

The Order of the Court is stated below:

Dated: January 07, 2019
11:59:36 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.
John E. Gallegos,
Petitioner.

ORDER

Supreme Court Case No. 20180890-SC

Court of Appeals Case No. 20150688-
CA

Trial Court Case No. 111900879

This matter is before the court upon a Petition for Writ of Certiorari, filed on November 1, 2018.

The Petition for Writ of Certiorari is granted as to the following issues:

1. Whether the majority of the panel of the Court of Appeals erred in concluding that Petitioner had failed to present a sufficient basis for a remand pursuant to Rule 23B of the Rules of Appellate Procedure to evaluate whether his counsel had provided ineffective assistance by failing to obtain expert testimony concerning eyewitness identifications.
2. Whether the Court of Appeals erred in concluding that Petitioner had failed to demonstrate prejudice arising from his allegations of ineffective assistance of counsel.

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