

1993

## State of Utah v. Kyle Earl Jones : Unknown

Utah Court of Appeals

Follow this and additional works at: [https://digitalcommons.law.byu.edu/byu\\_ca1](https://digitalcommons.law.byu.edu/byu_ca1)



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Michael A. Peterson; Brooke C. Wells.

Jan Graham; Attorney General; Kenneth A. Bronston; Assistant Attorney General.

---

### Recommended Citation

Unknown, *Utah v. Jones*, No. 930491 (Utah Court of Appeals, 1993).  
[https://digitalcommons.law.byu.edu/byu\\_ca1/5405](https://digitalcommons.law.byu.edu/byu_ca1/5405)

This Unknown is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at [http://digitalcommons.law.byu.edu/utah\\_court\\_briefs/policies.html](http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html). Please contact the Repository Manager at [hunterlawlibrary@byu.edu](mailto:hunterlawlibrary@byu.edu) with questions or feedback.

UTAH COURT OF APPEALS  
BRIEF

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL

JTAH  
DOCUMENT  
< F U  
50  
A10  
DOCKET NO. 930491



**FILED**  
Utah Court of Appeals

**MAY 19 1994**

JAN GRAHAM  
ATTORNEY GENERAL

CAROL CLAWSON  
Solicitor General

REED RICHARDS  
Chief Deputy Attorney General

PALMER DEPAULIS  
Director of Public Policy & Communications

May 19, 1994

Mary Noonan  
Clerk of the Court  
Utah Court of Appeals  
400 Midtown Plaza  
230 South 500 East  
Salt Lake City, Utah 84102

RE: State v. Jones, Case No. 930491-CA

Dear Ms. Noonan:

In addition to State v. Crick, 675 P.2d 527, 531 (Utah 1983), and State v. Shabata, 678 P.2d 785, 790 (Utah 1984), cited in the State's responsive brief at page 13, I wish to cite to the Court the following cases for the purpose of clarifying the second prong of test for evaluating a request for a lesser included offense instruction under State v. Baker, 671 P.2d 152, 159 (Utah 1983), i.e. defendant must demonstrate a rational basis in the evidence for both an acquittal on the offense charged and a conviction on the lesser included offense: State v. Smith, 700 P.2d 1106, 1110-11 (Utah 1985); State v. Larocco, 794 P.2d 460, 462-63 (Utah 1990); State v. Cox, 826 P.2d 656, 662-62 (Utah App. 1992).

This letter is submitted pursuant to rule 24(j), Utah Rules of Appellate Procedure.

Sincerely,

Kenneth A. Bronston  
Assistant Attorney General

cc: Michael A. Peterson