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UTAH APPELLATE COURTS

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June 9, 2017

Nicole Gray
Clerk of the Utah Supreme Court
450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Re: *Archuleta v. State*, Case No. 20160992-SC

Ms. Gray:

The State of Utah hereby notifies the Court that the State will not file a brief of appellee in *Archuleta v. State*, case number 20160992. The State filed a motion for summary disposition on December 28, 2016. The Court deferred ruling on that motion "until plenary presentation on the merits," and expressly ruled that "the parties may choose to rest on the pleadings they have submitted." Order, February 1, 2017.

After reviewing Archuleta's opening brief, the State maintains the position it set forth in its motion for summary disposition that this case does not merit the State's resources to prepare a responsive brief. This is more true now than it was when the State filed its motion because the State subsequently filed its brief in Archuleta's other appeal, case number 20160419. That brief fully set forth the State's arguments for applying time and procedural bars to all of Archuleta's claims. Those arguments apply with equal force to the claims at issue in this matter.

The State therefore accepts the Court's invitation to "rest on the pleadings" it has already filed. The outcome of this case is not in doubt, and further briefing will not aid the Court in deciding it.

Sincerely,



Andrew F. Peterson
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cc. Leticia Marquez
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