

2005

Lee Roy Wood v. State of Utah : Brief of Appellant

Utah Court of Appeals

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Lee Roy Wood; Appellant pro se.

Erin Riley; Assistant Attorney General; Mark L. Shurtleff; Utah Attorney General; Attorneys for Appellee.

Recommended Citation

Brief of Appellant, *Wood v. Utah*, No. 20050221 (Utah Court of Appeals, 2005).
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unison ut 84634

FILED
UTAH APPELLATE COURTS
JUN - 7 2005

IN THE UTAH COURT OF APPEALS

LEE ROY WOOD,
Appellant

Appellant Brief

VS.

Case No. 20050221-CA

STATE OF UTAH
Appellee

Appellant does not have access to a law library, and the contract attorney's provided by the prison refuses to help me do to the nature of the crime.

So all case laws quoted by appellant may be wrong.

Appellant believes that the lower court misunderstood the whole 120 day issue.

Appellant plainly stated that it was the Utah State Prison's agent that misfiled the 120 day disposition, not the county attorney's office or the court.

STATE OF UTAH VS. TAYLOR, No. 13760 (JULY 10 1975)
cite as 538 P.2d 310 A+313.

"Any attempt by the warden or his agents to retain the request, or to fail to complete the certificate beyond a reasonable time, or to misdirect the request and certificate, would violate the

BARKE VS. WINGO, 407 U.S. 514, 33 L.Ed. 2d. 101, 92 S.Ct 2183 (1973)

The supreme court identified four factors to be used in determining whether a defendant has been denied his right to a speedy trial. They are (1) length of delay, (2) reason for the delay, (3) The defendant's assertion of his right, and (4) The prejudice to the defendant.

A defendant's constitutional right to a speedy trial cannot be established by any inflexible rule but can be determined only on an ad hoc balancing basis, in which the conduct of the prosecution and that of the defendant are weighed

four factors

1. 124 days past before the prison returned the 120 day disposition to me without filing it ~~with~~ with the court or county attorney's office.
2. Prejudice due to the nature of the crime, the officer took it personal.
3. defendant asserted his constitutional rights to a fast and speedy trial, by filing the 120-day disposition, through the Utah State Prison records office.
4. By holding the 120-day disposition over the 120 period, and not completing the certificate, or sending the disposition to the courts or county attorney office. Showing prejudice by writing "YOUR GUILTY YOU PEACE OF SHIT" on the return envelope.

SEE EXHIBITS A, B

The agent Plainly failed to file the 120 day disposition, and showed Prejudice by writing "your guilty you Peace of Shit" on the return envelope do to the Nature of the crime. they misdirected the 120 day disposition.

Therefore Appellant believes he is entitled to relief Lee Roy Wood, conviction should be reversed and dismissed with Prejudice.

Dated 24 day of may 2005

Lee Wood
Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Appellants Brief was mailed postage prepaid to the addresses below

EIGHTH DISTRICT COURT
920 East Hwy 40
Vernal UT 84078

Court of Appeals
P.O. Box 140230
Salt Lake City UT
84111-0230

ERIN RILEY
ASST Atty General
160 E 300 S. 6th floor
~~80~~ P.O. Box 140554
Salt Lake City UT 84111-0554

EXHIBIT'S (A)

Inmate Name
Inmate Number
Housing Unit
Utah State Prison
P.O. Box 250
Draper, Utah 84020

your guilty you piece of shit

hee wood
U-1-700

This envelope was received
with 120-day disposition notified
with the county attorney or court clerk

Dear Sir or Madam .

July 17-2001

An closed plan find a receipt of my account here at the
but I have no funds to pay for the 120 day duration -
filed I am urgent thank you for your time.

Lee Wood 18

Dear Ju or Madam

July 10 - 2001

I need to file a 120 day disposition on some new charges. I am an inmate at the Utah State Prison my Prison number is 18434 I am indigent and I have no funds so could you please send me the forms. Thank you for the time

Lee Wood 184

DIVISION OF INSTITUTIONAL OPERATIONS
OFFICE MEMORANDUM

TO: _____
Caseworker/Ethnic Minority Resource Officer

FROM: DIO Record Unit () Draper () CUCF

DATE: 07-17-01

SUBJECT: (x) 120-Day Disposition
() 180-Day Disposition

RE: Inmate Name: Lee Wood

USP Number: 18439

Please fill in the following information:

Prosecuting Agency Duchesne Utah ~~State~~ County, Federal Gov.
(e.g., county, city, Attorney General, etc.)

County Duchesne Utah, Federal Court Sec. Utah

State Utah

Crime(s) Capital Murder, Attempted Murder, Attempted Murder, Aggravated Child
abuse, possession of a firearm

Case # (if known) _____

120-Day Dispositions: For untried criminal charges within the
State of Utah.
180-Day Dispositions: For untried criminal charges out of the
state for which a detainer has been filed
against an inmate.

Please read and sign the attached documents. (2 pages)

Please attach a signed and appropriately witnessed Inmate Money
Transfer (certified mailing cost to send disposition) with the
amount section on the money transfer BLANK.

Return this letter and all attached documents to the DIO Record
Unit Supervisor at the site Records Office.

NOTICE AND REQUEST FOR DISPOSITION OF PENDING CHARGE(S)

TO. DIRECTOR, DIVISION OF INSTITUTIONAL OPERATIONS

Notice is hereby given that I, Lee Wood
(Inmate Name) do hereby request final disposition. Charge(s) of murder two attempted murder associated kidnapping assault are now pending against me in the USA Federal Court SLU Utah Court brought by USA Attorney (prosecuting agency e.g., county, city, Attorney General, etc. in the State of Utah) and request is hereby made that you forward this notice to the appropriate authorities together with such information as required by law.

Dated this 17 day of July 2001 (Month / Year).

Inmate's Name Lee Wood USP# 18434

I hereby certify that I have received a copy of the foregoing notice this _____ day of _____ (Month / Year).

Authorized Agent, DIO Record Unit
USP, PO Box 250, Draper, Utah 84020
CUCF, PO Box 898, Gunnison, Utah 84634

(Revised 10/2000)
(TMF 05/05.06,C)

NOTICE AND REQUEST FOR DISPOSITION OF PENDING CHARGE(S)

TO. DIRECTOR, DIVISION OF INSTITUTIONAL OPERATIONS

Notice is hereby given that I, Lee Wood
(Inmate Name) do hereby request final disposition. Charge(s) of ^{1st, 2nd, 3rd, 4th}
Capital Murder, Attempted Murder, attempted rape, attempted kidnapping, etc. are now
pending against me in the Duchesne county, Utah County Court
brought by county attorney (prosecuting
agency e.g., county, city, Attorney General, etc. in the State of
Utah) and request is hereby made that you forward this notice to
the appropriate authorities together with such information as
required by law.

Dated this 17 day of July 2001 (Month / Year).

Inmate's Name Lee Wood USP# 18439

I hereby certify that I have received a copy of the foregoing
notice this ___ day of _____ (Month / Year).

Authorized Agent, DIO Record Unit
USP, PO Box 250, Draper, Utah 84020
CUCF, PO Box 898, Gunnison, Utah 84634

(Revised 10/2000)
(TMF 05/05.06,C)

RECORDS REQUEST

(1) Requester's Name: Lee Wood Date: NOV 29-02
 Agency Name: Utah State Prison Prison Number: 18439
 (if inmate)
 Mailing Address: _____ Daytime Phone #: _____
 (Housing unit if inmate)

(2) In accordance with the Governmental Records Access Management Act, I am requesting to view/copy the following record(s):

1. Indicate complete name and prison number (if applicable) of the subject of the information requested Lee Roy Wood 18439
2. Indicate the Utah Department of Corrections division, facility, or program originating the information requested Utah State Prison
3. Indicate the approximate year, month, and day the information requested was entered into the record 1987 to Sept 20-2002
4. Indicate, with as much detail as possible, the nature of the information requested Letters - New commitments, letters requesting copies of a ¹²⁰ ~~120~~ law his position ¹⁰⁶ and copies of dispositions ~~12~~ letters from Department of Corrections, Burgerly charges 2001
 Copies of Capital Murder (use additional pages as needed) ~~12~~ Alca Burgoon

(3) LEGAL AUTHORITY TO RECEIVE THE INFORMATION
 (evidence must be provided)

1. [] I am requesting information which I believe to be Public.
2. I am the subject of the record being requested.
3. [] I am the person who provided the information.
4. [] I am the parent or legal guardian of the subject of the information.
5. [] I have a Power of Attorney from the subject of the information.
6. [] I have a Notarized Release from the subject of the information.
7. [] I have a Court Order from a court of competent jurisdiction.

(4) If requested records are classified "Controlled", the requester shall sign the following:

ACKNOWLEDGMENT

I hereby acknowledge that I am a physician, psychologist, certified social worker, insurance provider or agent, or government public health agency and that I will not disclose controlled information to any person, including the subject of the records, except in response to a lawful order of the State Records Committee or the district court.

 (signature)

 (date)

EXHIBIT'S (B)

Mr. Wood

I could lose my job
by giving you this disposition.
We have orders from higher up
to dispose of these documents.
I'm sorry I was a part
of it. Good luck.

REC. 4-8-01

I received this yellow Postit with three photo copies
of a 120 day disposition out of my inmate file

DIVISION OF INSTITUTIONAL OPERATIONS
OFFICE MEMORANDUM

TO: _____
Caseworker/Ethnic Minority Resource Officer

FROM: DIO Record Unit () Draper () CUCF

DATE: 07-17-01

SUBJECT: (x) 120-Day Disposition
() 180-Day Disposition

RE: Inmate Name: Lee Wood

USP Number: 18439

Please fill in the following information:

Prosecuting Agency Dickens Utah ~~Utah~~ County, Federal Co.
(e.g., county, city, Attorney General, etc.)

County Dickens Utah, Federal Court Salt Lake

State Utah

Crime(s) Capital Murder, Attempted Murder, Attempted Murder, Assault, Possession of a Firearm

Case # (if known) _____

120-Day Dispositions: For untried criminal charges within the State of Utah.
180-Day Dispositions: For untried criminal charges out of the state for which a detainer has been filed against an inmate.

Please read and sign the attached documents. (2 pages)

Please attach a signed and appropriately witnessed Inmate Money Transfer (certified mailing cost to send disposition) with the amount section on the money transfer BLANK.

Return this letter and all attached documents to the DIO Record Unit Supervisor at the site Records Office.

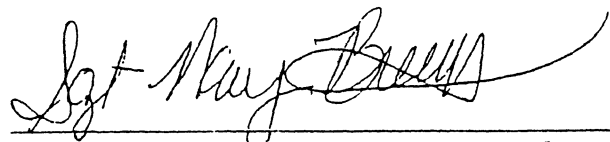
TO: DIRECTOR, DIVISION OF INSTITUTIONAL OPERATIONS

Notice is hereby given that I, Lee Wood
(Inmate Name) do hereby request final disposition. Charge(s) of Aggravated Assault are now
Aggravated Assault pending against me in the Duchene county, Utah Court
brought by county attorney (prosecutir
agency e.g., county, city, Attorney General, etc. in the State c
Utah) and request is hereby made that you forward this notice to
the appropriate authorities together with such information as
required by law.

Dated this 17 day of July 2001 (Month / Year).

Inmate's Name Lee Wood USP# 15439

I hereby certify that I have received a copy of the foregoing
notice this 20 day of JULY (Month / Year). 2001



Authorized Agent, DIO Record Unit
USP, PO Box 250, Draper, Utah 84020
CUCF, PO Box 898, Gunnison, Utah 84634

(Revised 10/2000)
(TMF 05/05.06,C)



NOTICE AND REQUEST FOR DISPOSITION OF PENDING CHARGE(S)

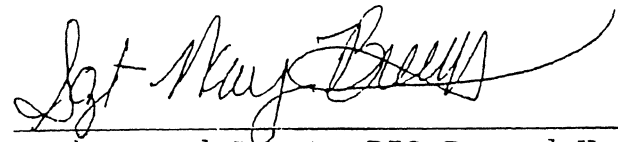
TO DIRECTOR, DIVISION OF INSTITUTIONAL OPERATIONS

Notice is hereby given that I, Lee Wood
(Inmate Name) do hereby request final disposition Charge(s) of
Carjacking Attempted are now
pending against me in the Duchesne County District Court Court
brought by County Attorney (prosecution
agency e.g., county, city, Attorney General, etc. in the State
Utah) and request is hereby made that you forward this notice to
the appropriate authorities together with such information as
required by law

Dated this 11 day of July 2001 (Month / Year).

Inmate's Name Lee Wood USP# 15439

I hereby certify that I have received a copy of the foregoing
notice this 20 day of JULY (Month / Year) 2001



Authorized Agent, DIO Record Unit
USP, PO Box 250, Draper, Utah 84020
CJCF, PO Box 898, Gunnison, Utah 84634

(Revised 10/2000)
(TMF 05/05 06,C)