

EXHIBIT A



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC  
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February 17, 2011

**BY FACSIMILE (801.578.3999)**

Marilyn Graves, Clerk of Court  
Utah Supreme Court  
450 South State  
Salt Lake City, Utah 84114-0210

**Re: Record on Appeal, *State v. J.M.S.*, No. 20091015-SC**

Dear Ms. Graves:


The American Civil Liberties Union of Utah Foundation, Inc. (“ACLU of Utah”) was contacted this week by counsel for the Appellee in the above action, who requested that we consider filing a motion for leave to submit a brief of amicus curiae. We would like to review the full record on appeal so that we can ascertain whether and how a brief submitted by the ACLU of Utah could assist the Court in reaching a fair and just resolution of the case.

We understand that this case involves a juvenile, and hereby affirm that we will (i) treat the entire record as confidential and sealed, and (ii) destroy all copies of the record, if any, in our possession or control at the conclusion of the case.

David Hobbs, whom we have sent to retrieve the record, is a paralegal in our office who has signed and is bound by the ACLU of Utah’s standard confidentiality agreement. I am copying counsel for Appellee, the juvenile J.M.S., on this correspondence.

Thank you for your assistance with this matter. If you have any questions, I can be reached at 801.521.9862 ext. 108 or by e-mail at [dgoddard@acluutah.org](mailto:dgoddard@acluutah.org).

Very truly yours,



Darcy M. Goddard  
Legal Director  
ACLU of Utah

cc: Richard King (by e-mail, [richublclaw@gmail.com](mailto:richublclaw@gmail.com))