

1995

## Utah v. Cheeney : Unknown

Utah Court of Appeals

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COURT OF APPEALS

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August 16, 1996

UTAH COURT OF APPEALS  
BRIEF

Marilyn Branch, Clerk  
Utah Court of Appeals  
230 South 500 East #400  
Salt Lake City, Utah 84102

UTAH  
COURT  
OF  
APPEALS  
DUCKET NO. 950720-CA

Re: *State v. Cheeney*, No. 950720-CA  
*State v. Rasmussen*, No. 950521-CA  
Oral Argument 26 August 1996, 9:30 a.m.

Dear Ms. Branch:

Pursuant to Rule 24(i), Utah Rules of Appellate Procedure, I wish to alert the Court and opposing counsel to authority issued after briefing in these cases that appears significant to the Court's analysis. In connection with the State's brief of appellee in *Cheeney*, at 7, and in *Rasmussen*, at 8-9 (defendants raise facial challenges), see *State v. Mace*, 295 Utah Adv. Rep. 44, 47 (Utah July 26, 1996) (without proof of "as-applied" unconstitutionality, defendant lacks standing to facially challenge a statute unless one or more of three criteria is satisfied).

Thank you for your attention.

Yours,

J. Kevin Murphy  
Assistant Attorney General  
Attorney for Appellee

c: Linda M. Jones  
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Attorneys for Defendants-Appellants