

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20060969-CA	
v.)		
)	F I L E D	
Gary Welch Brown,)	(March 13, 2008)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2008 UT App 82</td></tr></table>	2008 UT App 82
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Fifth District, St. George Department, 061500341
The Honorable G. Rand Beacham

Attorneys: Margaret Prim Lindsay, Orem, for Appellant
Brock R. Belnap and Matthew C. Miller, St. George,
for Appellee

Before Judges Thorne, Bench, and Billings.

PER CURIAM:

Brown appeals his convictions of intoxication and sexual battery. We affirm.

Brown first asserts that the trial court erred by admitting the arresting police officer's testimony regarding his background and experience with intoxicated persons because it was irrelevant. A trial court has broad discretion to determine whether evidence is relevant, and this court will find error in a relevancy ruling only if the trial court abused its discretion. See State v. Kohl, 2000 UT 35, ¶ 17, 999 P.2d 7. Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Utah R. Evid. 401.

Brown was charged with intoxication. The burden was on the State to prove that Brown was under the influence of alcohol, that he posed a danger to himself or others, and that he was in a public place. See Utah Code Ann. § 76-9-701 (Supp. 2007). The record indicates that the officer's testimony regarding his background and experience with intoxicated persons was relevant to show that Brown was intoxicated. Thus, we cannot say that the

trial court abused its discretion in determining that the officer's testimony was relevant.

Brown also asserts that if the officer's testimony was relevant, the prejudicial effect of allowing the jury to hear his testimony substantially outweighed its probative value. See Utah R. Evid. 403. Balancing the probative value of evidence against any prejudicial effect rests within the sound discretion of the trial court and will not be disturbed absent a showing of abuse of discretion. See State v. Guzman, 2004 UT App 211, ¶ 12, 95 P.3d 302. Brown has not demonstrated that the trial court abused its discretion in determining that the probative value of the officer's testimony was outweighed by the danger of unfair prejudice.

Finally, Brown asserts that the trial court erred in convicting him of sexual battery. However, Brown failed to address this issue in his briefing. An appealing party must adequately brief his or her legal arguments and provide proper legal analysis supporting his or her legal claims. See West Jordan City v. Goodman, 2006 UT 27, ¶¶ 29-30, 135 P.3d 874. If an appealing party is utterly deficient in his or her briefing and fails to address an issue, this court is required to affirm the ruling of the trial court. See id.

Accordingly, Brown's convictions are affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Judith M. Billings, Judge