IN THE UTAH COURT OF APPEALS

OREM CITY, Plaintiff / Appellee, v. DAVID AMMON JAKEMAN**,** Defendant / Appellant.	Appellate Court Case No. 20250896-CA (Consolidated with Case No. 20250897-CA, 20250898-CA, 20250899-CA, 20250900-CA, 20250901-CA, 20250902-CA, 20250903-CA, 20250904-CA, 20250905-CA) Trial Court Case No. 221300408, 221300553, 231300069, 231300079, 231300162

BRIEF OF APPELLEE

APPEAL FROM POST-CONVICTION RULINGS ISSUED ON JUNE 30, 2025, AND JULY 25, 2025, IN THE FOURTH JUDICIAL DISTRICT COURT, UTAH COUNTY, STATE OF UTAH, THE HONORABLE JARED ELDRIDGE PRESIDING.

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ORAL ARGUMENTS AND PUBLISHED OPINION NOT REQUESTED

LIST OF CURRENT AND FORMER PARTIES

This is an appeal from a criminal proceeding. The Appellant/Defendant is the accused, David Ammon Jakeman ("Appellant"), and is proceeding pro se. During the underlying criminal proceedings, the law firm of Stevens & Gailey represented Appellant, as appointed counsel. Attorneys included Mr. H.D. Gailey, Mr. Mitchell Robinson, Mr. W. Kyler Jackson, Mr. Bryce Young, and Ms. Stormi Chrest.

Post-conviction, Appellant asserted various Ineffective Assistance of Counsel claims in a Motion for New Trial. After the filing of the motion for new trial, Appellant represented himself with assistance of Mr. Gregory Stewart, as appointed co-counsel. Mr. Steward was replaced by Mr. Brixton Hakes as appointed conflict counsel who later withdrew at a hearing on March 28, 2025. Appellant chose at that hearing to exercise his right to self-representation. Judge Eldridge conducted a *Frampton* colloquy and found that Appellant knowingly and intelligently made a voluntary waiver of his right to counsel. At the time the subject motions were made Appellant was proceeding pro se.

The City of Orem, by and for the State of Utah, is the Appellee/Plaintiff and is represented by Aliisa N. Leon and D. Jacob Summers. There are no other parties to the proceeding.

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INTRODUCTION

This appeal challenges three adverse rulings issued by the Fourth District Court – Spanish Fork Division in the ongoing proceedings following the Appellant's criminal convictions, primarily involving domestic violence. The rulings under review are: (1) the June 30, 2025, order denying the Appellant's motion to correct the record; (2) the June 30, 2025, order striking a voluminous pleading and issuing a vexatious litigant strike; and (3) the July 25, 2025, order denying a second hearing to modify or dismiss the Continuous Protective Order ("CPO").

On August 22, 2023, the Appellant entered guilty pleas to multiple counts, having executed a plea rights waiver and affirmed that his pleas were knowing and voluntary. Although the Appellant filed a pro se motion to withdraw those pleas on September 21, 2023, that motion was subsequently withdrawn by his appointed counsel on October 13, 2023, with the Appellant's assent to proceed to sentencing. Following the November 3, 2023, sentencing hearing, during which the Appellant did not renew his motion, he later attempted to challenge the pleas. However, he subsequently filed a Motion for Voluntary Dismissal of the related appeal (Case No. 20231060-CA) on May 20, 2024, explicitly waiving his right to pursue the plea withdrawal issues to focus on a separate conviction appeal.

It was in this established posture of waiver that the Appellant filed the first challenged motion on April 1, 2025: the "URAP Rule 11(f) MOTION TO CORRECT THE RECORD." This motion, filed over 500 days after the pleas were entered and over a year after the related appeal was dismissed, sought to add a declaration to the record that was

intended to support his long-withdrawn plea motion. The court denied this motion on June 30, 2025, as the underlying issue was immaterial and moot due to the Appellant's explicit withdrawal and abandonment of the claims.

The second challenged ruling arose from the court's effort to manage the volume and content of filings. Following a March 28, 2025, hearing where the Appellant was granted self-representation, he filed a 322-page document entitled "Defendant's Response to Statements Made During the Hearing on 03/28/2025" the following day. This filing lacked any legal grounds, failed to request specific relief, and was deemed an excessive means of registering grievances. Consequently, the court, in its June 30, 2025, order struck the pleading pursuant to Utah R. Crim. P. 33, finding it burdensome, irrelevant, and immaterial. The court further designated the filing as a first strike toward a potential vexatious litigant determination under Utah R. Civ. P. 83, citing its excessive length and lack of substance.

Finally, the third challenged ruling concerns the CPO issued in the underlying cases. After the court issued the CPO on September 27, 2024, following a comprehensive hearing where the Appellant was fully heard, the Appellant filed a "Request for Hearing to Modify Continuous Protective Orders" on July 3, 2025. This request was a concise, single-sentence filing that failed to meet the particularity requirements of a motion to modify the CPO and provided no evidence of a change in circumstances.

The court denied this request on July 25, 2025. The court determined that the Appellant had already received the mandatory hearing required for the CPO's issuance and was not entitled to a second hearing on demand, as modification hearings are discretionary.

Furthermore, the court found that granting an additional hearing without a material basis would violate the protected rights of the victims to be free from harassment and receive a prompt, final conclusion to the matter. All three of these adverse rulings are now presented to this Court for review.

This Court should affirm.

STATEMENT OF THE ISSUES

ISSUE 1:

Did the district court abuse its discretion by denying Appellant's improperly filed motion – which invoked an Appellate Rule to correct the trial record when more appropriate remedies existed under district court rules of procedure – after determining that the relief sought was immaterial because the Appellant's waivers, failure to preserve issues, and subsequent proceedings had rendered the necessity of correcting that specific portion of the record moot?

PRESERVATION:

While Appellant may have preserved review of the district court's exercise of discretion in denying his Rule 11(f) motion, the "subsidiary issues" were not preserved, as claimed by Appellant. In August 2023, the Appellant entered multiple guilty pleas in numerous criminal cases. At that time, Appellant after being given a chance to go over his rights with his attorney, and review a written rights advisement, verbally and in writing affirmed that his entry of pleas was knowing and voluntary. Prior to sentencing, Appellant filed a motion to withdraw "all guilty pleas." During this same timeframe, Appellant filed other motions requesting to either represent himself or have conflict counsel appointed. On

October 27, 2023, still prior to sentencing, Appellant's counsel represented that Appellant was withdrawing his Motions to Withdraw Pleas. Sentencing was held on November 3, 2023. The district court provided Appellant substantial time to allocate and Appellant did not object to moving forward with Sentencing or renew his Motion to withdraw his pleas. Only after being ordered to serve jail time, did Appellant state that he wanted to renew his Motion to Withdraw pleas. "One who fails to make a necessary objection or *who fails to ensure that it is on the record* is deemed to have waived the issue." *State v. Prawitt*, 2011 UT App 261, ¶ 8 (emphasis in original).

In a separate appeal, Appellant sought review of the entry of his pleas. *See* 20231060-CA. In his docketing statement, Appellant identified as an issue "Did the trial court commit structural error by effectively denying Appellant's motion to represent himself, to withdraw his guilty pleas and for new trial, by holding the sentencing without entering orders on such motions." However, on May 20, 2024, Appellant filed a "Motion for Voluntary Dismissal of Appeal." This motion was supported by an "Unsworn Declaration of Appellant," wherein Appellant asserted that he was knowingly and voluntarily abandoning his claims surrounding the entry of his pleas and focusing his efforts on appellate case 20231059-CA. The Court of Appeals granted said motion, dismissing the appeal on May 29, 2024. However, Appellant persists in attempts to attack his entry of pleas. Now, Appellant attempts another bite of the apple by filing an appellate motion in the district court to reopen waived and unpreserved issues.

STANDARD OF REVIEW:

"A decision to remand for supplementation of the record is a matter entrusted to our sound discretion." *State v. Garrido*, 2013 UT App 245, ¶ 8. The "abuse of discretion standard asks generally whether the court has "exceeded the range of discretion allowed for [a] particular act under review." *State v. Torres-Orellana*, 2024 UT 46, ¶ 43 (quoting *Rivera ex rel. Rivera v. State Farm Mut. Auto. Ins. Co.*, 2000 UT 36, ¶ 7 n.3, 1 P.3d 539.)

ISSUE 2:

Did the district court abuse its discretion when it struck a 322-page filing on the grounds that it was burdensome, failed to request judicial relief, and was irrelevant and immaterial to any pending matter, and was Appellant entitled to notice and hearing before the district court issued a vexatious litigation strike even though the rule did not require a hearing and the strike did not implicate any significant interest in life, liberty, or property as no restrictions were ordered?

PRESERVATION:

"An issue must first be raised in the district court to be preserved for review." *State v. Rynhart*, 2025 UT App 148, ¶ 23. Here, Appellant seeks review of the denial of a Motion to Supplement the Record, which was raised in the district court. However, in order to properly preserve an issue at the district court, the following must take place: (1) the issue must be raised in a timely fashion; (2) the issue must be specifically raised; and (3) a party must introduce supporting evidence or relevant legal authority." *State v. Flora*, 2020 UT 2, ¶ 14 (internal quotation and emphasis omitted). While Appellant's filing failed to raise

an issue and may not satisfy the preservation rule, the court's ruling likely provides sufficient basis for review on appeal.

STANDARD OF REVIEW:

Generally, appellate courts grant "[a] trial judge ... broad discretion in determining how a [case] shall proceed in his or her courtroom." *Pratt v. Nelson*, 2005 UT App 541, ¶ 12. The district court has the inherent power to strike a party's pleading if the party engages in conduct that demonstrates a lack of merit. C*hen v. Stewart*, 2005 UT 68, ¶ 43. Utah R. Crim. P. 33(a) provides that filings that "are not in compliance may be disregarded or stricken, in whole or in part, and the court may impose sanctions against the offending party." The district court's ruling on a motion to strike a pleading will not be disturbed absent a clear abuse of discretion. *Gunnison Valley Bank v. Crotts*, 2012 UT App 308, ¶ 2.

"A discretionary decision involves a question with a range of 'acceptable' answers, some better than others, and the agency or district court is free to choose from among this range without regard to what an appellate court thinks is the 'best' answer." *Murray v. Utah Labor Com'n*, 2013 UT 38, ¶ 30. "Abuse of discretion occurs only if it can be said that no reasonable person would take the view adopted by the district court." *State v. Sanchez*, 2017 UT App 229, ¶ 2 (quoting *State v. Valdovinos*, 2003 UT App 432, ¶ 14.) (internal quotations omitted).

ISSUE 3:

Did the district court abuse its discretion in denying Appellant's request for a second hearing on the continuous protective order when he already had a hearing on the continuous

protective order and was not entitled to another, and there was no motion properly before the court?

PRESERVATION:

"In order to properly preserve an issue at the district court, the following must take place: (1) the issue must be raised in a timely fashion; (2) the issue must be specifically raised; and (3) a party must introduce supporting evidence or relevant legal authority." *State v. Flora*, 2020 UT 2, ¶ 14 (internal quotation and emphasis omitted). While Appellant's one sentence "Request for Hearing to Modify Continuous Protective Order" may not satisfy the preservation rule, the subsequent objection, response, and district court ruling likely provides sufficient basis for review on appeal.

STANDARD OF REVIEW:

A "district court's interpretation of a statute is a question of law" reviewed for correctness. *Card v. Card*, 2016 UT App 233, ¶ 3. However, a statute's use of the word "may" indicates a court's discretionary power, the exercise of which the Court of Appeals reviews for an abuse of discretion. *Id*. If the statute is permissive, the Court of Appeals reviews the court's ultimate decision for an abuse of discretion. *Id.*

We review a court's determination "regarding the presence or absence of a substantial change in circumstances for an abuse of discretion." *State v. Groce*, 2024 UT App 166, ¶ 18, reh'g denied (Dec. 20, 2024), cert. denied, 568 P.3d 260 (Utah 2025), and abrogated by *State v. Harris*, 2025 UT 48, ¶ 18, citing *Harper v. Harper*, 2021 UT App 5, ¶ 11.

"A discretionary decision involves a question with a range of 'acceptable' answers, some better than others, and the agency or district court is free to choose from among this range without regard to what an appellate court thinks is the 'best' answer." *Murray v. Utah Labor Com'n*, 2013 UT 38, ¶30. "Abuse of discretion occurs only if it can be said that no reasonable person would take the view adopted by the district court." *State v. Sanchez*, 2017 UT App 229, ¶ 2 (quoting *State v. Valdovinos*, 2003 UT App 432, ¶ 14.) (internal quotations omitted).

STATEMENT OF THE CASE

1. JUNE 30TH RULINGS

1.1 Appellant's Utah R. App. P. 11(f) Motion

Appellant acknowledges his rights regarding a plea withdrawal, pleads guilty, files a motion to withdraw plea, withdraws the motion to withdraw plea, and does not renew the motion to withdraw plea until after the district court issues a jail sentence.

On August 22, 2023, the Honorable Judge Eldridge advised Appellant of his rights and penalties, then Appellant pled to five counts of class A misdemeanor violation of a protective order (domestic violence) and one count of class B misdemeanor threat of violence (domestic violence) in district court case nos. 221300553, 231300069, 231300079, 231300162. R.2-0453, R.3-0046, R.4-0099, R.5-0041.[1]

[1] The record was divided into separate files for each of Appellants district court cases and each record restarted the Bates stamp at "1." To clarify which record the City is referencing it will be labeling each case record as follows 221300408 "1-", 221300553 "2-", 231300069 "3-", 231300079 "4-", 231300162 "5-", 231300408 (Private) "6-."

Prior to the entry of plea, Appellant signed a plea rights waiver. R.2-0460, R.3-0050, R.4-0106, R.5-0048. The waiver advised Appellant of his rights to appeal and withdraw his plea warning that to withdraw a plea he would need to show it was not knowingly and voluntarily made. *Id.* Pursuant to the written waiver Appellant affirmed, "I have read and I understand the foregoing rights and instructions. I understand the charge(s) and penalties. Any plea I enter is voluntary and of my own free will and choice. No force, threats or unlawful influence has been made to get me to plead." *Id.*

Following the entry of plea in those matters, the court held a bench trial on Appellant's remaining case (221300408) and found Appellant guilty of class A misdemeanor violation of a protective order (domestic violence) and class A misdemeanor child abuse with injury, intentional or knowing. R.1-0198.

Appellant filed a pro se motion to withdraw his pleas on September 21, 2023. R.2-0486, R.3-0076, R.4-0132, R.5-0074. Appellant attached a declaration to the motion, which for reasons unknown was not filed in the court records with the motion. *Id*.

Then on October 13, 2023, Appellant's appointed counsel Mr. Greg Steward withdrew Appellant's Motion to Withdraw Plea stating, "The last communication I had with [Appellant] was that we intended to withdraw both of these motions and proceed forward with sentencing." R.1-0740.

Appellant was present and represented by counsel when he was sentenced on November 3, 2023. R.1-0886. The court provided Appellant with substantial time to allocute (R.1-0943) and Appellant did not object to moving forward with sentencing or renew his motion to withdraw his pleas prior to sentencing. R.1-0886-976. However, after

the court imposed a jail sentence, Appellant interrupted the court declaring, "Then I assert a motion for a new trial and to withdraw guilty pleas." R.1-0951.

Appellant files an appeal raising his Pro Se Motion to Withdraw Plea, but later voluntarily abandons his claims surrounding the entry of his pleas to focus his efforts on his appeal in 20231059-CA.

Appellant sought review of the entry of his pleas in district court cases 221300553, 231300069, 231300079, and 231300162. *See* 20231060-CA. In his docketing statement, Appellant raised the following issue: "Did the trial court commit structural error by effectively denying Appellant's motion to represent himself, to withdraw his guilty pleas and for new trial, by holding the sentencing without entering orders on such motions." R.1-2227.

On May 20, 2024, Appellant filed a "Motion for Voluntary Dismissal of Appeal" in 20231060-CA. R.1-2236. This motion was supported by an "Unsworn Declaration of Appellant," wherein Appellant asserted that he was knowingly and voluntarily abandoning his claims surrounding the entry of his pleas in appeal and focusing his efforts on 20231059-CA. R.1-2238. The Court of Appeals granted said motion, dismissing the appeal on May 29, 2024. R.1-2240. This case was remitted on July 8, 2024. R.1-2891.

Appellant proceeded on his appeal of the child abuse conviction in case no. 221300408, Utah Ct. App. case no. 20231059. *Orem City v. Jakeman*, 2025 UT App 107, cert. denied. The child abuse conviction was affirmed by the Court of Appeals and the Utah Supreme Court denied certiorari. *Id.*

Appellant tries unsuccessfully to revive his voluntarily withdrawn appeal.

Appellant filed a motion to reinstate the voluntarily withdrawn appeal on March 1, 2025. *See* 20231060-CA. This Court denied that motion on March 3, 2025. *Id.* Appellant filed a petition for certiorari March 7, 2025. *Id.* Certiorari was denied on April 25, 2025. *Id*.

Appellant filed a Petition for Extraordinary Writ March 21, 2025, seeking permission to withdraw/revoke his voluntary dismissal of appeal and reinstate the appeal in case no. 20231060. R.1-0236. This Court denied the Petition reasoning:

> That appeal was dismissed on Jakeman's request for voluntary dismissal. Jakeman acknowledged in his motion for voluntary dismissal that he understood that the appeal could not be reinstated once dismissed. In March 2025, Jakeman filed a motion to reinstate Case No. 20231060-CA. That motion was denied by this court. Jakeman has since filed a petition for certiorari in the Utah Supreme Court to challenge the denial of reinstatement.
>
> *R.1-2916.*

Appellant moves the district court pursuant to Utah R. App. P. 11(f) to add a declaration in support of his September 21, 2023 Pro Se Motion to Withdraw Guilty Pleas to the record 536 days after that motion was withdrawn and the district court denies the motion finding it is immaterial and moot.

On April 1, 2025, Appellant filed "URAP Rule 11(F) MOTION TO CORRECT THE RECORD BY INCLUDING THE SUPPORTING DECLARATION HE SUBMITTED SIMULTANEOUSLY WITH HIS MOTION TO WITHDRAW GUILTY PLEAS" in the Spanish Fork District Court. R.1-2433. This was filed 558 days after he filed the motion to withdraw plea, 536 days after that motion was withdrawn, 515 days after sentencing, and 316 days after he voluntarily dismissed the related appeal.

This motion requested that the court "correct the record by including in it the supporting declaration he submitted simultaneously with his '*Pro se* Motion to Withdraw all Guilty Pleas and to set Hearing for same day and time as the Trial set for Case 221300408' dated 09/21/2023." R.1-2434. Other than in its caption, this motion contains no statement of authority for which the court could grant relief. R.1-2433-38. The motion contains no references to any rule, statute, or case law supporting the requested relief. *Id.* Further, it provides no application of any rule, statute, or case law to the proffered declaration. *Id.* Rather, Appellant merely filed a declaration, and prayed for the following relief:

> (1) That the City look through its records and provide a signed and dated copy of this declaration to the court for inclusion in the record, and (2) that the court include in the record the signed and dated copy provided by the city, or the attached copy if the court cannot find one in its archives and the city ignores this request, and (3) that it notify the Court of Appeals of the correction.
>
> R.1-2436.

This relief was sought "because the attached declaration corroborates and supports appeal 20231059-CA and his motions to reinstate and provided supplemental briefing." *Id*.

On June 30, 2025, the Honorable Judge Eldridge denied Appellant's Utah R. App. Pro. 11(f) Motion finding the motion was immaterial and moot because Appellant withdrew his Motion to Withdraw his Guilty Plea on October 13, 2023. R.1-3008.

On July 19, 2025, Appellant filed a motion pursuant to Utah R. Civ. P. 59 asking the court to alter or amend its ruling on the Rule 11(f) motion. R.1-3176. This motion was not addressed.

Appellant filed an appeal of the June 30, 2025 rulings on July 29, 2025. R.1-3625. That matter is now before this Court.

Appellant completed probation in the underlying cases and the district court terminated jurisdiction on November 11, 2025. Addendum 1 – Docket of Case 221300408.[2]

1.2 Appellant's "Response to Statements Made During Hearing on 03/28/25"

The district court grants appointed counsel's motion to withdraw and grants Appellant's request to self-represent after Appellant files a bar complaint against his counsel for refusing to file numerous motions.

On September 27, 2024, Appellant was ordered to file any future documents through his appointed counsel, Mr. Brixton Hakes. R.1-1890. Appellant filed a bar complaint when his counsel was unwilling to file the "many, many things" Appellant wanted filed with the court. R.1-3634. Consequently, Mr. Hakes was compelled to file a motion to withdraw. R.1-3637. A hearing was held regarding that motion on March 28, 2025. R.1-3632. The City objected to the withdrawal noting that appellant was not entitled to the appointed counsel of his choosing and had a tumultuous history with appointed counsel:

> Differences in how a case is handled aren't conflicts. Orem City does not have unlimited resources to continue burning through appointed counsel. He's been through numerous attorneys throughout the pendency of his cases, starting with Mitchell Robinson, Stormie Chrest, Greg Stewart, Chase

[2] For the sake of brevity, Appellee attaches only the District Court docket for one of the underlying cases, where there are multiple dockets with extensive duplicative entries.

> Hansen, who wasn't formally appointed, but had agreed to handle Orem City conflict cases, and then after his information was provided to Mr. Jakeman before Mr. Hansen was even assigned to that case, his excessive contacts Mr. Hansen's office were so onerous that Mr. Hansen informed the City that not only would they not be involved in that case, but they would not accept any conflict cases from Orem City anymore. And then Mr. Hakes was appointed.
>
> He's also had issues with counsel on appeal. In one moment he's saying he's the best attorney he's ever had, and the next moment he's saying he wants him removed or replaced, or that he wants to represent himself or to have standby or co-counsel, changes his mind so frequently it's impossible really to tell where he stands, and he's never unequivocally waived his right to counsel. And where he hasn't done that, you know, he -- the default is that he have indigent counsel.
>
> Same with the appellate -- the other appellate case. We've been going through the attorneys on the appellate roster, but most of the firms we've approached have looked at the dockets on these cases and flat out refused to accept the contract. And we've only found one firm that's willing to even consider accepting the contract.
>
> He has a lengthy history of failing to get along with appointed counsel. He's got a difficult personality for any defense counsel to work with, and I don't envy the position that Mr. Hakes is in, because when his counsel refuses to file his frivolous motions and documents that are harmless to his -- harmful to his case, Mr. Jakeman lashes out and then impulsively files the documents with the Court and communications with his counsel that are harmful to him.
>
> R.1-3635.

Additionally, the City expressed its concern that Appellant would continue to weaponize bar complaints in attempt to bully counsel into filing unmeritorious claims if new conflict counsel were appointed. R.1-3636.

> I feel like threatening bar complaints is a way to delay and bully counsel into filing these unmeritorious claims, and that's not going to stop if the Court allows Mr. Hakes to withdraw.
>
> *Id.*

The City also opined that the documents Appellant wished to file were largely frivolous. R.1-3639.

Appellant took exception to these opinions stating, “I've been slandered by both of these people.” R.1-3640. The court attempted to keep the focus on the matter at hand. *Id.* Appellant persisted in interrupting the court to address his objection to the comments regarding the validity of his proposed motions. R.1-3641-43.

The court granted appointed counsel’s motion to withdraw and Appellant’s request to self-represent following a *Frampton* colloquy. R.1-3643-50.

Appellant took exception to statements made during the withdrawal hearing and files "Defendant's Response to Statements Made During the Hearing on 03/28/2025”

On March 29, 2025, Appellant filed "Defendant's Response to Statements Made During the Hearing on 03/28/2025” in order to rebut statements made at the hearing the day before. R.1-2566-887. The filing was 322 pages long but did not state any legal basis for the filing. *Id*. It made no references to any rule, statute, or case law. *Id.* It did not make any request for relief. *Id.* The substance of the filing was a list of grievances against the prosecutor, former counsel, and the court. *Id.* The filing was redundant as it contained several attachments that were also filed separately with the court. *Id*

The district court strikes the “Response” pursuant to Utah R. Crim. P. 33 finding it burdensome, moot, irrelevant, and immaterial and gives Appellant a strike towards a vexatious litigant finding.

On June 30, 2025, the Honorable Judge Eldridge struck "Defendant's Response to Statements Made During the Hearing on 03/28/2025” pursuant to Utah R. Crim. P. 33

finding it burdensome, moot, irrelevant, and immaterial. R.1-3008. Specifically, the court noted that Appellant failed to include a request for relief or move the court to take any action and already received the relief requested at the subject hearing. R.1-3012.

The court also found that the filing constituted a first strike towards a vexatious litigant determination pursuant to Utah R. Civ. P. 83, noting the burdensome length of the filing, and that the filing was irrelevant and immaterial. R.1-3013.

On July 19, 2025, Appellant filed a motion pursuant to Utah R. Civ. P. 59 asking the court to amend its order striking "Defendant's Response to Statements Made During the Hearing on 03/28/2025." R.1-3191.

That motion was not addressed as Appellant filed an appeal of the June 30, 2025, rulings on July 29, 2025. R.1-3625.

Appellant completed probation in the underlying cases and the district court terminated jurisdiction on November 11, 2025. Addendum 1.

2. JULY 25th RULING DENYING A SECOND HEARING ON THE CPO

Appellant receives a hearing on the issuance of a CPO.

On November 3, 2023, the district court issued a sentencing protective order ("SPO") in each of Appellant's five domestic violence cases. R.1-0368, R.2-560, R.3-227, R.4-206, R.5-175. Appellant filed a request for a hearing to modify those protective orders on July 16, 2024. R.4-0476. The City filed an objection to Appellant's request for a hearing that distinguished between an SPO and continuous protective order "CPO." R.4-0590. Appellant accused the City of dishonesty for asserting that there was a distinction

between an SPO and CPO (R.4-0597) and argued that the SPO issued at sentencing was a CPO. R.4-0601.

The matter was set for a hearing on September 27, 2024. R1-1890. Before the hearing, the City filed a written request for a CPO. R.6-0041. On September 27, 2024, the district court held a hearing on Appellant's Motion and on the City's Counter Motion. R.1-1890. In addition to the written request for a CPO, the City verbally moved the court to correct the mistake made when a SPO was issued at sentencing instead of a CPO as mandated by Utah Code Ann. § 78b-7-804(3)(b). R.2-1758. The City moved the court before evidence and testimony were taken. *Id*. Appellant did not request a continuance and instead responded to the Counter Motion:

> I feel it's appropriate for me to respond to the City's Motion. So, the City has asked the Court to issue a continuous protective order. I just want to point out that is totally ridiculous, because this Court has already done so. In fact, the proof that the Court has already done so is that the Court has no option in cases 408 and 553. It had to issue a continuous protective order, which you could also call a continuous sentencing protective order or a sentencing protective order that is continuous.
>
> R.2-1760.

The court then received evidence and testimony from all parties. R.2-1825. Appellant filed 14 documents containing letters, psychological records, visitation notes, photos, social media posts, declarations, and more totaling 155 pages in connection with the hearing, which were all reviewed and considered by the Court prior to its ruling. R.2-1825. The court also considered the extensive information presented at the sentencing hearing and the evidence presented at the underlying trial. R.2-1822, 2-1825, 2-

1826. Appellant called two witnesses and had the opportunity to cross-examine the victim, R.J. R.2-1890.

Following the presentation of evidence, the court heard argument from both sides. The City argued that the failure to enter a CPO at the time of sentencing was deficient and that the entry of a CPO was needed to remedy the deficiency. R.2-1817. The court gave Appellant an opportunity to respond. R.2-1818. Appellant specifically addressed the City's counter motion arguing that the court did not need to issue a CPO because the existing order was already continuous:

> You don't need to issue another protective order. Modify this one if you need; and here's why you don't need to. Because what you issue[d], though it says "Sentencing Protective Order," on at least cases 553 and 408, you had no choice but to issue a continuous protective order, okay?
>
> R.2-1820.
>
> And "…it already is continuous. That's why I'm here." R.2-1821.

After careful consideration of all the information available to the court, the Honorable Judge Eldridge denied Appellant's motion finding the victims had a reasonable fear of future harm and abuse and issued a CPO. R.2-1824-25.

When Judge Eldridge issued his ruling, he observed that the mandate imposed by Utah Code Ann. § 78B-7-804(3)(b) required the court to issue a CPO at the time of sentencing. R.2-1822. He also recognized the strong presumption that a CPO issue in any case involving domestic violence created by Utah Code Ann. § 78b-7-804(3)(a). R.2-1823. He then found that a CPO should have issued at sentencing and corrected the error by issuing a CPO. R.2-1824.

Following the hearing, Appellant filed a signed declaration "under penalty of perjury" stating, "… I treated them and attacked them as if they were 'Continuous Protective Orders.'" R.2-1970.

Appellant requests another hearing on the CPO.

On July 3, 2025, Appellant filed a "Request for Hearing to Modify Continuous Protective Orders." R.2-2326. The request consisted of one sentence: "Defendant respectfully requests that a hearing be held at the earliest convenience of the court pursuant to Utah Code Ann. § 78B-7-804(3)(c) to consider the propriety of modifying or dismissing the existing continuous protective orders pursuant to Utah Code Ann. § 78B-7-804(4)." *Id.* There was no motion pending before the court as Appellant never filed a motion to modify the continuous protective order.

The City objects to the request for another hearing on the CPO.

The City objected arguing that Appellant was not entitled to another hearing, there was no material change in circumstance in the brief time since the court last ruled on the issue that would warrant a modification, and that another hearing would violate the victims' rights. R.2-2356. Appellant filed a response to the City's Objection on July 21, 2025, but still did not file an actual motion to modify the continuous protective order. R.2-2593. Several of the documents attached in support were duplicative of evidence submitted for the initial hearing on the CPO including ACAFS documents (R.2-2623, R2-1072) and RISE program documentation (R2-2622, R2-0712).

The district court denies the request finding Appellant already had a hearing and was not entitled to another and that another hearing would violate the victims' rights.

The Honorable Judge Eldridge denied Appellant's request for a hearing on July 25, 2025, finding that Appellant was "not entitled to additional hearing, he failed to demonstrate a material change in circumstances necessitating a hearing, and that another hearing would violate the Victims' rights as guaranteed by both the Utah Constitution and Utah Code Ann. § 77-37-3." R.2-2708.

The court found "Defendant has already had a hearing regarding the continuous protective orders. Defendant is not entitled to further hearings." R.2-2709. The court also found that in order to dismiss or modify the CPO pursuant to Utah Code Ann. § 78B-7-804(4), it would need to find by clear and convincing evidence that the victims no longer have a reasonable fear of harm or abuse and Appellant did not provide any information to show that had changed since the original hearing. R.2-2709. Finally, the court found "Dragging the victims into yet another hearing when there has not been any indication that another hearing would serve any beneficial purpose would needlessly harm the Defendant's victims, unnecessarily prolonging the conclusion of this issue and subjecting the victims to unnecessary distress," in violation of their right to be treated with dignity, respect, courtesy, and sensitivity pursuant to Utah Code Ann. § 77-37-1(1)(b) and their right to a prompt and final conclusion of all collateral attacks on dispositions or criminal judgments pursuant to Utah Code Ann. § 77-37-1(1)(b). R.2-2709.

On July 26, 2025, Appellant motioned the court pursuant to Utah R. Civ. P. 59 to change the order denying his request for a new protective order hearing. R.1-

3410. Appellant then initiated an appeal regarding the denial of his request for a new protective order hearing on July 29, 2025, before his Rule 59 motion was addressed. R.1-3629.

Appellant filed a Petition for Writ of Extraordinary Relief to Compel Adjudication of the Rule 59 Motion. Addendum 2- Order Denying Writ of Extraordinary Relief. This Court denied the Petition stating:

> He requests that the district court be ordered to rule on his motions to amend certain orders that are on direct appeal. He filed motions purporting to be under rule 59 of the Utah Rules of Civil Procedure, but the substance of the motions is little more than a request for reconsideration. Furthermore, rule 59 does not apply in this circumstance, where the target orders are post judgement orders in a criminal case.
>
> *Id.*

Appellant completed probation and the court terminated jurisdiction on all five domestic violence cases on November 11, 2025. Addendum 1.

SUMMARY OF ARGUMENT

The district court's rulings regarding the Appellant's motion to correct the record, the striking of an extraneous filing, the issuance of a vexatious litigant strike, and the denial of a second hearing on the Continuous Protective Order (CPO) were all legally correct and constituted a sound exercise of the court's discretion. This Court should affirm the district court's orders in their entirety.

The court properly denied the Appellant's "URAP Rule 11(f) Motion to Correct the Record" because it was procedurally unsound and sought to introduce immaterial matter.

The motion was erroneously filed in the district court under Utah R. App. P. 11, a rule governing appellate procedure, not district court motions. Furthermore, the motion failed to comply with the particularity requirements of Utah R. Crim. P. 12 by not stating the appropriate legal grounds for the requested relief. Any alternative arguments now raised by the Appellant under Utah R. Crim. P. 30 or Utah R. Civ. P. 60 are unpreserved and should be disregarded by this Court.

Crucially, the matter the Appellant sought to add—a declaration to support his Motion to Withdraw Guilty Pleas—was immaterial and moot. The record demonstrates that the Appellant waived and abandoned his Motion to Withdraw Pleas at the trial level and subsequently filed a Motion for Voluntary Dismissal of the related appeal, explicitly waiving those issues. An attempt to add documentation to the record for issues that have been waived and mooted is not a proper use of the procedure for correcting a record due to omission, and the court rightly rejected it.

The District Court correctly exercised its inherent and rule-based authority to manage its docket by striking the Appellant's 322-page, extraneous pleading and by issuing a vexatious litigant strike.

The court acted within its discretion to strike the pleading pursuant to Utah R. Crim. P. 33(a) as the filing was burdensome, irrelevant, and immaterial. The document was over 300 pages long, offered a list of grievances with no request for relief, and failed to meet the particularity standards for a motion under Utah R. Crim. P. 12.

Furthermore, the court did not err in issuing a vexatious litigant strike under Utah R. Civ. P. 83. The rule's requirements for notice and a hearing are only triggered when the

court enters an order restricting a litigant's conduct, not when it merely issues a warning strike toward a future finding. Appellant's due process rights were not implicated, as he suffered no deprivation of life, liberty, or property from the warning.

The District Court correctly denied the Appellant's motion for a second hearing on the Continuous Protective Order ("CPO") because, following the initial issuance, such hearings are discretionary, and the request failed to comply with procedural requirements.

Under Utah Code Ann. § 78B-7-804(4), hearings on the modification or dismissal of an already issued CPO are discretionary (using the term "may"), contrasting with the mandatory hearing requirement for the CPO's initial issuance. To impute a mandatory right to an endless stream of CPO hearings upon a defendant's demand would contradict the clear legislative intent to provide victims with protection, finality, and dignity, as established by the Victim's Rights statutes and the Utah Constitution's Victims' Rights provisions.

The Appellant's right to be heard on the CPO was already satisfied by the hearing held on September 23, 2024, which all parties and the court treated as a hearing on the CPO's issuance. Additionally, the Appellant's request for a second hearing was properly denied for failing to meet the particularity requirements of a motion under Utah R. Crim. P. 12. Since the circumstances had not materially changed, the court reasonably concluded that a second hearing would be an unnecessary waste of judicial resources and would cause further harm to the victims.

For these reasons, the court's rulings were fully supported by the record and the law, and this Court should affirm.

ARGUMENT

I. THE DISTRICT COURT RIGHTLY DENIED THE RULE 11(F) MOTION

Utah R. App. P. 11 provides a mechanism for the parties on appeal to supplement "the record when necessary." *Smith v. Four Corners Mental Health Center, Inc.*, 2003 UT 23, ¶ 33. Once a certified record is prepared, the parties to the appeal can petition the appellate court to augment the record "because of an omission or exclusion, or a dispute as the accuracy of reporting." *Id.* (quoting *Olson v. Park-Craig-Olson, Inc.*, 815 P.2d 1356, 1359 (Utah Ct. App. 1991)). Such motions are "appropriate only when the record must be augmented because of an omission or exclusion, or a dispute as to the accuracy of reporting, and not to introduce new material into the record." *State v. Law*, 2003 UT App 228, ¶ 2 (emphasis removed) (quoting *Olson v. Park-Craig-Olson, Inc.*, 815 P.2d 1356, 1359 (Utah Ct. App. 1991). "In considering a motion to supplement the record, the Court evaluates several factors. These include the necessity of the supplemental material, prior opportunity to introduce the supplemental material and length of the resulting delay. Under appropriate circumstances and in the interest of judicial economy, the Court will deny a motion to supplement the record." *Jeschke v. Willis*, 793 P.2d 428, 428-29 (Utah App. 1990).

Further, the Utah Rules of Appellate Procedure "govern the procedure before the Supreme Court and the Court of Appeals of Utah in all cases." Utah R. App. P. 1(a). When the Rules of Appellate Procedure require a motion or application be made in the district court, the appropriate rule of Civil Procedure or Criminal is applicable. *Id.* The district court rightly denied Appellant's April 2025 "URAP Rule 11(f) Motion to Correct the Record," where Appellant's Motion was erroneously based on an appellate rule

inapplicable to the district court. Assuming *arguendo*, this Court looks to either Utah R. Civ. P. 60 or Utah R. Crim. P. 30, Appellant fails to preserve any such argument by not raising those rules in his motion, nor in his opening brief.

A. Appellant's Erroneously Filed Rule 11(f) Motion Fails Under Utah R. Crim. P. 12.

In a criminal proceeding, a motion must state "succinctly and with particularity the grounds upon which it is made and the relief sought." Utah R. Crim. P. 12(a). While the substance of a motion controls, not simply its caption, Rule 12 requires that a motion sufficiently state with particularity the grounds for the motion. *See State v. Parker*, 872 P.2d 1041, 1044 (Utah Ct. App. 1994). This particularity requirement is designed to "promote the policies of (1) mitigating prejudice to opposing parties by allowing that party to respond to the motion . . . and (2) assuring that a court can be apprised of the basis of a motion and rule upon it with a proper understanding." *Menzies v. Galetka*, 2006 UT 81, ¶ 68 (quoting *Holmes Dev., LLC v. Cook*, 2002 UT 38, ¶ 58). When "a party fails to comply with Utah's formal motion practice rules, a district court may, within its discretion, deny the motion on the grounds that it is insufficient." *Id.* (internal quotations omitted). Moreover, "[w]here the grounds upon which a motion is made before the district court differ from the grounds argued on appeal, appellate courts will generally dismiss those arguments as unpreserved." *State v. Isom*, 2015 UT App 160, ¶ 21. Appellant's erroneous reliance on Utah R. App. P. 11, at the district court level, in arguing his Motion to Correct the Record is insufficient under Utah R. Crim. P. 12, and the court's denial was not an

abuse of discretion. Further, any argument that the Appellant now asserts under Utah R. Crim. P. 30 or Utah R. Civ. P. 60 should be dismissed as unpreserved.

Here, Appellant filed a motion in the district court captioned "APPELLANT'S URAP Rule 11(f) MOTION TO CORRECT THE RECORD BY INCLUDING THE SUPPORTING DECLARATION HE SUBMITTED SIMULTANEOUSLY WITH HIS MOTION TO WITHDRAW GUILTY PLEAS" on April 1, 2025. R.2-1722. This motion requested that the district court "correct the record by including in it the supporting declaration he submitted simultaneously with his '*Pro se* Motion to Withdraw all Guilty Pleas and to set Hearing for same day and time as the Trial set for Case 221300408' dated 09/21/2023." R.2-1723. Other than in its caption, this motion contains no statement of authority for which the court could grant relief. R.2-1722-26. The motion contains no references to any rule, statute, or case law supporting the requested relief. *Id.* Further, it provides no application of any rule, statute, or case law to the proffered declaration. *Id.* Rather, Appellant merely filed a declaration, and prayed for the following relief:

> (1) That the City look through its records and provide a signed and dated copy of this declaration to the court for inclusion in the record, and (2) that the court include in the record the signed and dated copy provided by the city, or the attached copy if the court cannot find one in its archives and the city ignores this request, and (3) that it notify the Court of Appeals of the correction.
>
> R.2-1725.

This relief was sought "because the attached declaration corroborates and supports appeal 20231059-CA". *Id.*

Appellate Case 20231059 was decided by published opinion on July 10, 2025. *See Orem City v. Jakeman*, 2025 UT App 107, *cert. denied*. Therein Appellant challenged his convictions of Child Abuse and Violation of a Protective Order on three (3) grounds: (1) Sufficiency of Evidence; (2) Structural Error; and (3) Ineffective Assistance of Counsel. *Id.* The Appellant did not assert any issues surrounding the entry of pleas in that case. *Id.*

Rather, Appellant simultaneously filed a multiple appeals, consolidated in appellate case 20231060. *See* 20231060-CA , R. 1-2194. Therein, Appellant initially sought to challenge his entry of pleas in court case number 221300553. R. 1-2224-2230. However, on May 20, 2024, Appellant filed a Motion for Voluntary Dismissal of Appeal and Declaration supporting the Motion. R.1-2236. The Utah Court of Appeals granted Appellant's Motion to voluntarily dismiss the appeal in 20231060 on May 29, 2024. R.1-2240. This case was remitted on July 8, 2024. R.1-2241.

At no point did Appellant file a Rule 11 motion in an appellate case. Nor did any appellate court issue an order or ruling for the district court to engage in any steps to supplement, correct, or modify the record. As such, the Rule 11 motion was not properly before the court to supplement or correct the record. The court would have been within its discretion to deny the Appellant's motion for insufficiency.

B. The District court Properly Exercised Its Discretion In Denying Appellant's Rule 11(f) Motion As The Requested Remedy Was Both Immaterial and Moot.

Rule 11(f) motions are "appropriate only when the record must be augmented because of an omission or exclusion, or a dispute as to the accuracy of reporting, and not

to introduce new material into the record." *State v. Law*, 2003 UT App 228, ¶ 2 (quoting *Olson v. Park-Craig-Olson, Inc.*, 815 P.2d 1356, 1359 (Utah Ct. App. 1991) (emphasis omitted). The rule requires materiality in the portion of the record to be corrected, augmented, or supplemented. Utah R. App. P. 11(f) (now Utah R. App. P. 11(d)). Here, the appellant sought to supplement the district court's record by including a declaration, wherein Appellant proffers that he lied to the district court during his plea colloquy. R.1-2445. Appellant claimed such augmentation or correction would support appeal 20231059 and "his motions to reinstate and provide supplemental briefing". R.1-2436. Appellant's claim Motion fails to establish that such supplemental action was needed to correct any material issue. R.1-2433-38. As Appellant waived issues regarding the entry of pleas both at the trial level and on appeal, such supplementation is immaterial and rendered moot by Appellant's waivers.

An item is material when it is "[o]f such a nature that knowledge of the item would affect a person's decision-making." [Material], *Black's Law Dictionary* p. 998 (8th ed. 2004). To withdraw a plea, a defendant must file a written motion "before the sentence is announced" (Utah R. Crim. P. 11(f)) and must show that the defendant either "did not knowingly or voluntarily make the plea." Utah Code Ann. § 77-13-6. However, "if a party initially objects but later, while the wheel's still in spin, abandons the objection and stipulates to the court's intended action", such claim is not preserved. *State v. McNeil*, 2013 UT App 134, ¶ 23 (quotations removed). Issues waived, abandoned, or unpreserved are generally immaterial in future proceedings. *See State v. Johnson*, 2017 UT 76, ¶ 17. Moreover, when a "decision cannot affect the rights of the parties . . . the matter is

moot." *State v. Seat*, 2022 UT App 143, ¶ 18. If an issue is moot, by its very nature, it is immaterial.

Here, Appellant's Rule 11(f) motion to correct the record is to augment the record by including a personal declaration in support of his September 21, 2023, Motion to Withdraw all Guilty Pleas. R.1-2433. The proffered declaration contains statements wherein the Appellant states during the plea colloquy, "I lied on every answer" and "I lied because it was the only way to speed things along". R.1-2445. While the record supports that Appellant filed the Motion to Withdraw All Guilty Pleas in September 21, 2023 (R.2-0486), the record also supports that Appellant instructed his appointed counsel to withdraw/abandon that motion (R.1-0740). This is reflected in the October 13, 2023 hearing, wherein appointed counsel represented that Appellant intended to withdraw that motion. R.1-0741. On the day of Sentencing, Appellant did not object to moving forward with sentencing. Rather, during his allocution, Appellant stated:

> As regard to my sentence, I made the decision to turn myself in so that this process could move forward, so that I could eventually be able to be a positive and active part in my children's lives. I also made the decision to accept whatever sentence was handed down, and to zealously comply with every requirement, and with every restriction. . . . If spending more time in jail will help them heal, I will gladly do it.
>
> R.1-0936.

The Appellant's allocution lasted approximately forty (40) minutes, where Appellant never objected to moving forward with sentencing or challenging his pleas. R. 1-0943. It was only after the court announced a sentence which included additional jail

time, that Appellant interrupted the court stating "[t]hen I assert a motion for a new trial and to withdraw my guilty pleas." R.1-0951.

Appellant's abandonment of his September 21, 2023 Motion to Withdraw All Guilty Pleas is further supported by Appellant's Voluntary Dismissal and supporting statement in appellate case 20231060. R.1-2236. Therein, Appellant asserted that "I am aware that I have the right to appeal the plea and sentence in Utah Fourth District Court Case Number 221300553" and "[i]t is my desire to waive any and all rights to pursue the issues and appeal docketed in this case 20231060-CA and instead to wish to focus my efforts on appealing the child abuse conviction in Fourth District Court Case No. 221300408 (appellate case number 20231059-CA)." R.1-2238.

Where the abandonment of the Motion to Withdraw pleas occurred at the trial level, and is evidenced by the record, Appellant waived and failed to preserve any material issue regarding that Motion. Further, Appellant failed to preserve and waived any material issue on appeal, when he filed a motion to voluntarily dismiss the appeal. Moreover, the dismissal, subsequent denial of certiorari, and remittitur moot any issues about Appellant's pleas. Thereby rendering this portion of the record immaterial to further proceedings.

The court did not abuse its discretion by applying the law of the case, ensuring finality and judicial efficiency, by denying the erroneous Rule 11(f) motion. This Court should affirm the district court's denial of Appellant's Rule 11(f) Motion.

C. Appellant Waived and Failed To Preserve Any Argument Under Utah R. Crim. P. 30 or Utah R. Civ. P. 60.

"When a party fails to raise and argue an issue in the district court, it has failed to preserve the issue, and an appellate court will not typically reach that issue absent a valid exception to preservation." *State v. Johnson*, 2017 UT 76, ¶ 15. Further, "[w]hen a party fails to raise and argue an issue on appeal, or raises it for the first time in a reply brief, that issue is waived and will typically not be addressed by the appellate court." *Id.* While Appellant's request to correct the record may have been better filed under either Utah R. Crim. P. 30 or Utah R. Civ. P. 60, Appellant has never asserted (either at the district court or on appeal) any argument, analysis, or basis for his motion to be addressed pursuant to either rule. As such, this Court should not address an issue that was waived and unpreserved.

II. THE DISTRICT COURT RIGHTLY STRUCK APPELLANT'S "REPLY" AND GAVE APPELLANT A VEXATIOUS LITIGANT STRIKE.

A. It was Within the District Court's Discretion to Strike the 322-Page Pleading that was Irrelevant and Immaterial to any Matter Pending Before the Court.

Generally, appellate courts grant "[a] trial judge ... broad discretion in determining how a [case] shall proceed in his or her courtroom." *Pratt v. Nelson*, 2005 UT App 541, ¶ 12. The district court has the inherent power to strike a party's pleading if the party engages in conduct that demonstrates a lack of merit. C*hen v. Stewart*, 2005 UT 68,¶ 43. Utah R. Crim. P. 33(a) states, "All pleadings, written motions and other papers must be free from burdensome, irrelevant, immaterial, scandalous, or uncivil matters. Filings that "are not in compliance may be disregarded or stricken, in whole or in part, and the court may impose

sanctions against the offending party." Utah R. Crim. P. 33(a). The district court's ruling on a motion to strike a pleading will not be disturbed absent a clear abuse of discretion. *Gunnison Valley Bank v. Crotts*, 2012 UT App 308, ¶ 2.

On March 28, 2025, the court held a hearing regarding appointed counsel's motion to withdraw. Appellant took exception to some of the opinions expressed by counsel regarding the validity of his proposed motions, "I've been slandered by both of these people." R.1-3640. The court attempted to keep the focus on the matter at hand, but Appellant persisted in interrupting the court to address his objection to the comments leaving no doubt that he disagreed with those statements. R.1-3641-43.

The court ultimately granted appointed counsel's motion to withdraw and Appellant's request to self-represent following a *Frampton* colloquy. R.1-3643-50.

On March 29, 2025, Appellant filed "Defendant's Response to Statements Made During the Hearing on 03/28/2025" to rebut the statements made at the hearing the day before. R.1-2566-2887. The filing was 322 pages long but did not state any legal basis for the filing. *Id*. It made no references to any rule, statute, or case law. *Id.* It did not make any request for relief. *Id.* The substance of the filing was a list of grievances against the prosecutor, former counsel, and the court. *Id.* The filing was redundant as it contained several attachments that were also filed separately with the court. *Id.*

On June 30, 2025, the Honorable Judge Eldridge struck "Defendant's Response to Statements Made During the Hearing on 03/28/2025" pursuant to Utah R. Crim. P. 33 finding the pleading burdensome, moot, irrelevant, and immaterial. R.1-3008.

The court found that the 'response' was immaterial noting that many of the documents attached pertained to requests to have counsel dismissed, have new counsel appointed or to proceed pro se, which were mooted by the proceedings the previous day when the court granted counsel's motion to withdraw and Appellant's motion to self-represent. *Id*.

The court noted that a filing that is over 300 pages long could "certainly be considered burdensome" and found that there was "little need, if any at all, that Defendant's 'response' should be over 300 pages long." R.1-3012. The court further found that the matter was irrelevant and moot, noting that there was no need for a "response' at all since any statements made during the proceeding for the purposes of that proceeding only and that matter was complete with Appellant receiving his desired outcome. *Id.* Moreover, the court was unclear what relief Appellant was seeking in filing the 'response' since there was no request for relief. *Id.*

With those findings the court exercised its prerogative pursuant to Utah R. Crim P. 33 and struck and disregarded the Appellant's response. R.1-3013-14. "A discretionary decision involves a question with a range of 'acceptable' answers, some better than others, and the agency or district court is free to choose from among this range without regard to what an appellate court thinks is the 'best' answer." *Murray v. Utah Labor Com'n*, 2013 UT 38, ¶ 30. "Abuse of discretion occurs only if it can be said that no reasonable person would take the view adopted by the district court." *State v. Sanchez*, 2017 UT App 229, ¶ 2 (quoting *State v. Valdovinos*, 2003 UT App 432, ¶ 14.) (internal quotations omitted). Appellant has failed to show how the district court's decision to strike his filing

pursuant to Utah R. Crim P. 33 as burdensome, irrelevant, and immaterial is a view that no reasonable person could adopt given the length of the pleading, the failure to state a claim for relief, and the fact that the proceedings had concluded with Appellant getting his desired result. As such, there was no abuse of discretion so this Court should affirm the district court's decision.

B. The District Court did not Abuse Its Discretion in Striking the Filing Because it Failed to Meet the Particularity Requirements of Utah R. Crim. P. 12.

"An application to the Court for an order shall be by motion, which, unless made during a trial or hearing, shall be in writing and in accordance with [Utah R. Crim. P. 12]." Utah R. Crim. P. 12(a). "A motion shall state succinctly and with particularity the grounds upon which it is made and the relief sought." *Id.* While the substance of a motion controls, not simply its caption, Rule 12 requires that a motion sufficiently state with particularity the grounds for the motion. *See State v. Parker,* 872 P.2d 1041, 1044 (Utah Ct. App. 1994). This particularity requirement is designed to "promote the policies of (1) mitigating prejudice to opposing parties by allowing that party to respond to the motion . . . and (2) assuring that a court can be apprised of the basis of a motion and rule upon it with a proper understanding." *Menzies v. Galetka*, 2006 UT 81, ¶ 68 (quoting *Holmes Dev., LLC v. Cook*, 2002 UT 38, ¶ 58). When "a party fails to comply with Utah's formal motion practice rules, a district court may, within its discretion, deny the motion on the grounds that it is insufficient." *Id*. (internal quotations omitted). A district court does not abuse its discretion in denying a defendant's subsequent request for a hearing if a defendant failed to place a material fact in dispute. *State v. Clegg*, 2002 UT App 279, ¶ 8.

On March 29, 2025, Appellant filed "Defendant's Response to Statements Made During the Hearing on 03/28/2025" in order to rebut statements made at the hearing the day before. R.1-2566-2887. The filing was 322 pages long but did not state any legal basis for the filing. *Id*. It made no references to any rule, statute, or case law. *Id.* It did not make any request for relief. *Id.* The substance of the filing was a list of grievances against the prosecutor, former counsel, and the court. *Id.* The filing was redundant as it contained several attachments that were also filed separately with the court. *Id*

On June 30, 2025, the Honorable Judge Eldridge struck "Defendant's Response to Statements Made During the Hearing on 03/28/2025" pursuant to Utah R. Crim. P. 33 finding the pleading burdensome, moot, irrelevant, and immaterial. R.1-3008. Specifically, the court noted that Appellant failed to include a request for relief or move the court to take any action and already received the relief requested at the subject hearing. R.1-3012.

A motion which fails to state a request for relief is not proper pursuant to Utah R. Crim. P. 12 and the court is authorized to strike non-conforming motions. As there was no motion properly before the court the court was within its discretion to deny the Appellant's filing for insufficiency. Accordingly, this Court should affirm the district court's decision.

C. Appellant was not Entitled to Notice and Hearing Before the District Court Issued a Vexatious Litigation Strike Because Rule 83 has no Requirement for a Hearing if no Restrictions are Ordered and the Strike did not Implicate any Significant Interest in Life, Liberty, or Property as no Restrictions Were Ordered.

After the district court struck "Defendant's Response to Statements Made During the Hearing on 03/28/2025" pursuant to Utah R. Crim. P. 33, it issued a strike towards a

finding that Appellant was a vexatious litigant pursuant to Utah R. Civ. P. 83. R.1-3013. Appellant argues that the district court was required to provide notice and an opportunity to be heard before doing so.

Utah R. Civ. P. 83 (b) titled "Vexatious litigant ***orders***" (emphasis added) permits the court to enter orders to curb a vexatious litigant's abusive conduct. However, before the court can enter such an order it must provide notice and an opportunity to be heard. *Id.* "The court may, on its own motion or on the motion of any party, after notice and an opportunity to be heard, ***enter an order*** requiring a vexatious litigant to…" *Id.* (emphasis added). The rule further states, "***Before entering an order*** under subparagraph (b), the court must find by clear and convincing evidence that the party subject to the order is a vexatious litigant; and there is no reasonable probability that the vexatious litigant will prevail on the claim." Utah R. Civ. P. 83(c)(1) (emphasis added). Thus, the rule only imposes a requirement for notice and hearing prior to the entry of a curbing order. Here the court issued no orders curbing Appellant's conduct and merely warned Appellant it considered the motion to be a strike towards a vexatious litigant finding. As such, Appellant was not entitled to notice and hearing regarding the vexatious litigant strike and the court did not abuse its discretion in issuing the warning.

Procedural due process guarantees minimal requirements of notice and a hearing where there are significant interests of life, liberty, or property at stake. *State v. Angilau*, 2011 UT 3, ¶ 13. Appellant did not raise due process claims under the State or Federal Constitutions in his opening brief and has therefore waived any claim on those bases. Notwithstanding Appellant's failure to raise the claim in his opening brief, a due process

claim would not prevail because there must be a deprivation of "life, liberty or property" at stake in order to raise a due process claim under the U.S. Const. amend. V and XIV or the Utah Const. Art. I, § 7. Here there was no deprivation, merely a warning. Accordingly, the due process rights to notice and a hearing were not implicated by the district court's action.

III. THE DISTRICT COURT RIGHTLY DENIED APPELLANTS MOTION FOR A SECOND HEARING ON THE CPO.

A. Hearings for Modifications or Dismissals of CPOs Pursuant to Utah Code Ann. § 78B-7-804(4) are Discretionary.

Utah Code Ann. § 78B-7-804(3)(c)(iii) only mandates that the court hold a hearing if a perpetrator requests a hearing regarding the *issuance* of a protective order. Once issued CPOs are permanent. Utah Code Ann. § 78B-7-804(3)(d). Any modification or dismissal of a CPO is governed by Utah Code Ann. § 78B-7-804(4). Any reading of subsection (4) that imputes an absolute right to a hearing on a modification or dismissal of a CPO upon a defendant's demand, contradicts the plain language of the statue and is inconsistent with the Legislature's intent to protect victims' rights under Chapter 37, Victim's Rights, and Chapter 38, Rights of Crime Victims Act, and Art. I, § 28 of the Utah Constitution. So, while the court must grant a hearing on the issuance of a CPO upon a defendant's request, modifications and dismissals pursuant to subsection (4) are discretionary.

i. The Legislature intended to protect victims from revictimization by repeated protective order hearings when it created a process for the issuance of CPOs.

.

When the Legislature adopted a process to issue CPOs, the intent was to make the orders permanent so that victims were no longer subjected to repeat hearings on protective

orders in violation of their rights under Chapter 37, Victim's Rights, and Chapter 38, Rights of Crime Victims Act, and Article I, § 28 of the Utah Constitution.

The Utah Constitution "preserves and protects a victims' rights to justice and due process." Utah Const. Art. I § 28. Victims have a constitutional right "[t]o be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process." *Id*. "Victims and witnesses, particularly children, should have a speedy disposition of the entire criminal justice process." Utah Code Ann. § 77-37-3(1)(h). Furthermore, victims have the right "to prompt and final conclusion of the case after the disposition or conviction and sentence, including prompt and final conclusion of all collateral attacks on dispositions or criminal judgments." Utah Code Ann. § 77-38-7(2)(2).

Any reading of Utah Code Ann. § 78B-7-804(4) which imputes an absolute right for a defendant to have a hearing on a modification or dismissal of a CPO on demand, ignores the Legislature's intent and places victims at the mercy of their abusers to endlessly be called into court to defend protective orders. If it were true that courts lack discretion to grant or deny hearings on CPOs, abusers could set hearing after hearing even if there was no material change in circumstances that would warrant a different outcome. This would cause a needless drain on limited judicial resources and deprive victims of the finality and dignity they are entitled to under Chapter 37, Victim's Rights, and Chapter 38, Rights of Crime Victims Act, and Art. I, § 28 of the Utah Constitution.

In 2017, the Utah State Legislature adopted H.B. 248, which "provides the process for the issuance of CPOs." H.B. 248, Domestic Violence Related Amendments, 2017 Gen. Sess. (Utah 2017), available at https://le.utah.gov/~2017/bills/static/HB0248.html During

both the House and Senate committee hearings, Rep. LaVar Christensen explained that the intent of H.B. 248 was to help further strengthen Art. I, § 28 of the Utah Constitution, Declaration of the Rights of Crime Victims. *See* Audio from House Judiciary Comm. Hearing, Feb. 16, 2017, available at https://le.utah.gov/av/committeeArchive.jsp?timelineID=86713 and Audio from Senate Econ. Dev. and Workforce Servs. Comm. Hearing, Mar. 3, 2017, available at https://le.utah.gov/av/committeeArchive.jsp?timelineID=91160 In particular, "[t]o be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process." Utah Const. Art. I, § 28 (1)(a). *Id.*

This intent was further illustrated by the testimony of domestic violence victim H.W., given at the request of the bill sponsor. Audio from Feb. 16, 2017, House Comm. Hearing and Mar. 3, 2017, Senate Comm. Hearing. H.W. testified of trauma from having to return to court over-and-over to ensure that a protective order remains. *Id.* She described having to repeatedly "answer questions, like 'he *just* showed up at your house' or 'he *just* sent a letter' or 'he *just* did this' – why are you so scared?" Audio of Mar. 3, 2017, Senate Comm. Hearing, at approximately 1:11:56. The compelling request to the legislature was simply that victims, like H.W., "don't want to have to show up in court over-and-over and face him because he has the right to be there, I don't want to see him, and say to a judge 'please just extend it.' Don't make me do this, I am re-victimized over-and-over." *Id.* at 1:12:18.

Like H.W., one of the victims in the subject cases, R.J., has expressed a wish for finality, "I really feel like the continuous protective order would give my family a lot of

peace. The children really need time to heal. It has taken a long time. We need to not fear that David will show up... We need to feel that peace of mind." R.2-1797.

Following H.W.'s moving testimony, Rep. LaVar Christensen emphasized:

> It is the finding of the Legislature that domestic violence crimes warrant the issuance of continuous protective orders under this Subsection (6) because of the need to provide ongoing protection for the victim and to be consistent with the purposes of protecting victims' rights under Chapter 37, Victim's Rights, and Chapter 38, Rights of Crime Victims Act, and Art. I, § 28 of the Utah Constitution.
>
> Senate Comm. Hearing at 1:13:52.

The intent behind the legislation was so important that the Legislature codified it:

> Because of the serious, unique, and highly traumatic nature of domestic violence crimes, the high recidivism rate of violent offenders, and the demonstrated increased risk of continued acts of violence subsequent to the release of a perpetrator who is convicted of or adjudicated for domestic violence, it is the finding of the Legislature that domestic violence crimes warrant the issuance of continuous protective orders under this Subsection (3) because of the need to provide ongoing protection for the victim and to be consistent with the purposes of protecting victims' rights under Title 77, Chapter 38, Crime Victims, and Article I, Section 28 of the Utah Constitution.
>
> Utah Code Ann. § 78B-7-804(3)(a).

Thus, it is clear that when the Legislature passed the legislation pertaining to permanent CPOs it intended to protect victims like R.J. and her children from the trauma of repeat and unnecessary protective order hearings. This Court has recognized that the purpose of the statute governing continuous protective orders is to protect domestic abuse victims from further abusive behavior in the broad sense, including psychological abuse and other forms of controlling behavior. *State v. Baize*, 2019 UT App 202, n.5.

Therefore, the court's finding that "Dragging the victims into yet another hearing when there has not been any indication that another hearing would serve any beneficial purpose would needlessly harm the Defendant's victims, unnecessarily prolonging the conclusion of this issue and subjecting the victims to unnecessary distress," in violation of their right to be treated with dignity, respect, courtesy, and sensitivity and their right to a prompt and final conclusion of all collateral attacks on dispositions or criminal judgments was in harmony with the legislative intent. R.2-2709.

"A discretionary decision involves a question with a range of 'acceptable' answers, some better than others, and the agency or district court is free to choose from among this range without regard to what an appellate court thinks is the 'best' answer." *Murray v. Utah Labor Com'n*, 2013 UT 38, ¶ 30. "Abuse of discretion occurs only if it can be said that no reasonable person would take the view adopted by the district court." *State v. Sanchez*, 2017 UT App 229, ¶ 2 (*quoting State v. Valdovinos*, 2003 UT App 432, ¶ 14.) (internal quotations omitted). As the viewpoint taken by the district court was in full harmony with the Legislature's intent, it cannot be said that no reasonable person would take the district court's view without implying our legislature is unreasonable.

While a victim's rights do not trump the rights of a defendant, they "are honored and protected by law in a manner no less vigorous than protections afforded criminal defendants." Utah Code Ann. § 77-37-1(1)(b). As such, it was not an abuse of discretion for the district court to give the victims' rights the weight afforded in its ruling on the request for a hearing.

ii. The plain language of the statute does not compel the district court to grant a hearing on demand after the initial imposition of a CPO.

The Appellant's reading of Utah Code Ann. § 78B-7-804(4), which disregards the discretionary nature of the word "may," creates an absurd result contrary to the plain language of the statute and clear intent of H.B. 248. While Appellant argues that the court should interpret § 78B-7-804(4)'s incorporation of Subsection (3) to result in a mandatory hearing upon request, the plain language of the statute does not compel a district court to grant a hearing simply upon request after the initial imposition of a CPO. Rather, a plain reading of the statute outlines the following distinct processes:

- Initial Issuance of Continuous Protective Order § 78B-7-804(3):

  The district court *shall* issue a continuous protective order if a domestic violence perpetrator is convicted and sentenced to imprisonment. There is a presumption of issuance, which the district court may only rebut after a hearing if it determines the "victim does not have a reasonable fear of future harm or abuse." Utah Code Ann. § 78B-7-804(3)(b)(i),(ii). Due process is satisfied by the mandatory language that requires the district court notify the defendant of the right to a hearing and hold that hearing, if requested. *See State v. Hegbloom*, 2014 UT App 213.

- Subsequent Modification or Dismissal § 78B-7-804(4):

  Once issued, Utah Code Ann. § 78B-7-804(4) places no obligation on the district court to entertain subsequent requests for modification or dismissal. "A continuous protective order ***may*** be modified or dismissed." Utah Code Ann. § 78B-7-804(4) (emphasis added).

Any mandatory obligations under Subsection (4) are only triggered if the district court first exercises its discretion to consider the request. If the district court exercises this discretion, it ***may only*** do so if it determines by clear and convincing evidence that "the victim does not have a reasonable fear of future harm or abuse." *Id.* The mandatory hearing language of subsection (3) is only implicated if, and when, the district court exercises its discretion to modify or dismiss. There is no language compelling the district court to hold a hearing if it declines to exercise its discretion. Thus, it was not an abuse of discretion for the court to decline Appellant's request for a hearing.

B. As Appellant's Right to a Hearing on the Issuance of the CPO was Satisfied at the Hearing Held September 27, 2024, He was not Entitled to Further Hearing on the Matter and the Court Acted Within Its Discretion When It Denied Further Hearing.

It is clear from the record that the hearing held September 23, 2024, was a hearing on the CPO and that the court and both parties treated it as such. Thus, Appellant already received the hearing he was entitled to and the district court was within its discretion to deny further hearing.

The City raised its counter motion to convert the SPO to a CPO both in writing and verbally prior to the taking of evidence, so the court and Appellant were both aware of the City's intentions regarding the hearing at the outset. R.6-0041, R.2-1758. Knowing the City's intent, the Appellant did not ask for a continuance, but instead proceeded with the hearing producing evidence and making arguments relevant to the issuance of the CPO. R.2-1760.

Appellant's briefing and statements show he believed he was before the court on September 23, 2024 to be heard regarding a CPO. Appellant consistently argued that the protective order was already a CPO and even accused the City of dishonesty (R.4-0597) and "blatantly misstating the law" (R.2-1761) for asserting there was a distinction between the two types of protective orders. R.4-0597, R.4-0601, R. 2-1760, R.2-1820, R.2-1821. He also told the court it was "totally ridiculous" to convert the existing order to a CPO because it was already a CPO. R.2-1760. Appellant indicated that he was at the hearing because of the CPO, stating "…it already is continuous. That's why I'm here." R.2-1821. Following the hearing, Appellant filed a signed declaration "under penalty of perjury" stating, "… I treated them and attacked them as if they were 'Continuous Protective Orders.'" R.2-1970.

Judge Eldridge noted before he denied Appellant's motion and issued a CPO:

> The hearing that we've held today has allowed Mr. Jakeman to have an adequate opportunity to voice his concerns about the protective order, whether it be a sentencing protective order or a -- or a continuous protective order. I think that I've heard the arguments that would be put forth as to whether that protective order is classified as sentencing or continuous in nature.

R.2-1822.

Thus, it is clear from the record that all parties were in agreement that the hearing Appellant received was a hearing regarding a CPO. As Appellant received a hearing on the initial issuance of the CPO, the court is not under any mandate to grant further hearing. Accordingly, it was not an abuse of discretion for the court to deny Appellant's request for

the hearing on the basis that "Defendant has already had a hearing regarding the continuous protective orders. Defendant is not entitled to further hearings." R.2-2709.

C. Looking at Whether There was a Material Change in Circumstances Since the Initial CPO Hearing When Deciding Whether to Grant a Second Hearing on the CPO was not an Abuse of Discretion Because it was Relevant to Determining Whether Further Hearing was Necessary.

Contrary to Appellant's assertions, neither the court nor the City read a requirement for a material change in circumstances into Utah Code Ann. § 78B-7-804(4). Rather it was offered to explain why the court should not exercise its discretion to hold another hearing since it would not likely result in a different outcome wasting judicial resources and subjecting the victims to unnecessary harm.

For the court to grant a modification or dismissal of the CPO pursuant to Utah Code Ann. § 78B-7-804(4), the Appellant needed to show that the victims no longer have a reasonable fear of future harm or abuse. The court already conducted a recent robust hearing where it found by clear and convincing evidence that the victims did have a reasonable fear of future harm or abuse. R.2-1827. The circumstances had not changed since that hearing in any substantial material way.

Much of the evidence attached to Appellant's reply was previously proffered and reviewed by the court at the initial hearing on the CPO for example RISE program documentation (R.2-2622, 2-0712) and ACAFS documents (R.2-2623, R.2-1072). The Appellant did not prevail on his appeal of the child abuse charge, so the eight convictions stood. *Orem City v. Jakeman*, 2025 UT App 107, *cert. denied*. The Appellant had charges for felony stalking and felony violation of protective order involving the same victim

pending in Provo District Court Case No. 241404039. The court witnessed the Appellant engaged in stalking behavior in pleadings and in court during the hearing when the CPO was issued:

> I know where she lives, where and when she goes to church, where and when she goes to the temple, where and when she goes to the doctor's office, where and when she receives mental health counseling. As proof that I know when she even has her doctor's appointments, I could find it and tell you when her next appointment is. So maybe I'll do that in a second. I don't want to take up the time yet. Actually maybe I will, if my phone would cooperate. All right, her next appointment is October 14th. Let's see here. October 14th at 1:30 p.m. with [Names R.J's Doctor] at the [Names Medical Office] in Vineyard, and the office is [Names Medical Office Address]. In fact, I've been apprised of multiple of her doctor's appointments. She might want to consider changing her contact information with her provider.
>
> R.2-1747.

The Appellant's alarming behavior prompted the Court to admonish the Defendant:

> Now, when Mr. Jakeman sits here in Court and details his wife's schedule, that starts to sound like stalking, okay? I agree with [R.J.] when she testifies that it's creepy. It is, and that definitely would be a reason to be of concern and – when you put that in your pleadings, and you know, openly talk about that in Court, that raises real questions for me. I don't know why you know all the detail that you know about your wife, about her schedule and about appointments, doctor's appointments and when she's going to the temple. I don't know why you know all that stuff, but you don't need to know all that stuff. It seems reasonable that at least on some level you must be going out and seeking that information, which starts to toe the line of stalking.
>
> R.2-1828.

"A discretionary decision involves a question with a range of 'acceptable' answers, some better than others, and the agency or district court is free to choose from among this range without regard to what an appellate court thinks is the 'best' answer." *Murray v. Utah Labor Com'n*, 2013 UT 38, ¶ 30. "Abuse of discretion occurs only if it can be said

that no reasonable person would take the view adopted by the district court." *State v. Sanchez*, 2017 UT App 229, ¶ 2 (*quoting State v. Valdovinos*, 2003 UT App 432, ¶ 14.) (internal quotations omitted).

As the case was situated at the time Appellant requested the hearing there was little chance that the court could make the finding necessary to modify or dismiss the CPO. As such, it was not unreasonable for the court to deny Appellants request on the basis that another hearing on this matter would be an unnecessary waste of judicial resources and cause the victims' unnecessary harm. As such, the district court's decision to deny Appellant a second hearing on the CPO was not an abuse of discretion.

D. The District Court did not Abuse Its Discretion When it Denied Appellant's Request for Another Protective Order Hearing as There Was no Motion Before the Court Because the Filing did not Meet the Particularity Requirements of Utah R. Crim. P. 12.

"An application to the Court for an order shall be by motion, which, unless made during a trial or hearing, shall be in writing and in accordance with [Utah R. Crim. P. 12]." Utah R. Crim. P. 12(a). "A motion shall state succinctly and with particularity the grounds upon which it is made and the relief sought." *Id.* While the substance of a motion controls, not simply its caption, Rule 12 requires that a motion sufficiently state with particularity the grounds for the motion. *See State v. Parker*, 872 P.2d 1041, 1044 (Utah Ct. App. 1994). This particularity requirement is designed to "promote the policies of (1) mitigating prejudice to opposing parties by allowing that party to respond to the motion . . . and (2) assuring that a court can be apprised of the basis of a motion and rule upon it with a proper understanding." *Menzies v. Galetka*, 2006 UT 81, ¶ 68 (quoting *Holmes Dev.*,

LLC v. Cook, 2002 UT 38, ¶ 58). When "a party fails to comply with Utah's formal motion practice rules, a district court may, within its discretion, deny the motion on the grounds that it is insufficient." *Id.* (internal quotations omitted). A district court does not abuse its discretion in denying a Defendant's subsequent request for a hearing if a defendant failed to place a material fact in dispute. *State v. Clegg*, 2002 UT App 279, ¶ 8.

In this case, Appellant never moved the court for a modification or dismissal of the CPO or stated with particularity the grounds upon which he was seeking a modification or dismissal he merely filed a request for a hearing consisting of one sentence without any basis for why he was entitled to the relief being sought: "Defendant respectfully requests that a hearing be held at the earliest convenience of the court pursuant to Utah Code Ann. § 78B-7-804(3)(c) to consider the propriety of modifying or dismissing the existing continuous protective orders pursuant to Utah Code Ann. § 78B-7-804(4)." R.2-2326. Thus, there was no motion properly before the court and the court is authorized to strike non-conforming filings. Therefore, the court was acting within its discretion to deny the Appellant's filing for insufficiency. Accordingly, this Court should affirm the district court's decision.

CONCLUSION

For the foregoing reasons, the Appellant's challenges to the district court's rulings must fail, and the orders below should be affirmed in their entirety. The record demonstrates that the court was well within its broad discretion to manage its docket, uphold procedural rules, and apply the relevant law concerning waiver and mootness. The Appellant seeks to circumvent established rules and relitigate issues that have been settled

or waived. This Court should reject these attempts, affirm the sound discretion exercised by the court, and ensure the finality and judicial economy sought by the rulings below.

DATED this 15th day of December, 2025.

/s/ Aliisa N. Leon
Aliisa N. Leon
Prosecutor, Orem City
Attorney for Appellee

CERTIFICATE OF COMPLIANCE

Counsel hereby certifies pursuant to Ut. R. App. P. 24(a)(11)(A) and (B) that the Brief of Appellee complies with the following:

1. UT. R. App. P. 24(g)(1) and (2) in that the brief contains 13,881 words as determined by Microsoft Word used to prepare the *Brief of Appellee*, excluding the certificates.

2. UT. R. App. P. 21(g) in that the filing herein and addenda do not contain any non-public "information classified as private, controlled, protected, safeguarded, sealed, juvenile court legal or juvenile court social, or other information to which the right of public access is restricted by statute, rule, order or case law."

DATED this 15th day of December, 2025

/s/ Aliisa N. Leon
Aliisa N. Leon
Prosecutor, Orem City
Attorney for Appellee

CERTIFICATE OF SERVICE

I hereby certify that I e-filed, and emailed, a true and correct copy of the forgoing *Brief of Appellee* on this 15th day of December, 2025, to the following, with hard copies to follow in accordance with UT. R. App. P. 26(b):

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/s/ Aliisa N. Leon
Aliisa N. Leon
Prosecutor, Orem City
Attorney for Appellee

ADDENDA

ADDENDUM 1
Docket of Case 221300408

Signed October 09, 2025

10-15-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

10-15-2025 Filed: Return of Electronic Notification

10-23-2025 Filed: Notice of Orem City Conflict Counsel

10-23-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

10-23-2025 Filed: Return of Electronic Notification

10-23-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

11-12-2025 Filed: Appellate Court Document - Remittitur

11-12-2025 Filed: Appellate Court Document - Order Denying Petition for Extraordinary Relief

11-12-2025 Filed: Violation, Warrant Ref Case

11-12-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

11-12-2025 Filed: Return of Electronic Notification

11-13-2025 Note: The AP&P report has been submitted to the court.

11-13-2025 UNPAID INTEREST Payment Received: 25.00

11-14-2025 Filed: Appellate Court Document - Order

11-14-2025 Filed: Appellate Court Document - Order

11-17-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

11-17-2025 Filed: Return of Electronic Notification

11-19-2025 Filed: Appellate Court Document - Opinion

11-19-2025 Filed: Appellate Court Document - Remittitur

11-19-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

11-19-2025 Filed: Return of Electronic Notification

11-20-2025 Case Closed

Disposition Judge is JARED ELDRIDGE

11-20-2025 **** PROTECTED **** Filed: Prob Progress/Violation Rep (Terminate Probation & Fines to OSDC) - GRANTED

11-20-2025 Note: Notice of Case Activity sent to parties with a MyCase account.

11-20-2025 Filed: Return of Electronic Notification

11-21-2025 Judgment # 1 Entered 733.72 jenniag

Creditor : OREM CITY
Creditor : STATE DEBT COLLECTION
Debtor : DAVID AMMON JAKEMAN
730.00 Fine
Creditor : OREM CITY
Creditor : STATE DEBT COLLECTION
Debtor : DAVID AMMON JAKEMAN
3.72 Fees
733.72 Judgment Grand Total

11-21-2025 Note: The balance of 730.00 for Fine on this case has been transferred to the Utah Office of State Debt Collection (OSDC) for collection purposes. Any payment made must be made to OSDC.

11-21-2025 Note: The balance of 3.72 for UNPAID INTEREST on this case has been transferred to the Utah Office of State Debt Collection (OSDC) for collection purposes. Any payment made must be made to OSDC.

ADDENDUM 2
Order Denying Extraordinary Relief

FILED
UTAH APPELLATE COURTS
OCT 02 2025

IN THE UTAH COURT OF APPEALS

DAVID AMMON JAKEMAN, Petitioner, *v.* HON. JARED ELDRIDGE, Respondent.	ORDER DENYING PETITION FOR EXTRAORDINARY RELIEF Case No. 20251170-CA

Before the Court.

This matter is before the court on a petition for extraordinary relief. David Jakeman petitions for relief in the nature of mandamus. He requests that the district court be ordered to rule on his motions to amend certain orders that are on direct appeal. He filed motions purporting to be under rule 59 of the Utah Rules of Civil Procedure, but the substance of the motions is little more than a request for reconsideration. Furthermore, rule 59 does not apply in this circumstance, where the target orders are postjudgement orders in a criminal case. Accordingly, the motions do not operate to toll the time to appeal under rule 4(b) of the Utah Rules of Appellate Procedure.

IT IS HEREBY ORDERED that the petition for extraordinary relief is denied.

Dated this 2nd day of October, 2025.

FOR THE COURT:

Ryan D. Tenney

Ryan D. Tenney, Judge