

IN THE UTAH COURT OF APPEALS

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Provo City,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20040225-CA
v.)	F I L E D
)	(February 9, 2006)
James Luis Gedo,)	
)	2006 UT App 43
Defendant and Appellant.)	

Fourth District, Provo Department, 011403630
The Honorable Derek P. Pullan

Attorneys: Laura H. Cabanilla, Provo, for Appellant
Stephen H. Schreiner, Provo, for Appellee

Before Judges McHugh, Orme, and Thorne.

ORME, Judge:

We have determined that "the decisional process would not be significantly aided by oral argument," Utah R. App. P. 29(a)(3), and that the issues presented are readily resolved under applicable law.

Provo City's argument is well taken that, given the requirements of rule 24 of the Utah Rules of Appellate Procedure, we should not consider the issues Gedo has inadequately briefed. See State v. Lucero, 2002 UT App 135, ¶8, 47 P.3d 107. ("It is well established that a reviewing court will not address arguments that are not adequately briefed.") (internal quotations and citation omitted). Indeed, in continuing his admitted practice of "tilting at windmills," Gedo argues on appeal that the trial court erred in several respects, but he wholly fails to establish "why, under applicable authorities, those errors are material ones necessitating reversal or other relief."

Demetropoulos v. Vreeken, 754 P.2d 960, 962 (Utah Ct. App. 1988), cert. denied, 765 P.2d 1278 (Utah 1988).

Gedo has inadequately briefed his argument that the trial court erred in its treatment of the multiple pro se motions--or "demands"--Gedo filed against the advice of his trial counsel. His argument fails "to include any relevant citations, authority, or meaningful legal analysis that would support his allegations." Lucero, 2002 UT App 135 at ¶11. Gedo has likewise inadequately briefed his contention that the trial court violated his constitutional right to represent himself by ordering him to submit motions to the court only through his attorney of record.¹

Gedo's brief is also devoid of "any relevant citations, authority, or meaningful legal analysis" supporting his contention that the trial court erred when it declined to find that the police officer's entry on the property was in violation of Gedo's Fourth Amendment rights. Id. Most significantly, Gedo has cited to "no applicable case law" and has provided no "meaningful analysis" establishing that the officer had entered an area of the property in which Gedo had a constitutionally protected reasonable expectation of privacy.² Id. at ¶12.

Finally, Gedo's novel argument that the exclusionary rule should somehow be expanded to require the dismissal of criminal charges against a defendant who is the victim of excessive police

¹These arguments would be unavailing in any event, because Gedo has failed to show that the motions and "demands" were even pertinent to his case and that any purported error on the part of the trial court in denying them would have affected his substantial rights. See Utah R. Crim. P. 30(a). Moreover, we fail to see how Gedo's right to represent himself was violated when most of his spurious motions were actually submitted to the court through his counsel, considered by the court, and dealt with appropriately.

²"[I]n order to claim the protection of the Fourth Amendment, a defendant must demonstrate that he personally has an expectation of privacy in the place searched, and that his expectation is reasonable[.]" Minnesota v. Carter, 525 U.S. 83, 88 (1998). See also State v. Atwood, 831 P.2d 1056, 1058 (Utah Ct. App. 1992) ("[D]emonstrating a legitimate expectation of privacy . . . is a threshold requirement that a defendant must satisfy in order to establish a violation of constitutional rights.").

force is unsupported by legal authority and is otherwise inadequately briefed.

Affirmed.

Gregory K. Orme, Judge

WE CONCUR:

Carolyn B. McHugh, Judge

William A. Thorne Jr., Judge