

1993

## State of Utah v. Gilbert Warren Dean : Unknown

Utah Court of Appeals

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Jan Graham; Attorney General.

Sandra V. Starley; Attorney for Appellant.

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### Recommended Citation

Legal Brief, *Utah v. Dean*, No. 930616 (Utah Court of Appeals, 1993).  
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UTAH COURT OF APPEALS STATE OF UTAH  
BRIEF

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**FILED**  
Utah Court of Appeals

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OCT 28 1993

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October 28, 1993

✓ Mary T. Noonan  
Clerk of the Court

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

Re: State of Utah v. Gilbert Warren Dean  
Case No. 930616

Dear Ms. Noonan:

Counsel for defendant in the above entitled case has filed an "Anders brief" that appears to comply with the requirements of Anders v. California, 386 U.S. 738 (1967); Dunn v. Cook, 791 P.2d 873 (Utah 1990) and State v. Flores, 215 Utah Adv. Rep. 39 (Utah App. 1993). The State has reviewed the record on appeal and agrees that the issues raised are in fact wholly frivolous for the reasons stated by defendant's counsel.

It does not appear to the State that there is any reason why defense counsel's September 28, 1993 motion to withdraw should not be granted and defendant's conviction affirmed. See State v. Gabaldon, 735 P.2d 410 (Utah App. 1987). The State therefore requests that the Court accept this letter adopting the arguments advanced by defense counsel in lieu of a responsive brief. See State v. Clayton, 639 P.2d 168, 170 (Utah 1981) ("Because of the special nature of the Anders brief, the attorney general would not be expected to file a responsive brief, though [s]he could elect to do so."). The State further requests that the matter be submitted to the Court for decision.

Sincerely,

JOANNE C. SLOTNIK  
Assistant Attorney General

cc: Sandra V. Starley