

1994

# William Remine v. Utah Board of Pardons : Petition for Writ of Certiorari

Utah Court of Appeals

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## Recommended Citation

Petition for Rehearing, *William Remine v. Utah Board of Pardons*, No. 940127 (Utah Court of Appeals, 1994).  
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UTAH COURT OF APPEALS  
BRIEF

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DOCKET NO. 940127

**FILED**

SEP 27 1994

**COURT OF APPEALS**

**IN THE UTAH COURT OF APPEALS**

*William Remine*

**PETITIONER and  
APPELLANT**

**VS**

*UTAH Board of Pardons*

**RESPONDANT and  
APPELLEE**


**PETITION FOR  
REHEARING**

**case no 940127 CA**

*William Remine  
UTAH STATE PRISON  
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DRAPER UT 84020*

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*PETITIONER, William Remine hereby  
certifies that the foregoing petition  
for rehearing is submitted in good  
faith and not to cause delay.*

  
*William Remine  
ATTORNEY PRO SE*

AT NO POINT, BEFORE OR DURING THE PROCEEDINGS DID THE BOARD DISCLOSE TO REMINE ANY CLAIMS OF A MISTAKEN RELEASE. THUS REMINE WAS NOT GIVEN AN OPPORTUNITY TO PREPARE OR PRESENT A DEFENSE AS TO THE CLAIMS OF A MISTAKEN RELEASE.

Regardless of the merits of the mistaken release claims, or defenses thereto, Remine should have been afforded the opportunity to prepare and present a defense to such claims. Notification of the actual charges is a procedure universally applicable to all proceedings.

The courts perception of The Facts involved in This case is NOT altogether accurate. These discrepancies are addressed in item as follows:

Discrepancy: "on may 28 Remine reviewed The parole agreement, changed it To Require The Board To give him a new, parole revocation hearing, and signed it." The Statement is TRUE BUT incomplete, it omits Relevant Fact. The Board's authorized agent knew of The modification and signed The agreement AFTER Remine made The modification.

APPARENT AUTHORITY: The principal is responsible and accountable FOR The acts of his agent. When The Board's authorized agent signed The modified agreement he accepted The modification in The Board's Behalf. The Board had The duty of reviewing Their agents actions Before allowing The agreement To Take effect.

Discrepancy: "AFTER Remine was released The Board discovered The modification and directed Remine's parole agent To have Remine sign The unmodified agreement." The Statement simply has no Bases in Fact! Remine was released on June 8, 1993, an hour after his release APandP

detained him, while They called The Board and informed Them of The modification To The parole agreements. Remine was Then allowed To leave. There was clearly knowledge and acquiescence.

On June 14, 1993, a week after Remine's release The Board realized The effects of The modification. At This point Remine was directed To sign an unmodified agreement. Remine Refused.

Discrepancy: "specifically, he [Remine] claims That he Believed The hearing pertained To disciplinary violations Rather Than his changes of The parole agreement." The court has misconstrued The issues. Specifically, Remine Believed The hearing pertained To The 2 claimed violations of parole Rather Than prison disciplinary violations. Remine claims That he did not receive notice of The disciplinary violations The Board Based The decision on.

Moreover, Remine claims That, pursuant To The changes and notice he received, he Believed The hearing pertained To The 2 claimed violations of parole Rather Than some unspecified rescission issue.

Finally, Remine Believed The hearing was a "parole Revocation

hearing" as defined in UAC R671-505, at which the matter would either be dismissed or scheduled for an "evidentiary hearing", pursuant to UAC R671-508. Pursuant to UAC R671-505 and R671-508, Findings of Fact are made at an "evidentiary hearing, not a revocation hearing".

With respect to the second to the last paragraph in the court's decision, the court has failed to draw a distinction between rescission and revocation, and neglected to consider the mandatory language of UAC R671-310. Moreover the court's very reasoning is ludicrous, it is the doctrine of arbitrary assumption, the end justifies the means.

In the proceedings before the board, after the charges were dismissed against Remine: what was he charged with, when was he tried on those charges, and what was he found guilty of, or was something just arbitrarily assumed?

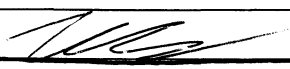
The two claimed violations of the parole agreement were not converted to rescission charges, and they were not amended or modified, they were dismissed altogether. All the claimed violations were dismissed so by every rule of law there was no violation.

However, The court's reasoning goes Beyond The Rules of Law and Reasons [assumes] That Remine was guilty of The violations which Justifies The repeal of his parole, inspite of The Fact That The violations were dismissed.

"The end Justifies The means", The Board may Brake all The Rules of Law To achieve Their end, The doctrine of arbitrariness assumption.

There is a clear case of procedural stupidity Before This court. IF The Board wished To sanction Remine For The claimed violations Then They should not have dismissed Them, it is procedural stupidity To impose sanctions or penalties For charges That have Been dismissed. Regardless of how This practice is "stiled", "deemed" or "contrived" it is essentially procedural stupidity. This court should condemn procedural stupidity Rather, Then Try To Rationalize it!

Submitted This 21 day of September 1994

  
William Remine  
ATTORNEY PRO SE