



American Civil Liberties Union of Utah Foundation, Inc.
355 North 300 West #1 ♦ Salt Lake City, UT 84103 ♦ (801) 521-9862 phone
(801) 532-2850 fax ♦ aclu@xmission.com ♦ www.acluutah.org

BY Facsimile and U.S. Mail

October 3, 2003

JUDGE KEVIN CHRISTENSEN
01 South Main Street
Brigham City, Utah 84302
Voice: 435-734-3390
Fax: 435-734-3376

RE: Trent M. Brown, Case Number 02-0702

Dear Judge Christensen,

Trent M. Brown contacted me this morning concerning an unpaid fine for citations including illegal dumping, parking a trailer, and a violation of UDOT right of way. He stated that he plead not guilty to these offenses during his hearing and requested appointment of counsel which was summarily denied. He stated that the court found him guilty of all the listed violations. He reported that you ordered him to pay \$2000 by Monday October 6, 2003 or he would be incarcerated for three years.

If this is a true recitation of the situation I am afraid that any imprisonment without the benefit of counsel is in violation of the United States Supreme Court ruling in *Alabama v. Shelton*, 122 U.S. 1764 (May 20, 2002) (LEXIS, Genfed library). Mr. Brown cannot be incarcerated for an underlying misdemeanor offense if he was not represented by counsel or, in the alternative, did not make a knowing waiver of counsel. Please read the attached letter concerning the *Shelton* decision. If Mr. Brown is incarcerated on Monday October 6, 2003 the ACLU of Utah will assist Mr. Brown to find competent counsel in order to terminate the unlawful incarceration. If this is not a true recitation of the situation, feel free to call my office at (801) 521-9862 x 103. Thank you for your prompt attention to this matter.

Sincerely,

Janelle P. Eurick
Staff Attorney

Cc: Trent M. Brown