FILED
UTAH APPELLATE COURTS

AUG 31 2026

IN THE UTAH COURT OF APPEALS

OREM CITY, Appellee, *v.* DAVID AMMON JAKEMAN, Appellant.	ORDER Case No. 20250896-CA

Before Judges Mortensen, Tenney, and Luthy.

In this consolidated appeal, David Ammon Jakeman appeals multiple rulings of the district court made in two postjudgment orders. For the reasons set forth below, we affirm.

Jakeman first challenges the district court's denial of his motion to correct the record. Jakeman filed the motion in the district court pursuant to rule 11(d)[1] of the Utah Rules of Appellate Procedure. He sought to include in the record a declaration in support of his pro se motion to withdraw his guilty pleas filed in September 2023. Through appointed counsel at the time, however, that motion was withdrawn in open court and was not addressed further in any district court proceedings. As a result, the district court denied the motion to correct the record as immaterial and moot. We determine that the district court correctly denied the motion as immaterial for a different but related reason.[2]

Rule 11 defines the record on appeal as "the documents and exhibits filed in or considered by the trial court." Utah R. App. P. 11(a). "If anything material to either party is omitted from or misstated in the record by error of the trial court or court personnel, [or] by accident . . . the omission or misstatement may be corrected and a supplemental record may be created and forwarded." *Id.* 11(d). It is clear that rule 11 regards "records on appeal" and provides a mechanism to address errors in records in appellate

[1]. This was formerly paragraph 11(f) as cited by Jakeman.

[2] . An appellate court may affirm a ruling on any ground apparent on the record. *See State v. Rynhart*, 2005 UT 84, ¶ 10, 125 P.3d 938.

proceedings. Here, although Jakeman asserts that there was an omission, the proffered document is not relevant or material to any record on appeal.

After being sentenced in multiple cases in November 2023, Jakeman appealed. In that consolidated appeal, Jakeman sought to challenge the district court's handling of his motion to withdraw his guilty pleas. *See Orem City v. Jakeman*, Case No. 20231060-CA. However, in May 2024, Jakeman moved to voluntarily dismiss his appeal regarding his guilty pleas and motion to withdraw.[3] This court granted the motion, and that appeal was dismissed. The voluntary dismissal of his appeal has placed any issue regarding his motion to withdraw his pleas beyond review. At minimum, there is no pending appeal, and thus no record on appeal. As a result, the alleged omission linked to Jakeman's motion to withdraw his guilty pleas is not material to any record on appeal. Accordingly, the trial court did not err in denying Jakeman's motion to correct the record as immaterial.

Jakeman next asserts that the district court erred in striking a document he filed and assessing "a strike" against Jakeman for purposes of a possible vexatious litigant determination. Jakeman filed a document captioned "Defendant's Response to Statements Made During the Hearing on 3/28/2025." The document was not a motion seeking relief and it attached approximately 300 pages of irrelevant and redundant material. The district court struck the document as burdensome, irrelevant, and immaterial pursuant to rule 33 of the Utah Rules of Criminal Procedure. *See* Utah R. Crim. P. 33(a) (providing that "[a]ll pleadings, written motions and other papers must be free from burdensome, irrelevant, [and] immaterial . . . matters"). The court also cautioned Jakeman that the filing would count as one of a potential three events that may lead to a vexatious litigant determination under rule 83 of the Utah Rules of Civil Procedure. *See* Utah R. Civ. P. 83(a)(1)(C) (providing that a court may "find a person to be a 'vexatious litigant' if the person . . . three or more times . . . files pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter").

Jakeman has not shown that the court erred. He acknowledges that the document "was not a motion seeking relief." Rather, he asserts it was submitted to create a record and present evidence. However, he cites no rule that permits this type of filing. "In our system, the rules provide the source of available relief. They are designed to provide a pattern of regularity of procedure which the parties and the courts can follow and rely upon." *Gillett v. Price*, 2006 UT 24, ¶ 8, 135 P.3d 861. Jakeman's filing of the document at issue in an attempt to create a record has no basis in the rules. His unilateral allegations in the document, with no evidentiary hearing or court findings of fact, have no legal basis

[3]. To the extent that we rely on the appellate docket rather than the trial court record on appeal, we take judicial notice of our own records. *See* Utah R. Evid. 201.

or effect in the underlying case. Furthermore, the hearing to which the document referred resulted in Jakeman obtaining the relief he sought, and there was no further dispute before the court regarding Jakeman's legal representation. In sum, the district court properly determined that the document was irrelevant and immaterial.

Moreover, Jakeman's argument that the district court did not comply with the requirements of rule 83 is without merit. A person may be found to be a vexatious litigant if, among other things, he three or more times "files pleadings or other papers that contain redundant, immaterial, impertinent or scandalous matter." Utah R. Civ. P. 83(a)(1)(C)(ii). Because the court found that the document was immaterial, the filing of the document comes within the plain language of the rule. The court merely cautioned Jakeman that the document was one instance that could lead to a vexatious litigant determination if Jakeman continued similar conduct. Jakeman asserts that he was entitled to notice and an opportunity to be heard. However, "the right to notice and an opportunity to be heard [comes] into play when orders are entered requiring a vexatious litigant to take certain actions." *Watson v. Prestwich*, 2026 UT App 122, ¶ 22 (citing Utah R. Civ. P. 83(b)). Under rule 83(b), a court may enter an order restricting the conduct of a vexatious litigant only after notice and an opportunity to be heard. The court did not enter any order that would require notice under the rule.

Finally, Jakeman contends that the district court erred in denying his request for a hearing. In July 2025, Jakeman filed a document captioned "Request for Hearing to Modify Continuous Protective Orders." The document stated in its entirety: "Defendant respectfully requests that a hearing be held at the earliest convenience of the court pursuant to Utah Code section 78B-7-804(3)(c) to consider the propriety of modifying or dismissing the existing continuous protective orders pursuant to Utah Code section 78B-7-804(4)." Utah Code section 78B-7-804(3) provides that, under certain circumstances related to domestic violence convictions, "the court shall issue a continuous protective order at the time of the conviction or sentencing limiting the contact between the perpetrator and the victim . . . unless the court determines by clear and convincing evidence that the victim does not have a reasonable fear of future harm or abuse" and "the court conducts a hearing." Utah Code § 78B-7-804(3)(b)(i), (ii). This section further provides that "[t]he court shall notify the perpetrator of the right to request a hearing," *id.* § 78B-7-804(3)(c)(i), and that "[i]f the perpetrator . . . requests a hearing under this Subsection (3)(c), the court shall hold the hearing at the time determined by the court," *id.* § 78B-7-804(3)(c)(iii).

The district court denied the request for a hearing. The court noted that the September 2024 hearing on the protective orders satisfied Jakeman's rights under the statute and that he was not entitled to an additional hearing. The court additionally noted

that Jakeman had not provided any information that would indicate any change in circumstances that might support a hearing to consider modifying the orders.

Jakeman asserts that he has not had a hearing on the continuous protective orders (CPO). He asserts that the September 2024 hearing was not regarding the CPOs and that he is entitled to a hearing. However, his position at the September 2024 hearing was that the orders were indeed CPOs. His 2024 request cited the statute regarding CPOs and he vehemently argued at the hearing that the orders were CPOs. Moreover, this court has affirmed the CPOs from the September hearing on Jakeman's appeal of those orders. *See Orem City v. Jakeman*, 2025 UT App 187. That decision highlighted Jakeman's position at the September 2024 hearing, noting that "Jakeman was correct" in his argument that the district court "had no choice but to enter a continuous protective order at the time of sentencing." *Id.* ¶ 9. "So, whatever the court or Orem City may have originally called the protective order, it was a *continuous* protective order." *Id.* In sum, the nature of the September hearing as regarding CPOs is established and the district court correctly determined that Jakeman had already received a hearing.

Jakeman also contends that he is entitled to a hearing whenever he requests one under the statute, even if he has already had a hearing. However, he has not shown that the district court erred in its determination that a single hearing is contemplated under the statute. Jakeman does not address the district court's rationale in determining that only one hearing is mandatory under the statutory process for issuing CPOs. Although he offers his own interpretation, we are not persuaded that his interpretation is a correct reading of the statute, especially where he fails to address the district court's reasoning. *See Duchesne Land, LC v. Division of Consumer Prot.*, 2011 UT App 153, ¶ 8, 257 P.3d 441.[4]

[4]. Jakeman also asserts that he demonstrated a material change in circumstances in his reply to the City's objection to his request for a hearing. As noted above, however, the request for a hearing was properly denied. There was no other request for affirmative relief before the court. The request for a hearing does not constitute a motion for relief, and Jakeman provided no motion that set forth a request for relief and grounds for relief. Accordingly, the material in the reply was not properly before the court as a request for further relief. *See* 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.").

IT IS HEREBY ORDERED that the district court's orders are affirmed.

Dated this 31st day of August, 2026.

FOR THE COURT:



John D. Luthy, Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2026, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

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By /s/ EMILY GILMORE

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