

1992

Corporate City of Roy v. Brandon Gresham : Unknown

Utah Court of Appeals

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Christopher G. Davis; Roy City Attorney.

Brandon Gresham; Pro-per.

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CORPORATE CITY OF ROY)
5051 SOUTH 1900 WEST)
ROY UTAH 84067)
(PLAINTIFF, APPELLEE))

BRANDON GRESHAM
2072 WEST 4600 SOUTH
ROY UTAH
(ACCUSED, APPELLANT)


02-1199-CA


The Accused is charged with the offense of Obscured Driver's View in violation of UCA 41-6-149 on the 3rd day of February, 1992.

In the Court of Appeals

<u>Corporate City of Roy</u> (plaintiff/appellee))	Brief of the Appellants Appeal for Dismissal of Charges.
vs.)	
<u>Brandon Gresham</u> (defendant/appellant))	Case No. 920199-CA

The trial court was the 2nd Circuit Court, Weber County, Judge Alfred C. VanWagenen. The Roy City Attorney, council for the plaintiff, was Christopher G. Davis. The Defendant, Brandon Gresham, was Pro-Per.


Brandon Gresham
Pro-Per


Christopher G. Davis
Roy City Attorney


Cheryl Z. Cate
Clerk of the Court

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CIRCUIT COURT
ROY CITY, DEPT.

FILED

DEC 3 1992

The appellant comes now and petitions the Utah Appellate Court for relief of charges and findings brought against the appellant by the inferior 2nd Circuit Court of Roy, the State of Utah, and the appellant recognizes Jurisdiction of the Utah Appellate Court, as the superior Court, in as much as the appellate Court abides by Article III and Article VI of the Constitution for the United States of America as outlined.

Table of Contents

1. Outline of Events P.1, P. ii
2. The appellant alleges he has been denied his due process of law and requires a remedy thereof. P.3, P. i
3. The appellant alleges that Judge VanWagenen acted with prejudice and bias when the judge overlooked evidence that the appellant was on private property, not on a public thoroughfare, when he was wrongfully charged. P.1, P. iii-iv
4. Summary and conclusion containing a requirement of Relief Sought by the appellant. P.3, P. i

Table of Authorities

1. Utah Criminal Code: 11-5-D	P. 1, P. iv
2. Utah Criminal Code: 11-8-A	P. 1, P. iv
3. Utah Criminal Code: 16-B	P. 1, P. iv
4. Map of the area in question issued by Roy City as an Official Document.	P. 1, P. iii

Outline of Events

To help the Appellate Court understand the event as it took place, the appellant offers the following outline:

The defendant, who will be further referred to as the appellant, moved his 1969 Volkswagen from the parking lot of the L.D.S. Church Seminary to the parking lot of the Roy High school and was stopped and cited by officer Greg Winham, of the Roy City Police Department, for obscured driver's view.

The appellant argued before Judge VanWagenen that the appellant was not witnessed by the officer on public property and the appellant was therefore not under the officer's Jurisdiction.

(see attached map.)

The appellant demanded a dismissal of charges based on the forementioned conclusion before the trial court whereupon the motion demand for dismissal was ruled against without reason or conclusion by Judge VanWagenen. The appellants, therefore, seeks relief by the dismissal of the judgement against him, before the appellate Court, based on the fact of the absence of Jurisdictional authority on the part of the plaintiff.

The appellant also claims he was denied due process of Law when he required and filed for information and discovery on the 10th day of March, 1992, and that the required information and discovery was not provided to the appellant until the day of the trial. The appellant states that such information was not provided to him for the purpose of preparing his defense and a motion was filed on the 17th day of March, 1992, requiring a continuance for the purpose of obtaining such information.

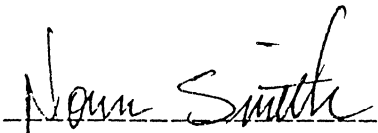
(see motions attached.)

The trial court Judge, Vanwagenen, answered the appellants motion for

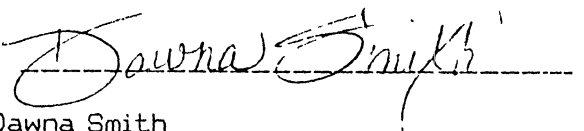
discovery with his decision dated the 11th day of March, 1992, when he stated, "The defendant's request for discovery shall be responded to by the prosecutor by March 14, 1992, or a motion shall be filed by either party and noticed for a hearing in time to hear the motion, a reasonable time prior to the trial date, or it may be necessary to continue the trial date." The appellant petitions the appellate Court for dismissal of the Judgment against him in that the appellant was not provided discovery by the 14th day of March, 1992 as stated and when the appellant filed for a continuance on the 17th day of March, 1992, the motion was denied without cause as it was also stated.

(see attached decision.)

The appellant hereby brings to the attention of the appellate Court that the response of discovery by the prosecutor, Christopher G. Davis, is dated the 13th day of March, 1992, but such discovery and information was not received by the appellant until the 19th day of March, 1992, as witnessed by the undersigned.

A handwritten signature in cursive script that reads "Norm Smith". The signature is written over a horizontal dashed line.

Norm Smith

A handwritten signature in cursive script that reads "Dawna Smith". The signature is written over a horizontal dashed line.

Dawna Smith

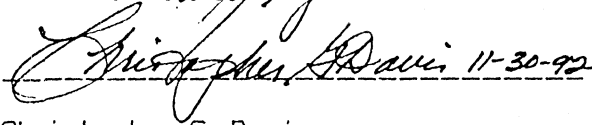
The appellant also brings to the attention of the appellate court that the question of Jurisdiction is still not addressed and answered in the information provided, as required by the appellant.

The remedy therefore sought by the appellant is the dismissal of charges as provided by the due process of Law. If not provided to the appellant by the appellate Court, the appellant will therefore seek a decision from a superior Court until relief is provided him.



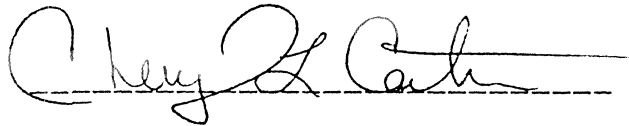
Brandon Gresham

Appellant in Pro-Per

received by

11-30-92

Christopher G. Davis

Council for the Plaintiff



Court Clerk

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CIRCUIT COURT
ROY CITY DEPT.

CERTIFICATE OF SERVICE

I, Brandon Gresham, under penalties of perjury, declare that I am a Citizen in the state of Utah, domiciled in the state of Utah, and a Citizen of the several states under the Constitution for the united states of America, Article IV, Sec. 2, Clause 1, and I am not a citizen of the United States(District of Columbia) and a subject of Congress under the 14th Amendment, or a resident under the 14th Amendment in the State of Utah.

It is hereby certified that service of this Appellate Brief has been made upon the appellants and interested parties by personal service, or by mailing one copy each thereof, on this 27 day of November, 1992, in a sealed envelope with postage pre-paid, properly addressed to them as follows:

Second Circuit Court, State of Utah,
Weber County, Roy City Department
5051 S. 1900 W.
Roy, Utah 84067

- AND -

Utah Court of Appeals
400 Midtown Plaza
230 S. 500 E.
SLC, Utah 84102

Brandon Gresham
Brandon Gresham
Appellant in Pro-Per

Christopher Davis 11-30-92
Council for the appellee

Dawn Smith
(witness)

Nam Smith
(witness)

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