, either at that time or at the time of the trial. (15 T. at 83-84; 96; 102-105). The second reason was that he had been at this same address about a week earlier in the course of an eviction of Mr. Houser's sister, and therefore, he believed that Mr. Houser no longer lived at that address. (15 T. at 83; 85)[2]. The officer's third reason was that he believed that he had seen most of Mr. Houser's belongings a week earlier and did not believe that Mr. Houser owned a handcart. (15 T. at 90; 95-96). The officer further testified that there was very little pedestrian traffic in the area at the time. (15 T at 95). He subsequently added that the landlord had asked him to

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2. But see (15 T. at 102) where the officer states that he did not know if defendant had moved out as yet.

arrest anybody who came back to that address after the eviction. (15 T. at 98).

After stopping Mr. Houser, Officer DeWitt asked Officer Cahoon to take a look at the handcart in the stationwagon. (15 T. at 85; 92-93; 96-97). Without opening the door to the stationwagon, Officer Cahoon looked in and told Officer DeWitt that the handcart said "Stokes Brothers" on it. (15 T. at 96;106). Officer DeWitt subsequently told Officer Cahoon to bring the cart to him. (15 T. at 94;96). No contact was made with Stokes Brothers at this time and the officers had no reports of either a theft or a burglary. (15 T. at 86; 88-89; 94-95). There were no questions and no conversation about what Mr. Houser was doing in the neighborhood. (15 T. at 91-92; 100-101).

Mr. Houser was then arrested by Officer DeWitt. A backpack in Mr. Houser's possession was searched, yielding some of the items from the Broadbents' home and a revolver. (15 T. at 76). The officer testified that he could not feel the revolver through the exterior of the pack. (15 T. at 76). At a later date, Mr. Houser accompanied another officer, Officer Gillies, back to the premises where he was arrested. At that time, a pen set of the Broadbents' was recovered from the premises. (16 T. at 32; 92). Mr. Houser also located other items from the Broadbent's home and gave them voluntarily to the police. (16 T. at 47; 63).

The rest of the testimony at trial came from Mr. Houser and some statements that Mr. Houser made to Officer Gillies when interviewed by the officer on January 5, 1981. The evidence

was that, on December 14, 1980, Mr. Houser was at the address of 717 South 200 East. The Defendant had returned to these premises to board up the place because it had been burglarized a day or two before. (16 T. at 68-69; 106-109). Two people came over, a man and a woman, subsequently identified as Ralph Schimerald and Lynette Gillman. (16 T. at 24; 28; 67-69; 109). They arrived somewhere between 3:00 and 5:00 p.m. with various items that the defendant subsequently identified as being from the Broadbent's. (16 T. at 25-26; 72). Mr. Schimerald was injured by a gunshot and was brought into the house by Mr. Houser and Ms. Gillman. (16 T. at 41-42; 70; 110). Mr. Schimerald refused to go to the hospital at Mr. Houser's suggestion. (16 T. at 41-42; 71). Ms. Gillman asked Mr. Houser to help her sort the jewelry items into precious metals and non-precious metals. This Mr. Houser refused to do. (16 T. at 73). However, he did take Ms. Gillman and show her two places where she could later take the items to find out which were precious metals. (16 T. at 27; 74-75; 113). He did not help her sell them in any way and in fact refused to accept any items that were offerred to him. (16 T. at 76-77). Mr. Houser did tell Officer Gillies, however, that he knew those items were stolen. (16 T. at 24; 29). In fact, Mr. Schimerald and Ms. Gillman had told him that Mr. Schimerald had just shot himself in the course of a burglary. (16 T. at 70; 73).

On December 17, 1980 Mr. Houser went back to 717 South 200 East. At that time niether Mr. Schimerald nor Ms. Gillman were there. (16 T. at 77; 114). However, Mr. Houser observed

a sawed off shotgun in a closet crawl space at that residence. (16 T. at 114). He did not remove the shotgun at that time. He also returned around December 20 and again on December 31. On December 31, Mr. Houser observed that the sawed off shotgun was in the trunk of a 1969 Buick of his that was parked out in front of the residence. (20 T. at 24-25). Earlier that evening, he had seen Mr. Schimerald at a party and at that time discovered that these items belonged to a Dr. Broadbent. (16 T. at 79). Mr. Houser bought some of the items from Mr. Schimerald with the intent to return them to Dr. Broadbent. In particular he bought a watch that he thought would have sentimental value to the Broadbents. (16 T. at 81-83; 103). Mr. Houser, his girlfriend, and his daughter spent the night at 717 South 200 East. At that time or the next day, Mr. Houser found a revolver outside of the window. (16 T. at 87; 121). Because the house had just been burglarized again a few days earlier, it was his belief that the revolver had been inadvertently dropped by the burglars. (15 T. at 23; 122). Mr. Houser picked up the revolver with a pen intending not to leave any fingerprints on it so that possibly the police could found out who had broken into the residence and taken his belongings. (16 T. at 40; 88).

Early on January 1, 1981, Mr. Houser, his girlfriend, and his daughter decided to go to a local miniature mart to get something to eat. (16 T. at 89-90). Prior to that time Mr. Houser had placed the revolver in the center compartment of his

pack and the belongings of the Broadbents in another compartment of his pack. (16 T. at 90; 96; 122). Because the pack was heavy with many items, Mr. Houser did not at first realize that the revolver was in the pack when they started to the miniature mart. When he suddenly remembered the gun, he decided to leave it where it was. He said that he was afraid that, if he left it in the house, the burglars would come back looking for it. He was also worried that, if he took it out of his pack, he would be arrested and taken to jail for having a firearm in his hand on the street. Therefore, he decided to leave it in the pack while he went to the miniature mart. (16 T. at 90-91; 104). It was later that day that he was arrested and had those items in his pack. (16 T. at 92).

Mr. Houser further testified that he did not wish to go to the police initially with the items from the Broadbents because he wanted to return them to the Broadbents without any police involvement. He had previously testified in another burglary case for the state and, as a result of that testimony, he was harrassed, called a snitch, and vandalized. So this time he thought he could return the items without incurring that type of harrasment. (20 T. at 15-18). Mr. Houser agreed to testify against Ralph Schimerald and Lynette Gillman when he was asked to by the officers. (16 T. at 98; 130-131). However, he was never subpoenaed and never did so testify. (16 T. at 103).[3]

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3. Although Officer Gillies claimed he believed that Mr. Houser was subpoenaed, (16 T. 49), he later recanted his testimony. (16 T. at 54).

Nevertheless, the officers did state that Mr. Houser was co-operative. It was through Mr. Houser that the officers were able to obtain the names of the two who had in fact burglarized the Broadbents and were able to regain much of the property that had been lost by the Broadbents. (16 T. at 36; 99-102; 125-126; 20 T. at 21).

ARGUMENT

POINT I

IT WAS ERROR TO DENY APPELLANT'S MOTION TO SUPPRESS

A

THERE WAS INSUFFICIENT SUSPICION TO STOP AND DETAIN APPELLANT

Utah Code Annotated §77-7-15 (1953 as amended) provides:

> A peace officer may stop any person in a public place when he has reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address, and an explanation of his actions.

If such a person is properly detained, an officer has a further right to "frisk the person for a dangerous weapon if he reasonably believes he or any other person is in danger." Utah Code Annotated §77-7-16 (1953 as amended). The officer in this case satisfied niether of these statutes.

Constitutional standards for a detention of a person not amounting to an arrest were outlined by the United States Supreme Court in Terry v. Ohio, 392 U.S. 1, 88 S.C. 1868, 20 L.Ed 2nd 889 (1968). In determining the reasonableness of any such seizure and subsequent search the Court stated:

> [In] justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together, with rational inferences from those facts, reasonably warrant that intrusion. Id. at 21.

The Court further admonished that the "good faith" of the officer was not in and of itself sufficient. Instead, an objective test was set forth by the Court. The critical question in assessing this stop is:

> Would the facts available to the officer at the moment of the seizure or search "warrant a man of reasonable caution in the belief" that the action taken was appropriate? Id. at 22

This type of search cannot be based on "mere curiosity, rumor or hunch." In Re: Tony C., 582 P.2d957, 959 (Cal. 1978).

This Court has recognized that each fact situation must be analyzed on its own merits. In State v. Whittenback, 61 P.2d 103 (Utah, 1980) this Court upheld a detention where the officer, knowing thefts had occurred in the area and that defendants had previously had contraband and a bag of coins, observed the defendants alone in a laundromat. The officers subsequently conducted a consent search of defendants' vehicle. More recently, this Court upheld a Terry stop in State v. Ballenburger, 652P.2d 927 (Utah 1982). In that case, the officers saw the defendants near their car in an empty shopping area at 3:00 a.m. This Court held that the lateness of the hour, the suspicious activities of the defendants, the knowledge

of an increased rate of burglaries in the area, and the observation of radio equipment in defendants' car justified the stop.

The reasons articulated by the officer in this case did not amount to a reasonable suspicion that criminal activity was occurring. Officer DeWitt testified that he saw Appellant walking in an area near 717 South 200 East. Appellant was apparently pulling or pushing an empty handcart, which he put in his stationwagon. At this point, the Officer approached and detained Appellant. Officer DeWitt's reasons for detaining Appellant were:

A. He knew that Appellant had a prior record but he did not know the nature of that record or what Appellant had previously been arrested for;

B. He knew Appellant's sister had been evicted from the residence at 717 South 200 East a week earlier and that Appellant no longer lived there;

C. He believed that he had seen most of Appellant's belongings previously and did not think Appellant owned a handcart;

D. There was very little pedestrian traffic in the area at the time;

E. The landlord had asked him to arrest anyone who came to the residence after the eviction.

These reasons, independently or collectively, fall short of comprising specific and articulable facts and creating rational inferences which warrant a reasonable suspicion to justify detaining the Appellant.

Appellant's prior record would have indicated nothing that would lead a reasonable officer to believe criminal activity was presently occurring. The police officer knew only that Appellant had some kind of prior record. He knew nothing more about it, not even what type of offenses were on the record. The officer also had no information that a theft had occurred in the area. However, even if the officer had legitimately suspected a theft based on other information, he stated that he had no knowledge that there were theft offenses on Appellant's record. There is thus no rational connection between stopping Appellant and his record.

The eviction of Appellant's sister from a residence in the area or the officer's belief as to the extent of Appellant's belongings similarly would not be a sufficient reason to detain him. The Officer said that he did not know if Appellant had moved his belongings out of the residence, so there was a logical explanation for his presence in the area other than criminal activity. Officer DeWitt further thought that he had seen all of Appellant's belongings on a prior occasion and did not think he owned a handcart. This reason is patently

ridiculous and cannot substitute for specific facts or rational inferences. Appellant could have rented a cart, borrowed it, or found one abandoned. Regardless, he need not have owned it in order to have legitimately had possession of it.

The fact that there was little pedestrian traffic in the area is also not a reasonable suspicion that Appellant was engaged in criminal activity. It was 4:00 p.m. on New Year's Day on a residential street. This fact is not a basis for reasonable susicion of anything. Appellant was approaching his own car, placing a handcart beside it. Appellant's mere presence in an area with few other people would not warrant a suspicion of criminal activity.

Officer DeWitt further said that the landlord had told him to arrest anyone returning to the house. Of course, citizens cannot tell police officers who to arrest and when to make arrests. The police must have their own reasonable suspicions to detain anyone, and need probable cause to make arrests, not permission from citizens. This was obviously not a major reason for the detention in any event, as the officer never even asked Appellant about his presence at the residence.

There were thus no specific and articulable facts which would have caused the officer to reasonably suspect that some criminal activity was occurring or that appellant was involved that activity. Unlike the facts in State v. Whittenback, supra, or in Ballenburger, supra, the officer in this case had

no knowledge of prior thefts in the area or that Appellant in fact had contraband. Without these threshold facts, confiscation of the handcart from the car and the subsequent search of Appellant were impermissible.

B

THE WARRANTLESS SEARCH OF APPELLANT'S VEHICLE WAS ILLEGAL

The Officers conducted a search of Appellant's vehicle without a warrant after he was detained but before he was arrested. This search was the fruit of an illegal detention. But even assuming a proper detention, this was not a search incident to arrest, nor is there evidence that it was a consent search. There was no stop of a moving motor vehicle or of Appellant in the vehicle, so this was not a situation where exigent circumstances existed to search the car. The only faintly plausible exception to the warrant requirement is the plain view doctrine.

The United States Supreme Court defined the plain view doctrine in Coolidge v. New Hampshire, 403 U.S. 443, 29 L.Ed. 2d 564, 91 S.C. 2022 (1971). In Coolidge, the Court held that plain view could not support the seizure of an automobile in defendant's driveway where the officers knew in advance they wanted to seize the car. The Court stated that the common thread of plain view case "is that the police officer in each of them had a prior justification for an intrusion in the course of which he came inadvertently upon a piece of evidence incriminating the accused"

and that " it is immediately apparent to the police that they have evidence before them." Id. at 466. Examples cited by the Court include contraband evidence discovered while in "hot pursuit" of a suspect or incident to an arrest on another matter. The limitations on plain view are intended to guarantee the Fourth Amendment warrant requirements are not infringed upon. The Court in Coolidge stated two objectives of the warrant requirement: "to eliminate altogether searches not based on probable cause" and "that those searches deemed necessary should be as limited as possible." Id. at 467. The requirement of inadvertence of discovery and an immediately apparent incriminating nature of the evidence safeguard the Fourth Amendment guarantees, but at the same time allow police to perform their duties.

The warrantless seizure of the cart in this case did not fall within the plainview exception. First, there was no legitimate reason for the officer to be in the area. Even assuming that the officer was legitimately there, however, the discovery of the cart by them was neither inadvertent nor did it immediately appear to be incriminating. Officer DeWitt saw no lettering on the cart himself. Instead, he instructed Officer Cahoon specifically to approach the vehicle and examine the cart. This was thus a calculated search, not an inadvertent discovery. Moreover, the handcart was not clearly incriminating. It did have the words "Stokes Brothers" printed on it, but the

police had no information regarding a burglary or theft of a handcart from Stokes Brothers nor did they first verify if any such information existed. There were many legitimate explanations other than criminal activity to explain Appellant's possession of the handcart. There was, therefore, an illegal seizure of the handcart without a warrant. Because such illegally seized evidence cannot be used to establish the probable cause for an arrest, Appellant's subsequent arrest and search was improper.

C.

THERE WAS NO PROBABLE CAUSE TO ARREST APPELLANT

Utah Code Annotated §77-7-2 (1953 as amended) provides:

> A peace officer may make an arrest under authority of a warrant or may, without, warrant, arrest a person: (1) for a public offense committed or attempted in his presence; (2) when he has reasonable cause to believe a felony has been committed and has reasonable cause to believe that the person arrested has committed it; (3) when he has reasonable cause to believe the person has committed a public offense, and there is reasonable cause for believing a person may: (a) flee or conceal himself to avoid arrest; (b) destroy or conceal evidence of the commission of the offense; or (c) injure another person or damage property belonging to another person.

In State v. Whittenback, supra, this Court recognized the standards set forth in Beck v. Ohio, 379 U.S. 89, 85 S.C. 223, 13 L.Ed. 2d 142 (1964), and in an earlier Utah case for determining

probable cause for arrest:

> The determination should be made on an objective standard: whether from the facts known to the officer, and the inferences which fairly might be drawn therefrom, a reasonable and prudent person in his position would be justified in believing that the suspect had committed the offense.

621 P.2 at 106, quoting from State v. Hatcher, 27 Utah 2d 318, 495 P.2d 1259 (1972). In Whittenback, where defendants were convicted of theft from a laundromat, the officer not only knew that thefts had been committed in the area, but also he had observed bulges in defendant's pockets and lock picks on the floor near defendants.

In this case, the police had no facts in which to base a reasonable cause to believe that the Appellant had committed any thefts. The arrest occurred after the handcart was illegally seized. Although the Court in Whittenback affirmed a search prior to the actual arrest, it was noted that the officer in fact had probable cause to arrest defendant prior to conducting the search. 621 P.2d at 106. In this case, no probable cause existed even after the discovery of the handcart. The officer simply observed Appellant with what appeared to be an unmarked handcart which he placed inside his car. While the officer knew that Appellant had a record, he did not know whether that included any theft charges. Further, although he did not think Appellant owned a handcart, there had been no reports of thefts in the area. Appellant's presence in the area

and eviction matter were irrelevant to whether there was probable cause regarding a stolen handcart. Even assuming that the seizure of the handcart was legal, the mere fact that "Stokes Brothers" was on the handcart was not reasonable cause to assume that criminal activity in the absence of a report of a theft or burglary. Appellant was arrested on a mere hunch by the officer. No rational inference that a crime had been committed, much less that Appellant had committed one, existed. This illegal arrest thus renders the subsequent search of the backpack inproper.

D.

SEARCH OF APPELLANT'S BACKPACK WAS ILLEGAL

Without a reasonable suspicion to detain Appellant, and without probable cause to search his car or to arrest him, the subsequent search of his backpack was illegal. Consequently, its contents should have been suppressed at the trial. These issues divide into two areas: (1) a search incident to arrest and (2) a search pursuant to a Terry stop and frisk situation.

The major issue is whether the trial court should have suppressed the contents of the backpack as a result of an illegal arrest. The United States Supreme Court in Mapp v. Ohio, 367 U.S. 643, 6 L.Ed. 2d 1081, 81 S.C. 1684 (1961), set forth the rule that evidence obtained as a result of a violation of the Fourth Amendment is not admissible in state courts. This rule has been most often utilized in the context of suppressing

confessions obtained after an illegal arrest. Brown v. Illinois, 422 U.S. 590, 45 L.Ed. 2d 416, 95 S.C. 2254 (1975); Wong Sun v. United States, 371 U.S. 471, 9 L.Ed. 2d 441, 83 S.C. 407 (1963) The purpose of the exclusionary rule is to deter constitutional violations and, thus, to preserve judicial integrity. Brown v. Illinois, supra, 422 U.S. at 599-600. In this case, search of Appellant's backpack was the result of his arrest without probable cause for the theft of the handcart. The evidence gained from the search should, therefore, have been suppressed.

Moreover, even if the search is perceived as being a result of the primary detention and not as the result of the arrest, it was improper. The authority to frisk for such circumstances is limited to a search "for a dangerous weapon" if [the officer] reasonably believes he or any other person is in danger." Utah Code Annotated §77-7-16 (1953 as amended). The Utah statute is based on the United States Supreme Court holding in Terry v. Ohio, supra, which expressly limited such frisks to "that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby." 392 U.S. at 2.

In this case, the officer specifically said that he did not observe an object appearing to be gun through the exterior of the pack. There were no other reasons voiced by the officer that would justify any suspicion of weapons or danger to the officer. To the extent, the officer voiced any

suspicion, it was that Appellant had stolen the handcart. Where the contents of the backpack were discovered only as a result of Appellant's illegal detention and/or arrest, without suspicion of weapons, it should have been suppressed at trial.

POINT II

THE EVIDENCE WAS INSUFFICIENT TO CONVICT APPELLANT

This Court has held that the evidence is insufficient to sustain a verdict where "the evidence is so lacking and insubstantial that reasonable men could not possibly have reached a verdict bevond a reasonable doubt." State v. Lamm, 606 P.2d 229, 231 (Utah 1980). Recently, this Court reversed a conviction in a theft case where the evidence was de minimis on the issue of unauthorized control of an allegedly stolen motor vehicle. State v. Franks, 649 P.2d 3 (Utah 1982).

In this case, the evidence on criminal intent was de minimis. Our system of justice is based on culpability involving both an act and a mental state. Neither is sufficient by itself. Utah Code Ann. §76-6-408 (1953 as amended) provides that a theft by receiving occurs when a person acts "with a purpose to deprive the owner" of property. Utah Code Ann. §76-10-504 (1953 as amended) is a general intent crime, not stating what level of mental culpability is required. However, Utah Code Ann. §76-2-102 (1953 as amended) provides that, where no mental state is specified, intent, knowledge, or recklessness is required. Thus, the State had to prove that Appellant acted at

least recklessly with respect to concealing the gun.

The State failed to present evidence to prove Appellant's intent beyond a reasonable doubt. The victims testified to the fact that their home was burglarized. Appellant testified that he knew who had committed the burglary and theft; how he had obtained the items from the burglary; and why he had a pistol in his backpack. Appellant testified that he intended to return the items to the victims, but wanted to do so without being labeled a "snitch." Consequently, he had not called the police. Appellant also testified that he was unaware he had the gun in his pack until he was on a public street where he felt he could not withdraw it. There was no evidence to rebut his testimony. The State merely relied on Appellant's actions of possessing the items from the burglary and the gun. This does not rise to proof beyond a reasonable doubt that Appellant either intended to deprive the owners of this property or recklessly concealed a weapon.

CONCLUSION

For the reasons set forth in this brief, the Appellant seeks to have this Court either 1) reverse the trial court's ruling which denied the motion to suppress and order a new trial; or 2) reverse the judgment below on the basis

that the evidence was insufficient to convict on the offenses charged and order the entry of a judgment of acquittal.

DATED this 3rd day of February, 1983.

Respectfully submitted,

Linda E. Carter

LINDA E. CARTER
Attorney for Appellant

DELIVERED a copy of the foregoing to the Attorney General's Office, 236 State Capitol Building, Salt Lake City, Utah 84114, this _____ day of February, 1983.

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