

2006

State of Utah v. Steven V. Perry : Brief of Appellant

Utah Court of Appeals

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Steven V Perry; Appellant ProSe.

Amy F Hugie; Box Elder County Attorney .

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Before the Utah Court of Appeals

State of Utah:	*	
Plaintiff/Appellee	*	Court of Appeals Case No.
vs.	*	20060039
Steven V Perry	*	
Defendant/Appellant	*	

Reply Brief of Appellant

On Appeal from the Judgement and Order of the
First District Judicial Court The Honorable
Ben H. Hadfield, Presiding

Steven V Perry #77118
Box Elder County Jail
P. O. Box 888
Brigham City UT 84302
Appellant ProSe

Amy F Hugie, No 8207
Box Elder County Attorney
01 South Main Street
First Judicial District Court
Brigham City Ut 84302



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UTAH APPELLATE COURTS
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Jurisdiction

This court has jurisdiction over appeals from misdemeanor convictions pursuant to Utah Code Ann. ss 78-2a-3(e).

Issues Presented for Review

Appellants Reply Brief

Summary of Argument

Due to inadequate representation sentencing should be reconsidered. This is not a frivolous filing of appeal. I have the right to be heard, and circumstances surrounding any case are a legitimate and vital part of any court proceeding. I respectfully request that this honorable court consider my case for sentencing.

Argument

I acknowledge appellees claim that I may have no legal basis for filing my appeal, but the fact that I was proven indigent and afforded a court appointed attorney who eventually proved to be inadequate in providing me with representation at sentencing and failed to disclose to the court relevant information on my behalf in a timely manner should be sufficient reason to allow my case to be heard before the honorable Court of Appeals.

I am well within my rights to ask for and receive adequate legal representation. I have made further attempts at obtaining legal representation in this matter with no success, so I respectfully ask for leniency from this honorable court and allow my case to be heard.

Appellee claims that my statement about my past record having nothing to do with this sort of thing happening again is false. I stand by my statement wholeheartedly. I do have a bad history but there is nothing in that history that suggests I am going to be a continuing problem for an individual. My problem has been a drinking problem. I am dealing with that and trying to improve my life. Yes, I did get into a bad relationship, but at the time of sentencing it had been approximately 6 months since I had any contact with the victim, and I had been attending Domestic Violence classes regularly at Weber Human Services in Ogden. As for reasonable sentencing; after a person sees the fact that the victim in this case initiated the telephone conversations and agreed that subsequent conversations could be had with the offender, than a maximum sentence in this case would not seem reasonable.

Appellee also alleges that I am simply filing an appeal just so I "can obtain a reduction in sentence". However, I have never filed for appeal on any judgement or order of any other court, so it should be clear that I am not a person abuses the systems resources as the appellee suggests.

It is my opinion that the circumstances in my case, which the appellee has failed to acknowledge the importance of, and its legitimate role in any court proceeding, should be considered more thoroughly and possibly be afforded a new chance at sentencing.

I am including a copy of a letter I received from my teacher at the Ogden-Weber ATC during my incarceration to help your honor see that I am, in fact, trying to improve my life.

I thank you for your time and your consideration.

Conclusion

I feel that due to inadequate representation my case and the circumstances surrounding it were not appropriately considered during sentencing. I respectfully request that my case be brought before this honorable Court of Appeals and the circumstances be thoroughly examined prior to sentencing because of their obvious relevance in this matter.

Certificate of Service

I, Steven V Perry, certify that on Apr. 29, 2006 I served a copy of the attached Reply Brief upon Amy Hugie by mailing it to here by first class mail with sufficient postage prepaid to the following address:

Amy Hugie
01 South Main Street
Brigham City UT 84302

By: Steve Perry

February 10, 2006

Steven Perry, #77118
Box Elder County Jail
P.O. Box 888
Brigham City, UT 84302

Dear Steve,

Thank you for your letter I received today. I wondered where you were and thought maybe you had to work a lot of hours and had withdrawn because of that. It is too bad that you are incarcerated because it does affect your progress in school and life in general.

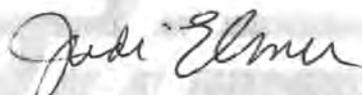
I do not see any reason why you can't study the materials you have in preparation for returning to school. I assume that you have the textbook, *Network+ Guide to Networks, 4th Edition, Tamara Dean*, which we use in class. It should have also come with a lab manual. When you return to school, you must take the time to do the lab manual work and study for a test because competency is not proven by just taking a test. I'll go over this with you when you return. It would not be fair to award you the certificate without demonstrating competency as other students are required to do. Students' performance in the workplace reflects back on the school, as well.

Enclosed is a copy of the Network+ certification test objectives provided by CompTIA. This is what you'll need to know to pass the classroom test or certification test. If you wish to take the certification test, the cost is \$112; the test number is JKO-012. Test vouchers can be purchased at the cashier's office. If there is any other material I can send to you, let me know.

I have seen a major positive change in your demeanor take place from the time I first met you in class a couple years ago to recently. I hope that indicates focusing on your future with positive goals and a strong desire to succeed. You are a bright, intelligent young man with many good years ahead and opportunities for success, if you'll just think things through and make good choices on a daily or even moment-to-moment basis.

I wish you the best.

Sincerely,



Judi Elmer, Instructor/Advisor
OWATC
200 N. Washington Blvd.
Ogden, UT 84404