

10-10-2012

## State v. Haight Appellant's Reply Brief Dckt. 39701

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO

Plaintiff/Respondent

Vs

No 39701

G. W. Haight

Defendant/Appellant.

---

**APPELLANT'S REPLY BRIEF**

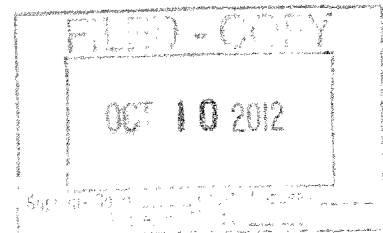
Appeal from the decision of the District Court on appeal from the decision of the Magistrate's Division of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai. Barry E. Watson, Magistrate, First Judicial District, Presiding.

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TABLE OF CASES AND AUTHORITIES

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NOT APPLICABLE

## REPLY

The minimalist Respondent's Brief requires little in reply.

Two points need to be made:

1. The Appellant's Brief raised no new issues which were not presented to the courts below.
2. The issue was and remains whether a formulaic and conclusory recitation of applicable legal standards by a judicial officer suffices to satisfy an applicable rule of law. The question is whether it is adequate for a judicial officer to merely conclude that the testimony of "Mr. X" is credible without providing any findings in support of that conclusion? Why is the testimony of a public employee whose job is to enhance the local government treasury, and who testifies as a lay witness, any more credible than that of a contradicting witness where there is no analysis of credibility and no reasoning is provided? \*

\* \* \*

It is important to the bench, bar and public that this Court clearly state, one way or the other, whether the uncorroborated, unsubstantiated and conclusory statement of any given witness claimed, without factual support, to be credible, can satisfy the State's burden to prove criminal guilt beyond a reasonable doubt by substantial competent evidence.

It bears repeating that if the appellate court agrees with the courts below and the state's position that any evidence will support a criminal conviction it is the responsibility of this court, as a precedent setting court, to state such conclusion clearly, explicitly and unequivocally for the record. In so doing the court will significantly reduce criminal appeals as well as eliminate the need for any further lip service to the supposed requirement of probable cause for stopping motorists. If unsubstantiated allegations are sufficient to support a criminal conviction there can be no conceivable objection to being stopped by police for no reason whatsoever.

It is hoped the issue will be addressed as requested rather than evaded as was done by the District Court which, as a consequence, compelled this appeal.

Dated: October 3, 2012.

\_\_\_\_\_  
G. W. HAIGHT, Appellant

CERTIFICATE OF TRANSMITTAL

I hereby certify that on October 4, 2012 two true and correct copies of the foregoing document were mailed by first class mail, postage prepaid to:

Jason M. Gray  
Deputy Attorney General  
P. O. Box 83720  
Boise, ID 83720

By: \_\_\_\_\_

POSTSCRIPT

\* While recognizing that the omniscience of the judiciary and the illusion of procedural integrity always take precedence over the ascertainment of truth, I nonetheless reiterate and repeat my testimony under oath, unequivocally and for the record, that I did signal the lane change for which I was found guilty of failing so to do.

LSTD: BriefReply  
10-4-2012gwh