

2006

Salt Lake City v. Frederick George : Unknown

Utah Court of Appeals

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CITY PROSECUTOR

SALT LAKE CITY CORPORATION
LAW DEPARTMENT

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SEP

17 September 2007

Lisa A. Collins
Clerk of the Utah Court of Appeals
450 South State Street
PO BOX 140210
Salt Lake City, Utah 84114-0210

Re: Salt Lake City v. Fredrick George, Case No. 2006-0591-CA

Dear Ms. Collins:

I am writing pursuant to rule 24(j), Utah Rules of Appellate Procedure, to advise the Court of a necessary correction to a citation made by the city during oral argument earlier today.

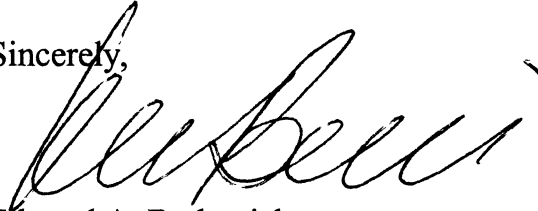
During oral argument held today Judge Orme asked whether the cases relied on by the city from other jurisdictions describe the calibration certificates as being separate documents from the intoxilyzer print out card. The city said yes and cited two cases, "Crowther from Kentucky" and "Jarrell from Indiana".

The city incorrectly stated "Crowther from Kentucky" as the case from Kentucky is Commonwealth v. Walther, 189 S.W.3d 570 (Ky. 2006) (June 9, 2005 arrest date – pre-arrest certificated prepared June 3, 2006 – post arrest certificate prepared on July 8, 2004). The reason this citation is provided is to correct the error in the name of the case. Counsel for the city apologizes to the court for misstating the case name.

The city correctly stated "Jarrell" meaning Jarrell v. State, 852 N.E.2d 1022 (Ind. App. 2006) (July 13, 2004 arrest date – pre-arrest certificate prepared June 22, 2004 – post-arrest certificate prepared unknown date). The reason for providing this citation is to assist the court.

Another case in the city's brief showing calibration certificates are separate documents from the test result card include: State v. Godshalk, 381 N.J. Super. 326 (N.J. Sup. 2005) (October 17, 2004 arrest date – pre-arrest certificate prepared October 8, 2004 – post-arrest certificate prepared December 10, 2004). The reason for providing this citation is to assist the court.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Berkovich', written in a cursive style.

Edward A. Berkovich
Attorney for Appellee
ed.berkovich@slcgov.com

copy: Joan C. Watt, Attorney for defendant/appellant