



IN THE FIFTH DISTRICT COURT FOR
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

ALLEN GLADE STEED,

Defendant.

ORDER FOR
SUPPLEMENTAL MEMORANDA

Criminal No. 071501596
Judge G. Rand Beacham

Having studied the memoranda supporting and opposing Defendant's "Motion to Dismiss for Statute of Limitations," the Court finds it necessary to require the parties to submit supplemental memoranda to clarify the facts before the Court for the following reasons:

1. Defendant's original memorandum contains fact statements in 23 paragraphs and subparagraphs, many of which contain multiple sentences. Many of those statements are made without reference to any evidentiary source.
2. Plaintiff's opposing memorandum contains statements of fact in five paragraphs and Attachment A, for which some sources are cited but not provided to the Court. For example, Plaintiff refers repeatedly to a trial transcript as "9/19 Tr.," followed by numbers, but the transcript pages have not been provided to the Court. In addition, Attachment A contains references to unexplained "facts," such as "the incident at the park" which is not otherwise explained.
3. Both parties have also referred to additional facts within their legal arguments, some of which are not supported by any evidentiary source before the Court.

Although the Court has attempted to analyze the statute of limitations issue on the basis of the facts as they have been presented, the Court's analysis has been hampered by insufficient clarity in the facts as presented. For example, the memoranda disagree as to when the alleged rape took place, a fact critical to the statute of limitations issue. Defendant asserts that "Mr. Steed is accused of only **one** count of rape which is alleged to have been committed more than 4 years before the legislative extension took effect on May 2, 2005." [Defendant's Memorandum, p. 10, emphasis in original.] Plaintiff states that it intends to proceed on "the first time Mr. Steed had sexual intercourse with Elissa Wall" and asserts that "the first act of sexual intercourse occurred before May 12, 2001 but no earlier than May 4, 2001."¹ [Plaintiff's memorandum, p. 2.]

The Court is required to determine by a preponderance of evidence whether this prosecution is barred. *Utah Code Ann.* § 76-1-306. Consequently, the Court must be able to weigh the evidence, and that requires greater clarity than what has been provided to this point in time.²

Ideally, the parties would present a stipulated set of facts, set forth in chronological order. If that is not possible in this case, the Court will require that each party submit his/its comprehensive statement of facts, in chronological order and with citations to evidentiary sources.

Accordingly, it is hereby ORDERED:

- A. Each party shall submit a supplemental memorandum containing only his/its comprehensive statement of facts related to the statute of limitations issue, in

¹The Information alleges that the crime was committed "between April 14, 2001 and September 30, 2004."

²I suspect that one reason for this is the parties' familiarity with the history of and the testimony given in State v. Jeffs, of which this Court has virtually no knowledge.

chronological order and with citations to evidentiary sources.

- B. Each party shall also submit documentation of the evidentiary source cited for each statement of fact.
- C. When each party has submitted the required statement of facts and documentation, one of them shall file a request to submit for decision.
- D. Defendant's Motion will no longer be under advisement until the Court receives the supplemental memoranda, documentation and request to submit in compliance with this Order.

DATED this 26 day of March, 2010.


JUDGE G. RAND BEACHAM