



The Board of the Utah Prosecutorial Assistants' Association are as follows:

Chair: Christine Stevens, Millard County Attorney's Office  
 Co-Chair: Haley Christensen, Utah County Attorney's Office  
 Members: Alejandra Crow, West Valley City Prosecutor's Office  
 Adrienne DeJong, Davis County Attorney's Office  
 Kimberley Lee, Weber County Attorney's Office  
 Kathy Locher, Salt Lake District Attorney's Office  
 Nancy Lucas, Cache County Attorney's Office  
 JoEll Rowley, Wasatch County Attorney's Office  
 CeCelia Zarbock, Provo City Attorney's Office  
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## DEFINITIONS

### 2015 UPAA Conference

The 2015 UPAA Conference will be held at the Courtyard Marriott in St. George on June 24-26. We've got a lot of wonderful topics and speakers lined up and hope that this will turn out to be as wonderful as our past conferences. Look for details in the mail. The fee to register is \$75.

### Recent CUPA Recipients

- Tammy Paynter, Murray City Attorney's Office
- Iris Pittman, Salt Lake DA's Office
- Rebecca Poulson, Tooele County Attorney's Office
- Lisa Stewart, Provo City Attorney's Office

Join us in Congratulating them on a Job Well Done

If you are interested in joining a study group to prepare for the CUPA test, please contact JoEll Rowley.

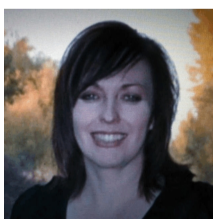


### BIO'S OF OUR NEWEST BOARD MEMBERS



My name is Alejandra (Ally) Crow and I have worked at the West Valley City prosecutor's office since 2013, before that I worked in the Civil division. I was born in Valparaiso, Chile and I am a Spanish-English translator, I was

also a Certified Court Interpreter. I am married and I have a 21 year old that plays the tuba in the Utah Marching band. I volunteer at the Natural History Museum of Utah cleaning and preparing prehistorical fossils. I am a Star Trek fan, and with my family we love to cosplay. I love what I do and I love my office. We are always working to make a difference and that makes me very proud.



My name is Nancy (Lucas) Boharsik. I've worked for the Cache County Attorney's Office since 2000. Before that I worked at the Sheriff's Office and at the Logan City Police Department. I have worked with the attorney's in my office on the Civil side as well as the Criminal side. I prefer the

Criminal Side. I love working with the attorneys getting ready for Jury Trials. I love the rush of helping with exhibits and managing witnesses. I have three children and two step-children. I remarried in July 2013 to the most amazing man, Terry Boharsik. We are going to become grandparents in June. I like working with computers. I enjoy the challenge of learning new things. I am one of the JustWare Administrators in our office.

Adjudication - the legal process of resolving a dispute; the process of judicially deciding a case

Alibi - the fact or state of having been elsewhere when an offense was committed

Battery - the application of force to another, resulting in harmful or offensive contact

Burden of Proof - a party's duty to prove a disputed assertion or charge

Civil Law - the body of law imposed by the state, as opposed to moral law, or the law of civil or private rights, as opposed to criminal or administrative law

Code of Conduct - a written set of rules governing the behavior of specified groups, such as lawyers, government employees, or corporate employees

Cross Examination - the questioning of a witness at a trial or hearing by the party opposed to the party who called the witness to testify

Direct Examination - the first questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify

Dismissal without Prejudice - a dismissal that does not bar the plaintiff from refiling the lawsuit within the applicable limitations period

Eminent Domain - the inherent power of a governmental entity to take privately owned property, and convert it to public use, subject to reasonable compensation for the taking

Extradition - the official surrender of an alleged criminal by one state or nation to another having jurisdiction over the crime charged; the return of a fugitive from justice, regardless of consent, by the authorities where the fugitive resides

Information - a formal criminal charge made on the defendant, by a prosecutor without a grand jury indictment

Jury - a group of persons selected according to law and given the power to decide questions of fact and return a verdict in the case submitted to them

Litigation - the process of carrying on a lawsuit

Motion in Limine - limine means at the very beginning. A motion in limine is a motion made by counsel to keep certain information or facts which are immaterial or irrelevant to the case and which might be prejudicial from being brought into the case

Nunc Pro Tunc - having a retroactive legal effect through a court's inherent power

Ordinance - an authoritative law or decree; a municipal regulation (municipal governments can pass ordinances on matters that the state government allows to be regulated at the local level)

Per Se - in, or by itself; standing alone, without reference to additional facts

Plea Bargain - a negotiated agreement between a prosecutor and a criminal defendant whereby the defendant pleads guilty to a lesser offense or to one of multiple charges in exchange for some concession by the prosecutor, a more lenient sentence or a dismissal of the other charges

### Email Addresses

Please send your email addresses to Adrienne at [adejong@co.davis.ut.us](mailto:adejong@co.davis.ut.us) so that we can update our lists and make sure everyone gets the information that they need.



### ABBREVIATIONS

AFIS - Automated Fingerprint Identification System  
AIS - Automated Information System  
AKA - Also Known As (maiden names, false names, etc)  
AOC - Administrative Office of the Court  
AP&P - Adult Probation & Parole  
APB - Advisory Policy Board  
BCI - Utah Bureau of Criminal Identification  
CCJJ - Commission on Criminal and Juvenile Justice  
CFP - Concealed Firearm Permit  
CHRI - Criminal History Record Information  
CJA - Criminal Justice Agency  
CJIS - Criminal Justice Information Services  
CORIS - Court Record Information System  
CSA - Computer Security Act  
CJIS - System Agency Control Service Agency  
CSO - CJIS System Officer  
CTA - Control Terminal Agency  
CTO - Control Terminal Officer  
CWP - Concealed Weapon Permit  
DL - Drivers License Division  
DOB - Date of Birth  
DOE - Date of Emancipation (when a juvenile turns 18 or is declared emancipated by a court)  
DOJ - Department of Justice  
FBI - Federal Bureau of Investigation  
FEL - Felony  
FTP - File Transfer Protocol  
GRAMA - Government Records Access and Management Act  
IAFIS - Integrated Automated Fingerprint Identification System  
IBR - Incident-Based Reporting  
III - Interstate Identification Index (FBI Records - also known as the Triple I)  
IRIS - Identity Theft Reporting Information System  
ISO - Information Security Officer  
ISO - International Organization for Standardization  
ISP - Internet Service Provider  
IT - Information Technology  
LAN - Local Area Network  
LDA - Legal Defenders Association  
LEO - Law Enforcement Online  
MDT - Mobile Digital Date Terminal  
MISD - Misdemeanor  
MVD - Motor Vehicle Division  
NCIC - National Crime Information Center  
NCMEC - National Center for Missing and Exploited Children  
NIBRS - National Incident-Based Reporting System  
NICS - National Instant Criminal Background Check System  
NIST - National Institute of Standards and Technology  
NLETS - The International Justice and Law Enforcement Sharing Network also known as National Law Enforcement Telecommunications System  
OLN - Operator License Number (Driver License Number)  
ORI - Originating Agency Identifier  
OTN - Offense Tracking Number  
PC - Personal Computer  
PDA - Personal Digital Assistant  
PIN - Personal Identification Number  
POB - Place of Birth  
PSFTP - Another FTP (File Transfer Protocol) program BCI recommends  
QA - Quality Assurance  
RAP - Record of Arrested Person  
ROA - Right of Access  
SecEx - Security Express (an FTP program BCI recommends)  
SID - State Identification Number  
SMT - Scars, Marks and Tattoos  
SSN - Social Security Number  
SWAP - Statewide Association of Prosecutors  
SWW - Utah Statewide Wants & Warrants  
TAC - Terminal Agency Coordinator

TCP/IP - Transmission Control Protocol/Internet Protocol

TWX - Teletypewriter Exchange Service

UBI - Utah Bureau of Investigations

U.C.A. - Utah Code Annotated

UCCH - Utah Computerized Criminal History

UCJIS - Utah Criminal Justice Information Center

UCR - Uniform Crime Reports

VOCA - Victims of Crime Act

VPN - Virtual Private Network

WAN - Wide Area Network

WIN - Western Identification Network

WWW - World Wide Web

BRADY - This is not an Acronym. This is the section at BCI that handles firearm purchases and release of firearms in accordance to the Brady Bill.



### About the Court System

Trial Courts are the workhorse of the court system. It is where most lawsuits are filed. Trial courts decide questions of law and questions of fact. Questions of fact focus on what happened and may be decided by either the judge or a jury. Questions of law focus on the law or proper procedure to be applied to a particular case (such as was the evidence admissible), and are always decided by the judge. Most cases are resolved in the trial court.

Intermediate Appellate Court is the court that stands between the trial court and the court of final review. Most appeals from the trial courts must go to the intermediate appellate court and are resolved there. Cases of considerable significance are appealed from the intermediate appellate court and are accepted by the Supreme Court or the court of final appeal for review.

The Appellate Court When the losing party feels that questions of law were erroneously decided by the trial court judge, it has the right to appeal the case to an appellate court. The appellate court considers questions of law only and does not retry the facts of the case. Both federal and state court systems have a final court of appeal. In most systems, it is called the Supreme Court. Published opinions of an appellate court become the "rule of law" (precedent) in the particular geographical jurisdiction of that court.



### The Rights of a Juvenile in Juvenile Court

1. The right to appear in person to defend him/her own self.
2. The right to have an attorney represent the juvenile. If the juvenile cannot afford an attorney, the court will appoint a lawyer for them.
3. The right to know the state's accusation against the juvenile.
4. The right against self-incrimination.
5. The right to a speedy trial and for time to prepare a defense. The court has to tell the juvenile of any court hearings.
6. The right for the Juvenile and any witness to tell their side of the story.
7. The right to ask questions of the people accusing you.
8. The right to an appeal - to ask a higher court to decide whether or not the judge was right if he or she found the juvenile guilty.



### Habeas Corpus

The writ of habeas corpus is one of the basic guarantees of personal freedom in English and American law which prevents the unjust or wrongful imprisonment or detention of a person by legal authorities. A state defendant who intentionally bypasses a state remedy may not seek federal jurisdiction. A person seeking relief from federal custody files a motion to vacate, set aside, or correct sentence rather than a petition for habeas corpus.

**SENTENCING GUIDELINES**

- ★ Infraction - Jail cannot be imposed on an infraction \$750
- ★ Class C Misdemeanor - Up to 90 days in the County Jail \$750
- ★ Class B Misdemeanor - Up to 6 months in the County Jail \$1,000
- ★ Class A Misdemeanor - Up to a Year in the County Jail \$2,500
- ★ 3rd Degree Felony - 0 to 5 years at the Utah State Prison \$5,000
- ★ 2nd Degree Felony - 1 to 15 years at the Utah State Prison \$10,000
- ★ 1st Degree Felony - 5 Years to Life at the Utah State Prison \$10,000
- ★ Capital - Life in the Utah State Prison or Death Penalty



**Motion for New Trial**

Upon motion of a defendant or upon its own initiative, a court may grant a new trial in the interest of justice if there is any error or impropriety which had a substantial adverse effect upon the rights of a defendant. In federal cases a judge has no power to order a new trial on his own initiative. Such motion must be made only by a defendant within seven days after verdict or finding of guilty or within such further time as the court may fix unless the motion is based upon the ground of newly discovered evidence; in such case, the motion may be made within two years after final judgment



**Extradition**

Extradition is the surrender by one state (arresting state) to another (demanding state) of an individual accused or convicted of an offense committed outside of the arresting state but within the territorial jurisdiction of the demanding state which demands the surrender of the accused. The defendant may challenge the extradition in a habeas corpus proceeding. A person arrested on a fugitive warrant may waive extradition proceedings by executing in the presence of a judge in any court of record in the arresting state a writing which states that he knowingly and voluntarily consents to return to the demanding state. The judge may also require that the demanding state return the defendant within a specified period of time. The Uniform Criminal Extradition Act is to make uniform the extradition procedures in all states which have adopted the act.



**Appeals – Procedure**

An appeal is a request to a higher court to review a decision of a lower court. When the appellant files a notice of appeal, he must file a designation of the record describing the parts of the trial record or transcript of the proceedings to be sent to the appellate court. The appellant may be required to file a bond on appeal. A docketing statement describing the issues to be raised on appeal is to be filed in the appeal court after filing the notice of appeal. The next thing required is each party files briefs.



**Trial by Jury**

A trial jury consists of:

1. Twelve (12) persons in a capital case.
2. Eight (8) persons in felony cases.
3. Six (6) persons for class A misdemeanors.
4. Four (4) persons for class B and C misdemeanors generally heard in Justice Courts.
5. The defendant is not entitled to a jury trial on infractions; only a bench trial.
6. Eight (8) persons in a civil case at law except that the jury shall be four (4) persons in a civil case for damages of less than \$20,000, exclusive of costs, interest, and attorney fees.

In the trial of a capital felony, the parties may stipulate upon the record to a jury of lesser number than the twelve (12) established by Utah Code.

If a defendant specifically requests a jury trial it must be done 10 days in advance of the trial. In some jurisdictions trial by jury is deemed to be waived in misdemeanor cases unless the defendant makes written demand for a jury trial.

The verdict in a criminal case shall be unanimous. The verdict in a civil case shall be by not less than three-fourths of the jurors. There is no jury in the trial of small claims cases.

There is no jury in the adjudication of a minor charged with what would constitute a crime if committed by an adult. A person is competent to serve as a juror if the person is:

1. A citizen of the United States.
2. Eighteen (18) years of age or older.
3. A resident of the county.
4. Able to read, speak, and understand the English language.

A person who has been convicted of a felony that has not been expunged is not eligible to serve as a juror.

The court, on its own initiative or when requested by a prospective juror, shall determine whether the prospective juror is disqualified from jury service. The court shall base its decision on the information provided on the juror qualification form, or by interview with the prospective juror or other competent evidence. The clerk shall enter the court’s determination in the records of the court.



**Discovery**

The prosecuting attorney must release to the defense upon request certain information or material if he has knowledge of the requested information. The prosecutor has a continuing duty to make disclosure.

Defense counsel is generally provided the contents of the prosecutor’s file with the exception of research and personal notes. Typically county attorney offices have open file policies in regard to discovery, but occasionally there are unusual requests that should be reviewed by the prosecutor before providing it to defense counsel.

The defense must disclose to the prosecutor as required by statute such information which relates to notice of alibi or insanity. Most defense evidence is considered to be privileged.

Police reports should be redacted of the victims and witnesses names, DOB, addresses, employers and any other pertinent information. **Failure to do so may result in disqualification from certain VOCA grants.**