

2002

## Utah v. Norris : Unknown

Utah Court of Appeals

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### Recommended Citation

Legal Brief, *Utah v. Norris*, No. 20020966 (Utah Court of Appeals, 2002).  
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STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



FILED  
UTAH APPELLATE COURTS  
MAY 14 2004

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May 14, 2004

Utah Court of Appeals  
Scott M. Matheson Courthouse  
450 S. State, 5th Floor  
Salt Lake City, UT 84114

Re: *State v. Norris*, Case No. 20020966-CA

**U.R.A.P. 24(i) Letter**

Dear Court Clerk:

The State submits this letter to the clerk of the court pursuant to rule 24(i), Utah Rules of Appellate Procedure.

In point III of defendant's brief, defendant contends that alleged constitutional defects in the communications fraud statute divest the trial court of jurisdiction over the matter. Aplt. Brf. at 31-33. The State responded to that claim in point I of its brief. Aple. Brf. at 6-9. Defendant replied to the State's response in point I of his reply brief. Rply Brf. at 3-6.

The Utah Supreme Court's decision in *Myers v. State*, 2004 UT 31, — Utah Adv. Rep. —, issued after the parties filed the foregoing briefs, addresses the effect of an alleged defect in a statute on the trial court's jurisdiction. See *Myers*, 2004 UT 31, ¶¶ 15-16 (holding that aggravated murder is a criminal case over which trial court has jurisdiction even though statute is challenged as unclear or unconstitutional).

Sincerely,

  
Jeffrey S. Gray  
Assistant Attorney General

cc: Jennifer K. Gowans, Fillmore Spencer LLC, 3301 N. University Avenue, Provo, UT 84604