

2001

West Valley City v. Roy Benjamin Hoskins : Brief of Appellant

Utah Court of Appeals

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W. Andrew McCullough; Trenton K. Ricks; McCullough .

J. Richard Catten; Senior Attorney; West Valley City; Attorney for Plaintiff/Appellee.

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IN THE UTAH COURT OF APPEALS

STATE OF UTAH

WEST VALLEY CITY,	:	
	:	
Plaintiff/Appellee,	:	
	:	
vs.	:	Case No. 20010589-CA
	:	
ROY BENJAMIN HOSKINS,	:	Priority 2
	:	
Defendant/Appellant.	:	

APPEAL FROM A JUDGMENT OF THE THIRD DISTRICT COURT
OF SALT LAKE COUNTY, UTAH, HON. PAT BRIAN

Oral Argument & Published Opinion Requested

BRIEF OF APPELLANT ROY BENJAMIN HOSKINS

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FILED
Utah Court of Appeals

OCT 15 2001

Pauletta Stagg
Clerk of the Court

TABLE OF CONTENTS

TABLE OF CONTENTS	ii
TABLE OF AUTHORITIES	iv
STATUTES CITED	iv
ORDINANCES CITED	iv
JURISDICTION	1
ISSUES PRESENTED FOR REVIEW	1
CONSTITUTIONAL PROVISIONS, STATUTES, AND ORDINANCES AT ISSUE .	2
STATEMENT OF CASE	3
Nature of the Case	3
Statement of Facts	4
SUMMARY OF ARGUMENTS	8
ARGUMENT	9
POINT I:	
DEFENDANT'S BEHAVIOR DID NOT RISE TO THAT REQUIRED BY WEST VALLEY CITY'S ORDINANCE PROHIBITING FLEEING OR EVADING A POLICE OFFICER.	9
POINT II:	
THE TRIAL COURT WAS CLEARLY ERRONEOUS WHEN IT FOUND THAT DEFENDANT STATED "THE POLICE WERE TELLING ME OR SOMEONE TO STOP," AND THEREBY CONCLUDED THAT DEFENDANT HAD HEARD OR SEEN POLICE OFFICERS' ATTEMPTS TO HAVE DEFENDANT STOP.	14

CONCLUSION 20

MAILING CERTIFICATE 21

APPENDIX

(photocopies of actual documents)

A. The Amended Information filed in the District Court.

B. The Judgment of the District Court.

CASE AUTHORITY
TABLE OF AUTHORITIES CITED

<u>Berube v. Fashion Centre, Ltd.,</u>	
771 P.2d 1033, 1038 (Utah 1989)	2
<u>Bonneville Int'l Corp. v. State Tax Comm'n,</u>	
858 P.2d 1045 (Utah Ct. App. 1993)	11
<u>In re: Beasley,</u>	
883 P.2d 1343 (Utah 1994)	2
<u>Salt Lake Child & Family Clinic, Inc. v. Frederick,</u>	
890 P.2d 1017 (Utah 1995)	11
<u>State v. Finlayson,</u> 2000 UT 10, 994 P.2d 1243 (Utah 2000)	13, 14
<u>State v. Thurman,</u> 846 P.2d 1256 (Utah 1993)	2
<u>Utah v. Leyva,</u> 951 P.2d 738 (Utah 1997)	12, 13
<u>Zoll & Branch, P.C. v. Asay,</u> 932 P.2d 592 (Utah 1997)	11

STATUTES CITED

§ 78-2a-3(2)(e) U.C.A.	1
§ 41-6-13 (1) U.C.A.	3, 13
§ 41-6-13.5 (1)(a)	3, 12

ORDINANCES CITED

West Valley City Municipal Code, § 21-6-107	2, 3, 4, 8, 9, 18
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IN THE UTAH COURT OF APPEALS

STATE OF UTAH

---oooOooo---

WEST VALLEY CITY,	:	BRIEF OF APPELLANT
	:	
	:	
Plaintiff/Appellee,	:	
	:	
vs.	:	Case No. 20010589-CA
	:	
ROY BENJAMIN HOSKINS,	:	
	:	
Defendant/Appellant.	:	

---oooOooo---

STATEMENT OF JURISDICTION

The Utah Court of Appeals has jurisdiction to hear this appeal pursuant to § 78-2a-3(2)(e) U.C.A.

ISSUES PRESENTED FOR REVIEW

1. Does the evidence in this case, reviewed in the light most favorable to the Plaintiff, prove a violation of the ordinance under which it was brought?

This issue was preserved for appeal by Plaintiff's argument at trial and, as a question of statutory construction, is reviewed for correctness, giving no particular deference to the Trial Court's

decision. See Berube v. Fashion Centre, Ltd., 771 P.2d 1033, 1038 (Utah 1989). Insofar as the issue depends on the sufficiency of the evidence to meet the requirements of the ordinance, Defendant must marshal the evidence in favor of the Plaintiff and show that it is not sufficient. See In re Beasley, 883 P.2d 1343 (Utah 1994).

2. Did the Trial Court commit a clear error when it held that Defendant stated "the police were telling me or someone to stop" when Defendant testified at trial, and thereby concluded that Defendant had heard or seen the police officers trying to get him to stop?

This is a finding of fact and "the trial court's underlying factual findings will not be set aside unless they are found to be clearly erroneous." See State v. Thurman, 846 P.2d 1256, 1271 (Utah 1993). Insofar as the issue depends on the sufficiency of the evidence to meet the requirements of the ordinance, Defendant must marshal the evidence in favor of the Plaintiff and show that it is not sufficient. See In re Beasley, 883 P.2d 1343 (Utah 1994).

CONSTITUTIONAL PROVISIONS, STATUTES AND ORDINANCES AT ISSUE

West Valley City Criminal Code:

21-6-107 Fleeing a Peace Officer.

It is a class "B" misdemeanor for any person on foot on or in a non-motorized vehicle to knowingly flee from, evade, escape or attempt to flee from, escape or evade a peace officer after being lawfully detained, arrested or stopped, or after receiving a reasonable visual or audible signal or command to remain or stop.

**41-6-13 (1) Obedience to Peace Officer or Other Traffic Controllers
- Speeding in Construction Zones**

A person may not willfully fail or refuse to comply with any lawful order or direction of any peace officer, fireman, flagger at a highway construction or maintenance site, or uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.

**41-6-13.5 (1)(a) Failure to Respond to Officer's Signal to Stop -
Fleeing - Causing Property Damage or Bodily Injury - Suspension of
Driver's License - Forfeiture of Vehicle - Penalties.**

An operator who receives a visual or audible signal from a peace officer to bring his vehicle to a stop may not operate his vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person and may not attempt to flee or elude a peace officer by vehicle or other means.

STATEMENT OF CASE

Nature of Case

This is an appeal from a judgment and order of conviction in which Defendant was convicted in the Third District Court, West Valley Department, of the crime of evading a police officer pursuant to § 21-6-107 of the West Valley City Municipal Code. The matter was tried, without a jury (R. 49), on July 9, 2001 and the

judgment of conviction was entered on July 10, 2001. The notice of appeal was filed July 16, 2001 (R. 52).

Statement of Facts

A West Valley City ordinance makes it a class "B" misdemeanor for any person on foot or in a non-motorized vehicle to knowingly flee from, evade, escape or attempt to flee, escape or evade a peace officer . . . after receiving a reasonable visual or audible signal or command to remain or stop." (West Valley City Criminal Code 21-6-107)

On or about March 22, 2001, at approximately 7:30 p.m., Defendant was driving home from work. As he drove by the park across the street from his house, he saw some neighborhood kids who were responsible for painting graffiti on his new fence. Immediately after parking his car in his driveway, the Defendant walked across the street and confronted the kids about the graffiti. While he was talking to the kids, two West Valley police officers, having been dispatched to the neighborhood to investigate a reported disturbance, pulled up in their patrol car and parked some distance away from the group to watch. Responding to questions about the nature of the call and the description of the suspect,

Officer Casias testified that he and his partner "were given that the suspect was--was a male black with a shaved head, a blue Hawaiian shirt and he at--at the time, was confronting some males at the basketball court at that location." (Tr. 6). Officer Robert Casias said he and his partner, after seeing the Defendant "talking to a group of people next to the curb by the roadside," did nothing to announce their presence to the group (Tr. 6). Officer Casias testified that, "We did not turn our lights or anything on, but we pulled over to the curb and kinda observed." (Tr. 6).

From here, the facts remain in dispute (see Point II below). Officer Casias testified that as the Defendant finished talking with the kids and began walking away from the park he and his partner got out of the car to "make contact with him and at that time is when we started telling him to stop." (Tr. 11).

Officer Casias testified that he yelled for the Defendant to stop "three or four times," (Tr. 7) the first of which caused the Defendant to begin hopping and jumping and prancing across the street. Under cross examination, Officer Casias explained how he remembered the Defendant acknowledged the command to stop:

Q So, he--he crossed the street at some point and walked up to his house and went in?

A Yeah.

Q Or you say danced?

A He put his hands up in the air and was hopping up and down where which-

Q Hopping up and down?

A He was jumping up and down as he went across, like he was prancing across the road. (Tr. 10, 11)

When asked under cross-examination if he was clear that the Defendant saw or heard the officers, Officer Casias said, "There's no question in our mind, he--he saw us, turned his back towards us ..." (Tr. 11).

The Defendant, however, testified that after he began walking away from the park and until he walked into his house, he did not hear anyone yelling for him to stop (Tr. 15), and that he did not hop, jump or prance across the street (Tr. 15). This testimony is supported by that of two other trial court witnesses: Andrew Kaufana, a neighbor, and Jodi Mattinson, Defendant's girlfriend.

When asked if he heard the police officers yell at the Defendant, Mr. Kaufana testified he did not:

Q Now, you heard this officer testify he yelled loudly three or four times to stop; you didn't hear any such

thing?

A No. I didn't. (Tr. 21)

When asked if he saw the Defendant "hopping or dancing," Mr. Kaufana said, "no" (Tr. 22). Ms. Mattinson's testimony also backs this up as she testified that she did not hear the police officers yelling for anyone to stop (Tr. 26), and that she saw the Defendant walk normally into his house (Tr. 27).

At this point, Defendant walked into his house. Defendant testified that he walked into his house and put the dogs into the backyard. Hearing a commotion in his front yard, he walked around the side of his house and toward the front yard. At that point, he was directly confronted by a number of police officers with their weapons drawn. Defendant's testimony makes in clear that his concern was getting his dogs into his backyard, not eluding the police:

Q What did you do when you got in your house?

A I put my dogs out. I keep my dogs in the house when I'm away and I put the dogs out in the back yard when I'm at home.

Q And so you went out into the back yard with your dogs?

A Yes, sir. To put the dogs out.

Q And what did you see or hear then?

A At the time, my girlfriend's still yelling, I come to the front, when I come to the front, the officers, seven or eight of them, had their AR-14s pointed, told me to get on the ground." (Tr. 16)

When the Defendant was asked how long it took him to get into his house, take the dogs out and get into the back yard, he testified that it took, "Fifteen seconds, 20 seconds, max." (Tr. 17). When asked if he knew "what the fuss was about" before being confronted and arrested by the police officers in his front yard, Defendant testified that he did not (Tr. 17).

For his part, Officer Casias testified that the Defendant walked into his front door and soon re-appeared around the side of the house, walking toward the police officers in the front yard, where he was handcuffed and arrested.

Defendant was charged with fleeing a police officer.

SUMMARY OF ARGUMENTS

I. Viewing the facts in the light most favorable to the Trial Court's conclusion, the Defendant's behavior did not rise to that required by West valley City's ordinance prohibiting "fleeing a peace officer."

II. The Trial Court was clearly erroneous when it found that

Defendant stated "the police were telling me or someone to stop," and thereby concluded that defendant had heard or seen police officers' attempts to have Defendant stop.

ARGUMENT

POINT I

DEFENDANT'S BEHAVIOR DID NOT RISE TO THAT REQUIRED BY WEST VALLEY CITY'S ORDINANCE PROHIBITING FLEEING OR EVADING A POLICE OFFICER.

Viewing the evidence in the light most favorable to the Trial Court's determination, the Defendant heard police officers yell at him to stop, made some kind of acknowledgment, and then hopped, jumped or pranced across the street and walked into his house. He then took only a few minutes to let his dogs out into the backyard and then returned to the front of his house where he was directly confronted and arrested by the officers.

When asked what he said when he first approached the Defendant, Officer Casias said, "We told him to stop. He seen (sic) us, he did-he turned around, I don't know what he was doing, he was facing east, with his back towards us." (Tr. 7).

Q Did he acknowledge you, turn around, say anything?

A He did something when he turned his back towards us and then he put his hands up in the air and started to dance around and he headed north across the street, going to

the house right on the northeast corner. (Tr. 7)

Under cross-examination, Officer Casias said the Defendant was "hopping up and down," and he was "jumping up and down as he went across, like he was prancing across the road." (Tr. 10, 11).

Q Did he ever come back out of the home?

A While I was talking to (Defendant's girlfriend) other officers were arriving and the next thing I know, he was in the backyard area.

Q Okay. Was he apprehended in the backyard?

A Apparently not. He was told to come out, he did ...
(Tr. 9)

Even assuming that Defendant heard the police officers yelling for him to stop, his subsequent behavior, even taken in the light most favorable to the Trial Court's determination, hardly rises to the level required by the common meaning of the terms "flee," "escape" or "evade."

In questions of statutory construction, Utah law requires that courts must follow the plain meaning of unambiguous language. "When language is clear and unambiguous, it must be held to mean what it expresses, and no room is left for construction." See Salt

Lake Child & Family Clinic, Inc. v. Frederick, 890 P.2d 1017, 1020 (Utah 1995); and "a statute's unambiguous language 'may not be interpreted to contradict its plain meaning.'" See Zoll & Branch, P.C. v. Asay, 932 P.2d 592, 594 (Utah 1997). Finally, in those instances when a term might have a number of possible meanings, this Court has held that "a statutory term should be interpreted and applied according to its usually accepted meaning, where the ordinary meaning of the term results in an application that is neither unreasonably confused, inoperable, nor in blatant contradiction of the express purpose of the statute." See Bonneville Int'l Corp. v. State Tax Comm'n, 858 P.2d 1045 (Utah Ct. App. 1993).

The American Heritage Dictionary defines the most common usage of "evade" as: "To escape or avoid by cleverness or deceit." Not only is this definition given priority of place in the dictionary, but it is the most consistent usage of the word within the context of the ordinance. The other two terms used by the West Valley ordinance support this definition for "evade." The terms "escape" and "flee" imply even more strongly the idea of running or trying

to get away from something, or to removing yourself from a set of circumstances. The American Heritage Dictionary defines "escape" as "break[ing] loose from confinement"; and "flee" as "run[ning] away."

The ordinance at issue here is a West Valley city ordinance. It is certainly analogous to the Utah statute on evading or eluding a police officer, § 41-13.5 U.C.A. set forth above. This statute applies to motor vehicles, but also prohibits "attempt[ing] to flee or elude a peace officer by vehicle or other means. A look at some evading cases brought under the State statute that have reached the higher courts are illustrative. In Utah v. Leyva, 951 P.2d 738 (Utah 1997), the Supreme Court reviewed a case in which a Utah Highway Patrol Trooper turned on his emergency lights and siren in an attempt to stop and detain Mr. Leyva only to have the defendant speed up in an attempt to elude the trooper for several miles until he finally crashed. The trooper told Mr. Leyva that he was being charged with a number of crimes, including evading an officer. In the conversation which followed, the officer asked the Defendant: "So you admit you saw my lights and were trying to run from me?"

The defendant replied: "Yeah, I was. . . ." 951 P.2d at 740. Defendant contends that this is the same kind of conduct prohibited by the subject ordinance, and that his conduct did not show an intent to run or hide. Even with these facts, Mr. Leyva was convicted not of evading, but of failing to respond to an officer's signal, in violation of § 41-6-13. That statute prohibits a person from wilfully failing to comply with "any lawful order or direction of any peace officer". Perhaps this conduct is what Defendant committed; but this behavior is an infraction, not the more serious Class B misdemeanor with which Defendant stands convicted. Mere failure to obey is not the crime charged, The elements include an attempt to flee; and this simply was not proved.

In State v. Finlayson, 2000 UT 10, 994 P.2d 1243 (Utah 2000), the Supreme Court turned to Black's Law Dictionary to define "flight" as:

"The evading of the course of justice by voluntarily withdrawing one's self in order to avoid arrest or detention Also comprehends concealment. (Quoting Black's Law Dictionary 640 (6th ed. 1990)).

The Court continued by holding that,

"It is quite clear , however, that at the very minimum,

flight includes (1) a leaving and (2) a subsequent hiding out, evasion, or concealment." 2000 UT 10 at ¶70.

It seems clear that Defendant's behavior does not fit into the common usage of the terms in the ordinance, nor does it meet the analogous definition of "flight" established by the Utah Supreme Court. Defendant's conviction can only survive this Court's review if the terms used in the ordinance--specifically "flee," "escape" and "evade"--are construed to mean something similar to disobeying a police officer's order. Had the Plaintiff prosecuted the Defendant under a theory of general disobedience, the fit between facts and law would not be as fatally imprecise as in this present case. However, that is not this case, in which the conviction rests on an incorrect construction of the ordinance.

POINT II

THE TRIAL COURT WAS CLEARLY ERRONEOUS WHEN IT FOUND THAT DEFENDANT STATED "THE POLICE WERE TELLING ME OR SOMEONE TO STOP," AND THEREBY CONCLUDED THAT DEFENDANT HAD HEARD OR SEEN POLICE OFFICERS' ATTEMPTS TO HAVE DEFENDANT STOP.

The clear weight of the evidence, even when marshaled, does not support the factual conclusion that Defendant stated that "the police were telling me or someone to stop" thereby allowing for the

conclusion that Defendant heard or saw the police telling Defendant to stop. This finding is critical because the ordinance requires that the Defendant "knowingly" tried to evade or flee from the police after "receiving" a signal or command to stop.

Early in the direct examination of the Defendant, he stated that, "At the time I believe the police officer was telling me or whoever to stop, the police car was at least 75 feet away from my house." (Tr. 14, 15). He continued, "At the approximate time, I may have been 15 feet from my door ... when the officer was telling us to-or telling whoever to stop; once again, I'm not hearing-" (Tr. 15).

There are at least two different ways to interpret these statements, each conveying a very different idea. The wedge between the interpretations raises the question of how the Defendant arrived at his belief that the police officer was "telling me or whoever to stop." The interpretation that supports Defendant's conviction, on which the Trial Court seemed to rely for its verdict, is that the Defendant's belief was based on his hearing or seeing the police trying to stop him. An equally

plausible interpretation is that his belief was based on things he had been told after his arrest and before the trial. The weight of the evidence supports the latter.

The Defendant's own testimony is that he did not know the police officers were following him toward his house. In response to the question, "Do you remember a policeman yelling at you?" Defendant responded "No, sir." (Tr. 15); and to the question, "You did not know anyone was behind you?" he, again responded, "No, sir." The Defendant testified that until he let the dogs out and began walking back toward the front of his house, he didn't know the reason for all the noise and yelling he'd heard while dealing with his dogs (Tr. 17).

The West Valley City Attorney, however, ignored all the subsequent testimony and jumped to the conclusion that Defendant said what he did because he had actually heard the police yelling for him to stop. The short cross-examination of the Defendant pushed hard for this conclusion:

Q At the beginning of your testimony, you said that you heard officers yell to you or someone to stop; isn't that correct?

A I heard the officers yelling, yes, sir, and the people over at the park yelling, yes, sir.

Q Okay. But then you testified that [sic] were yelling at you or at someone--

A I had no--

Q --you weren't sure, to stop?

A I have no idea.

Q Okay. But--

A I didn't hear one say stop or anything.

Q Let me stop you. At the beginning of your testimony, you said that you heard the officers yelling at you or someone to stop; isn't that correct?

A Yes, sir. (Tr. 18)

This exchange shows that what the Defendant actually said was close to what the prosecution attorney tried on cross to get Defendant to admit to, but not verbatim. The subtle difference between what Defendant actually said and what the prosecuting attorney gets him to agree to is the difference between admitting to hearing the officer yell stop and admitting only to a belief that the officer yelled for him to stop; a belief he could have come by in the interim since the event. At every opportunity

Defendant was given to explain what happened, Defendant was clear that he heard yelling but was not aware it was directed at him.

On redirect, the Defendant was asked one more time, so as no question of interpretation would blur the issue, "Mr. Hoskins, did you understand that someone was yelling for you to stop?" to which he answered, "No. Not for me to stop, no, sir." (Tr. 18).

In addition to Defendant's testimony, much of the other testimony does not support a finding that the Defendant "stated, 'the police were telling me or someone to stop'." For example, Officer Casias testified that he and his partner made no attempt to announce their presence until the Defendant was walking away from the park and the patrol car. Only then did the officers think "we'd better get out of the car and make contact with him..." (Tr. 11). A neighbor who witnessed the whole encounter testified that after the Officer Casias got out of his car he walked "to the back of his car and him and the other officer pulled out their firearms" and only then began to approach the Defendant, by which time the Defendant "was already at his front door going into his house." (Tr. 21).

The neighbor also testified that he could not recall hearing the police officers say anything directed toward the Defendant (Tr. 21). This witness's testimony not only supports the conclusion that the Defendant did not hear the police yelling stop, but the idea that the Defendant was not even in a position to hear. Even Officer Casias admitted at trial that he and his partner were "a ways away" when they began yelling at the Defendant (Tr. 12).

The Defendant's girlfriend, who witnessed the event from Defendant's front yard, testified that the police officers "pulled up fairly far away and they did not scream to anybody to stop" (Tr. 25); and that she "didn't hear them scream stop, but I was screaming myself" (Tr. 26); and that "there was a lot of noise going on. When cops pull up with their AK-47s, there's a lot of noise going on." (Tr. 28).

In addition, even assuming Defendant heard the police yelling for someone to stop, there is no evidence to support the idea that the police officers' commands were with the reasonable specificity required by the ordinance. West Valley City Criminal Code 21-6-107 requires that the prosecution prove that the police officers'

visual or audible signal or command to remain or stop be "reasonable" and Defendant "knowingly" ignored the command and attempted to flee. In the present case, with the cacophony of the yelling kids, police officers and Defendant's girlfriend added to the fact that Defendant was not doing anything he believed a police officer would want him to stop, a "reasonable" audible signal needs a degree of specificity beyond a simple command to stop to meet the requirements of this ordinance.

At every opportunity in his testimony, Defendant was given to explain what happened, Defendant was clear that he heard yelling but did not have reason to think the yelling was directed toward him.

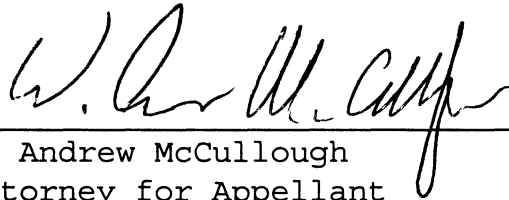
CONCLUSION

Even when marshaled in favor of the Trial Court's finding, the clear weight of the evidence does not support the conclusion that Defendant knowingly disregarded a reasonable signal to remain or stop and, instead, attempted to escape, flee or evade the police officers. In addition, the behavior of the Defendant, when he entered his home for the purpose of letting his dogs out into the

backyard before returning to the front of his house, does not meet the common usage of the terms "evade," "escape" or "flee."

DATED this 13th day of October, 2001.

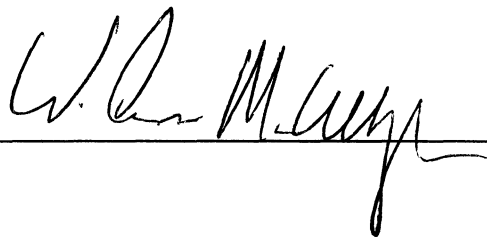
MCCULLOUGH & ASSOCIATES, L.L.C.

A handwritten signature in cursive script, appearing to read "W. Andrew McCullough", written over a horizontal line.

W. Andrew McCullough
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2001, I did mail two true and correct copies of Appellant's Brief to J. Richard Catten, attorney for Appellee, 3600 Constitution Blvd., West Valley City, UT 84119.

A handwritten signature in cursive script, appearing to read "W. Andrew McCullough", written over a horizontal line.

APPENDIX

received:
6-8-01

TRC
7-9-01
1:30
JBS

John W. Huber (7226)
Melanie Serassio (8273)
Ryan Robinson (8507)
Brennon Fuelling (8670)
West Valley City Prosecutors
3600 Constitution Boulevard
West Valley City, Utah 84119
(801) 963-3331

**IN THE JUSTICE COURT, STATE OF UTAH
SALT LAKE COUNTY, WEST VALLEY DEPARTMENT**

STATE OF UTAH (West Valley City)

Plaintiff,

v.

**ROY BENJAMIN HOSKINS
2689 VESPA DRIVE
WEST VALLEY CITY UT 84119
DOB: 08/10/73**

Defendant.

**AMENDED
INFORMATION**

Court No.011101442

The undersigned Affiant, based on West Valley Police Case Number 01-13389, under oath states on information and belief that the defendant, on or about 03/22/2001, committed the following crime(s) within the city limits:

COUNT 1: Fleeing a Peace Officer, West Valley City Municipal Code 21-6-107 (Class B), It is a class "B" misdemeanor for any person on foot or on or in a non-motorized vehicle to knowingly flee from, evade, escape or attempt to flee from, escape or evade a peace officer after being lawfully detained, arrested or stopped, or after receiving a reasonable visual or audible signal or command to remain or stop.

This Information is based on the evidence obtained from the following witnesses:

OFFICER CASIAS, 8262
OFFICER J. PEARCE, 8119

The evidence from those witnesses is summarized in the following probable cause statement:

THE DEFENDANT FAILED TO RESPOND TO THE OFFICER'S COMMAND TO STOP,
AND PROCEEDED INTO HIS HOME.



AFFIANT

SUBSCRIBED and SWORN to before me this _____ day of _____, 20____.

MAGISTRATE

01-13389, hk, June 07, 2001

Third District Court, State of Utah
Salt Lake City, West Valley Department
3636 S. Constitution Blvd., WVC, UT 84119

SENTENCE / JUDGMENT FORM

CITY / STATE

-VS-

Plaintiff.

CASE NUMBER 011101442

DATE 7-10-01

JUDGE B. J. [Signature]

CLERK [Signature]

Plaintiff Counsel [Signature]

Defense Counsel [Signature]

Interpreter: _____

Ray B. Hopkins

Defendant

DOB: 8/10/73

CHARGES:

1st Degree Murder

AMENDED:

guilty find

THE COURT SENTENCED THE DEFENDANT AS FOLLOWS:

(1) FINE AMT	\$ <u>300</u>	SUSP	\$ _____	JAIL	<u>30</u>	SUSP	<u>30</u>
FINE AMT	\$ _____	SUSP	\$ _____	JAIL	_____	SUSP	_____
FINE AMT	\$ _____	SUSP	\$ _____	JAIL	_____	SUSP	_____
FINE AMT	\$ _____	SUSP	\$ _____	JAIL	_____	SUSP	_____
FINE AMT	\$ _____	SUSP	\$ _____	JAIL	_____	SUSP	_____
FINE AMT	\$ _____	SUSP	\$ _____	JAIL	_____	SUSP	_____

(2) RESTITUTION \$ _____ Pay to: _____ Court _____ Victim _____ Show Proof to Court

(3) COURT COST \$ _____

(4) ATTORNEY FEES \$ _____

TOTAL DUE \$ 300.00

Payment Schedule: Pay \$ _____ mo _____ 1st Pmt Due _____ Last Pmt due 10-10-01

(5) Community Service in lieu of Jail / Fine _____ Hrs _____ Date Due _____

(6) Probation / TUA _____ Mos. 12 Court ☒ AP & P _____ ACEC _____

(7) TERMS OF PROBATION / TUA

- | | |
|--|---|
| <input checked="" type="checkbox"/> No Further Violations | <input type="checkbox"/> Counseling thru _____ |
| <input type="checkbox"/> AA Meetings _____ /wk _____ /month | <input type="checkbox"/> Classes _____ |
| <input type="checkbox"/> Random UA's | <input type="checkbox"/> In/Out Treatment _____ |
| <input type="checkbox"/> No Alcohol/non prescribed Cont Subs | <input type="checkbox"/> Health Testing _____ |
| <input type="checkbox"/> Antabuse | <input type="checkbox"/> Employment _____ |
| Proof of <u>letter of apology to WVC by 7/15/01</u> | |
| <input type="checkbox"/> OTHER _____ | |

APPEAL MUST BE FILED WITHIN
30 DAYS OF JUDGMENT

x Ray B. Hopkins
Defendant

District Court Judge [Signature]

