

IN THE UTAH COURT OF APPEALS

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State of Utah,	)	MEMORANDUM DECISION
	)	
Plaintiff and Appellant,	)	Case No. 20090489-CA
	)	
v.	)	FILED
	)	(June 9, 2011)
Luis Mirio Ceron,	)	
	)	
Defendant and Appellee.	)	2011 UT App 187

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Third District, Salt Lake Department, 091902779  
The Honorable Ann Boyden

Attorneys: Mark L. Shurtleff and Laura B. Dupaix, Salt Lake City, for Appellant  
Ronald Fujino, Salt Lake City, for Appellee

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Before Judges McHugh, Roth, and Christiansen.

McHUGH, Associate Presiding Judge:

¶1 The State appeals from the magistrate’s pretrial order dismissing with prejudice the refiled information charging defendant Luis Ceron with one count of attempted murder with injury, *see* Utah Code Ann. § 76-5-203(2) (2008), and one count of aggravated kidnapping, *see id.* § 76-5-302.<sup>1</sup> The State argues that the magistrate erred when it dismissed Ceron’s case with prejudice based on its conclusion that the

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<sup>1</sup>See *State v. Pacheco-Ortega*, 2011 UT App 186, ¶¶ 2-7, the case of Ceron’s codefendant that was briefed concurrently with this case, for a detailed recitation of the facts relevant to this appeal.

prosecutor violated the standards articulated in *State v. Brickey*, 714 P.2d 644 (Utah 1986).

¶2 For the reasons stated in *State v. Pacheco-Ortega*, 2011 UT 186, we reverse.

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Carolyn B. McHugh,  
Associate Presiding Judge

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¶3 WE CONCUR:

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge