

UPAA Newsletter

March 2008



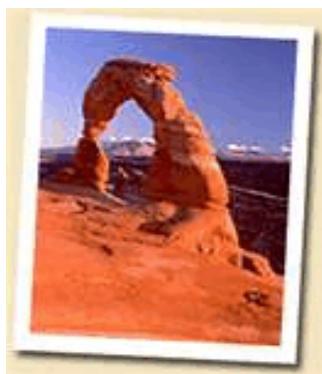
The Board of the Utah Prosecutorial Assistants' Association are as follows:

Chair: JoEll Rowley, Wasatch County Attorney's Office
Co-Chair: Jill Wallace Ewing, Attorney General's Office
Members: Beronica Ferdinando, St. George City Attorney's Office
Karen George, Salt Lake County District Attorney's Office
Kimberley Lee, Weber County Attorney's Office
Sharon Nielson, Cache County Attorney's Office
Audri Olson, South Ogden City Attorney's Office
CeCelia Russell, Provo City Attorney's Office
Lori Thayn, Salt Lake County District Attorney's Office
UPC Representative: Marilyn Jasperson

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2008 UPAA Conference

The 2008 UPAA Conference will be held on May 8th & 9th in Moab, at the Moab Valley Inn. There will be a lot of interesting speakers and topics. Please plan on joining us for this fun and informative conference.



Hiking, shopping, bike riding, lots of fun to be had before and after conference.

DEFINITIONS

Aggrieved - wronged or injured; deprived of legal rights or claims.
Bona Fide - in or with good faith; honestly, openly and sincerely; without deceit or fraud.
Competent - legally qualified, able, fit.
Deed - a written instrument by which land is conveyed, at common law, any written instrument that is signed, sealed and delivered and that conveys some interest in property.
Exhibit - a document, record, or other tangible object formally introduced as evidence in court, a document attached to and made part of a pleading, motion, contract, or other instrument.
Felony - a serious crime punishable by imprisonment for more than one year or by death.
Gratis - without reward or consideration.
Hearing - a judicial session open to the public, held for the purpose of deciding issues of fact or of law, sometimes with witnesses testifying.
Injunction - a court order commanding or preventing an action.
Jurat - "to swear," a certification added to an affidavit or deposition stating when and before what authority the affidavit or deposition was made.
Lien - a legal right or interest that a creditor has in another's property, lasting until a debt or duty that it secures is satisfied.
Manslaughter - the unlawful killing of a human being without malice.

ON THE CIVIL SIDE

Ordinances: A local ordinance is a municipal legislative enactment. While an ordinance does not have the dignity of a state legislative enactment, it does have the force and effect of law within the limits of statutory and applicable organic limitations. Furthermore, it is something more than a mere verbal motion of resolution, and it must be invested, not necessarily literally, but substantially, with specific formalities, solemnities, and characteristics.
Resolutions: A "resolution," in effect, encompasses all actions of a municipal body other than ordinances. In this connection, it may be observed that a resolution deals with matters of a special or temporary character that does not create a new expense or status of a continuing nature, while an "ordinance" prescribes some permanent rule of conduct or government, to continue in force until the ordinance is repealed. Thus, an ordinance is distinctively a legislative act, while a resolution may be simply an expression of opinion or mind concerning some particular item of business coming within the legislative body's official cognizance, ordinarily ministering in character and relating to the administrative business of the municipality. While the legislative body of a municipal corporation may act by resolution, or by ordinance, unless a particular mode of action is required by constitution, statute, city charter or another city ordinance, a resolution is customarily passed without the forms and delays that constitutions and municipal charters generally require for the enactment of valid laws or ordinances. Nevertheless, actions by resolution are subject generally to the same restraints as actions by ordinance.

🌸 Recent CUPA Recipients 🌸

- 🌸 Lori Aldous, Salt Lake DA's Office
- 🌸 Monika Ballantyne, Morgan Co. Attorney's Office
- 🌸 Legenda Fendley, Salt Lake DA's Office
- 🌸 Adriana Fritch, Salt Lake DA's Office
- 🌸 Barbara Hudson, Salt Lake DA's Office
- 🌸 Sara Johnson, Salt Lake DA's Office
- 🌸 Stephanie Kay, Salt Lake DA's Office
- 🌸 Jimi Loveland, Salt Lake DA's Office
- 🌸 Cami Macias, Kane County Attorney's Office
- 🌸 Gabrielle Martinez, Salt Lake DA's Office
- 🌸 Alyssa McElreath, Salt Lake City Pros. Office
- 🌸 Kathy McGrath, Salt Lake DA's Office
- 🌸 Angie Nuttall, Salt Lake City Pros. Office
- 🌸 Audri Olson, S. Ogden City Attorney's Office
- 🌸 Sandy Patterson, Layton City Attorney's Office
- 🌸 Sandi Robinson, Salt Lake DA's Office
- 🌸 Scott Rogers, Salt Lake DA's Office
- 🌸 Pat Shirley, Kane County Attorney's Office
- 🌸 Brooke Smith, St. George City Attorney's Office
- 🌸 Anna Stoker, Salt Lake DA's Office
- 🌸 Wendi Wacker, Salt Lake DA's Office

Help us in Congratulating them for a
Job Well Done



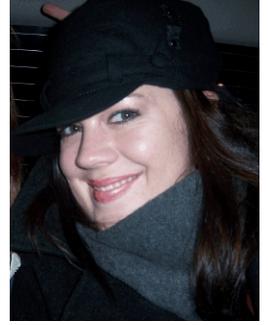
Victim's Bill of Rights

The bill of rights for victims and witnesses is:

- 1) Victims and witnesses have a right to be informed as to the level of protection from intimidation and harm available to them. It's a crime for anyone to threaten or hurt a victim or witness because of their testimony.
- 2) Victims and witnesses, including children and their guardians, have a right to be informed and assisted as to their role in the criminal justice agencies have the duty to provide this information and assistance.
- 3) Victims and witnesses have a right to clear explanation regarding relevant legal proceedings; these explanations shall be appropriate to the age of child victims and witnesses. All criminal justice agencies have the duty to provide these explanations.
- 4) Victims and witnesses should have a secure waiting area that does not require them to be in close proximity to defendants or the family and friends of defendants. Agencies controlling facilities shall, whenever possible, provide this area.
- 5) Victims are entitled to restitution or reparations, including medical costs. State and local government agencies that serve victims have the duty to have a functional knowledge of the procedures established by the Utah Crime Victims' Reparations Board and to inform victims of these procedures.
- 6) Victims and witnesses have a right to have any personal property returned. Criminal justice agencies shall expeditiously return the property when it is no longer needed for court, law enforcement or prosecution purposes.
- 7) Victims and witnesses have the right to reasonable employer intercession services, including pursuing employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process. Officers of the court shall provide these services and shall consider victims' and witnesses' schedules so that activities which conflict can be avoided. Where conflicts cannot be avoided the victim may request that the responsible agency intercede with employers or other parties.
- 8) Victims and witnesses, particularly children, should have a speedy disposition of the entire criminal justice process. All involved public agencies shall establish policies and procedures to encourage speedy disposition of criminal cases.
- 9) Victims and witnesses have the right to timely notice of judicial proceedings they are to attend and timely notice of cancellation of any proceedings. Criminal justice agencies have the duty to provide these notifications. Defense counsel and others have the duty to provide timely notice to prosecution of any continuances or other changes that may be required.
- 10) Victims of sexual offenses have a right to be informed of their right to request voluntary testing for themselves for HIV infection as provided in U.C.A. § 76-5-503 and to request mandatory testing of the convicted sexual offender for HIV infection as provided in U.C.A. § 76-5-602. The law enforcement office where the sexual offense is reported shall have the responsibility to inform victims of this right.

MEET OUR NEW BOARD MEMBERS

CeCelia Russell has worked at the Provo City Attorney's Office for a little over 5 years. She started as an intern when she was a senior in High School, then came on as an employee a few months after graduation. CeCelia started working full-time in August 2005 as the Legal Secretary for the Criminal Division, which consists of one full-time prosecutor and three part-time prosecutors, one legal assistant (CeCelia) and two part-time secretaries. Provo City moved to a Justice Court in July of 2007, however they are working on finishing their old cases with District Court and also added a new Class "A" calendar to District Court as well, meaning at any one time, we can be expected to be in five courts at once. This has made life interesting and a little hectic for our little office. CeCelia currently serves as an Assistant to the Chair for the 4th District Victim's Rights Committee, and Secretary for the Provo City Employees Association. CeCelia has her Associate Degree in Legal Studies and is graduating in April with her Bachelor Degree from UVU. She is planning on taking the LSAT in the fall and is contemplating going to law school in the next few years. One of her talents that her co-workers enjoy is her ability to plan parties and have fun. She livens everything up. Another fun fact about CeCelia is that she was born on leap year and is having her 6th birthday this year (with a BIG party planned).



On the Light Side

DID YA KNOW . . .

- ◆ In George Washington's days, there were no cameras. One's image was either sculpted or painted. Some paintings of George Washington showed him standing behind a desk with one arm behind his back while others showed both legs and both arms. Prices charged by painters were not based on how many people were to be painted, but by how many limbs were to be painted. Arms and legs are "limbs," therefore painting them would cost the buyer more. Hence the expression, "Okay, but it'll cost you an arm and a leg."
- ◆ In the late 1700s, many houses consisted of a large room with only one chair. Commonly, a long wide board folded down from the wall, and was used for dining. The "head of the household" always sat in the chair while everyone else ate sitting on the floor. Occasionally a guest, who was usually a man, would be invited to sit in this chair during a meal. To sit in the chair meant you were important and in charge. They called the one sitting in the chair the "chair man." Today in business, we use the expression or title "Chairman" or "Chairman of the Board."
- ◆ Personal hygiene left much room for improvement. As a result, many women and men had developed acne scars by adulthood. The women would spread bee's wax over their facial skin to smooth out their complexions. When they were speaking to each other, if a woman began to stare at another woman's face she was told, "mind your own bee's wax." Should the woman smile, the wax would crack, hence the term "crack a smile." In addition, when they sat too close to the fire, the wax would melt. therefore, the expression "losing face."
- ◆ Ladies wore corsets, which would lace up in the front. A proper and dignified woman, as in "straight laced," wore a tightly tied lace.