

The Order of the Court is stated below:

Dated: March 10, 2017
10:01:48 AM

/s/ Thomas R. Lee
Associate Chief Justice



IN THE SUPREME COURT OF THE STATE OF UTAH

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State of Utah,
Respondent,

v.

Percy L. Wilder,
Petitioner.

ORDER

Appellate Case No. 20160952-SC

This matter is before the court upon a Petition for Writ of Certiorari, filed on November 18, 2017.

The Petition for Writ of Certiorari is granted as to the following issue(s):

Whether the court of appeals erred in concluding Petitioners trial counsel could not have established that his aggravated kidnaping and aggravated sexual assault charges merged.

In briefing that question, the parties also are requested to address: whether (a) this Court has the authority to articulate a common-law merger test in the face of a governing statute, and (b) if so, whether the Finlayson-Lee test is an appropriate means of exercising that authority.

A briefing schedule will be established hereafter. Pursuant to Rule 2 of the Rules of Appellate Procedure, the Court suspends the provision of Rule 26(a) that permits the parties to stipulate to an extension of time to submit their briefs on the merits. The parties shall not be permitted to stipulate to an extension. The parties shall comply with the briefing schedule upon its issuance.

End of Order - Signature at the Top of the First Page

