

1993

Utah v. Trujillo : Unknown

Utah Court of Appeals

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Unknown.

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UTAH COURT OF APPEALS
BRIEF

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

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JAN 10 1994

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January 7, 1994

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Utah Court of Appeals
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Salt Lake City, Utah 84102

Re: Supplemental Authority for State v.
Joey Trujillo, No. 930089-CA

Dear Ms. Noonan:

The State filed its responsive brief in the above entitled case on December 20, 1993. I recently noticed, however, that the standard of review for reviewing the sufficiency of the evidence presented at a bench trial that I cited to the Court is incorrect.

When reviewing a challenge to the sufficiency of the evidence in a bench trial, Utah appellate courts review the evidence to see whether the verdict is "clearly erroneous." See, e.g., Provo City v. Spotts, 223 Utah Adv. Rep. 31, 33 (Utah App. 1993); State v. Walker, 743 P.2d 191, 193 (Utah 1987).

I have forwarded a copy of this letter to defendant's counsel, William J. Albright.

Respectfully submitted,

Todd A. Utzinger

TODD A. UTZINGER
Assistant Attorney General
Criminal Appeals Division

cc: William J. Albright