

2017

**State of Utah, Plaintiff/Appellee, v. Daniel Wayne Fakatou,
Defendant/Appellant.**

Utah Court of Appeals

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Supplemental Submission, *Utah v Fakatou*, No. 20150328 (Utah Court of Appeals, 2017).
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February 23, 2017

Lisa Collins
Clerk, Utah Court of Appeals
Utah Court of Appeals
450 South State Street, 5th Floor
P. O. Box 140230
Salt Lake City, Utah 84114

Re: *State v. Fakatou*
Appeal No. 20150328-CA

Dear Ms. Collins:

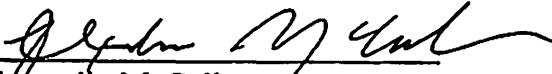
I am writing to inform the Court that Mr. Fakatou does not intend to file a reply brief in the above case because the Brief of Appellant adequately addresses the Brief of Appellee. Accordingly, no reply brief is necessary under Utah Rule of Appellate Procedure 24(c). However, Fakatou points out that—contrary to the State’s claim—the Court should reach the merits of his issue because he has adequately briefed his argument. *See* Aple. Br. 5, 8-9

The Utah Rules of Appellate Procedure provide that each “argument shall contain the contentions and reasons of the appellant with respect to the issues presented, including the grounds for reviewing any issue not preserved in the trial court, with citations to the authorities, statutes, and parts of the record relied on.” Utah R. App. P. 24(a)(9).

In his opening brief, Mr. Fakatou argues that the trial court plainly erred when it ordered that he complete inpatient treatment at the First Step House as a condition of his probation. *See* Aplt. Br. 4-6. He supports and develops his argument with citation to authorities, including controlling statutes and case law, as well as an article relevant to the inpatient versus outpatient treatment question. *See id.* Fakatou also alerts the Court to

the parts of the record that are pertinent to the issue he raises. *See id.* Finally, as required under rule 24(a)(9), Fakatou sets forth the plain error standard as the “ground for reviewing” his unpreserved claim. *See id.* at 5-6. Thus, Mr. Fakatou adequately briefed the issue.

Sincerely,

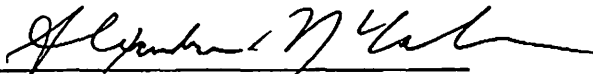


Alexandra McCallum
Appellate Attorney

Cc: Jennifer Paisner Williams

CERTIFICATE OF DELIVERY

I, ALEXANDRA S. MCCALLUM, hereby certify that I have caused to be delivered the original of the foregoing to the Utah Court of Appeals, 450 South State, 5th Floor, P.O. Box 140210, Salt Lake City, Utah 84114-0210, and one copy to the Utah Attorney General’s Office, 160 East 300 South, 6th Floor, Salt Lake City, Utah, 84114-0854, on this 23rd day of February, 2017.



ALEXANDRA S. MCCALLUM

DELIVERED this 23rd day of February, 2017.