IN THE UTAH COURT OF APPEALS

OREM CITY / STATE OF UTAH, Plaintiff/Apellee, v. **DAVID AMMON JAKEMAN,** Defendant/Appellant.	Lead Appellate Case No: 20260699-CA ____ Consolidated with Nos: 20260701-CA, 20260703-CA, 20260705-CA, and 20260707-CA ____ District Court Nos: 221300408, 221300553, 231300069, 231300079, and 231300162

OPENING BRIEF OF APPELLANT

This Appeal is from the September 2, 2025 *Ruling and Order on Motion to Disqualify Judge* and the October 7, 2025 *Ruling and Order on Defendant's Rules 54, 59, & 60 Motion to Reconsider, Alter, and Amend the Denial of His Request to Disqualify Judge* by Honorable Kraig Powell, the reviewing judge on the orders under review, of the Fourth Judicial District Court in and for Utah County, State of Utah

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INTRODUCTION

This appeal presents a narrow question about the method used to decide a judicial-disqualification motion. It does not ask this Court to decide whether any underlying criminal ruling, continuous-protective-order ruling, or vexatious-litigant ruling under rule 83 of the Utah Rules of Civil Procedure was correct. Nor does it ask the Court to find that the assigned judge was actually biased. It asks whether the reviewing court applied the governing disqualification standard before returning five cases to the assigned judge.

The September 2 order divided Appellant's allegations into seven categories and announced that it would address them "one by one." 408 R.4052. The order gave a category-specific explanation in each section. It also made source independently dispositive in every section: because the alleged conduct arose during the proceedings rather than from an extrajudicial source, the court repeatedly concluded that it could not support disqualification—even if Appellant's allegations were true. 408 R.4053–57.

Utah's source and adverse-ruling rules are demanding. *Dahl v. Dahl* and the recent *Paulson v. Paulson* say that a personal-bias claimant must demonstrate an extrajudicial source, and ordinary rulings, case management, impatience, and record-based opinions do not establish bias. But *State v. Munguia*—the supreme court decision from which *Dahl* drew its source rule—states that bias "must usually stem from an extrajudicial source," a formulation that leaves room for the exceptional case. Appellant contends that source should not operate as an automatic rule of exclusion. *Liteky v. United States* construed a federal statute and is therefore persuasive rather than binding here. Its narrow rule is

nevertheless unusually persuasive because 28 U.S.C. § 455(a) and Rule 2.11(A) use the same objective formulation, and Utah appellate courts have repeatedly used *Liteky* to evaluate judicial rulings, opinions, and remarks arising in proceedings.

Appellant asks this Court to harmonize Utah law with *Liteky* and, to the fullest extent *Dahl* permits, adopt *Liteky*'s source-as-a-factor rule. Source remains significant and often decisive; judicial rulings, opinions, and remarks arising in proceedings qualify only in the exceptional case. *State v. Boyer* applied *Liteky*'s high-antagonism benchmark and then separately applied Rule 2.11's objective appearance inquiry, while *State v. Alonzo* recognized an appearance of bias arising from a judge's in-case suggestion that defendants plead guilty. If *Dahl* forecloses that step, this Court is bound, and Appellant preserves the issue for certiorari review.

The distinction mattered here. The motion did not rely on a single adverse ruling, and its principal allegations were not rulings at all. It alleged, under penalty of perjury, that the assigned judge had directed Appellant to submit all filings through appointed "co-counsel," that counsel then declined to file documents Appellant needed for a pending appeal, and that the court did not accept the same documents from Appellant directly. 408 R.3459–62, 3478–80. It alleged that Appellant's unopposed October 2, 2024 motion to remove his adult son from a continuous protective order remained undecided for nearly nine months and was decided on June 30, 2025—thirteen days after this Court requested a response to Appellant's petition for extraordinary relief—in a ruling that found "no evidentiary basis" for the son's inclusion and, in the same instrument, designated a filing of Appellant's that requested no relief as "effectively Defendant's first

of three instances of vexatious litigation." 408 R.3460–62, 3482, 3489–90; 408 R.2896–2902. The motion set against that sequence the disposition of the City's filings—decided within weeks or the same day—and quoted the assigned judge's statement in open court that Appellant "must be going out and seeking that information, which starts to toe the line of stalking." 408 R.3456–57, 3476–77, 3485–86. The September 2 order itself acknowledged that the assigned judge "often" gave the City more argument time than Appellant and had ended Appellant's argument after deciding to rule against him. 408 R.4053–54. The order did not find any of these allegations false. It explained why it viewed each act as permissible. But whether an act fell within judicial authority and whether all the alleged circumstances, considered together, would cause a reasonable observer to question impartiality are different inquiries.

Appellant's reconsideration motion squarely argued that source could not replace the objective appearance inquiry and that the circumstances had to be evaluated together rather than in isolated categories. 408 R.4453–57, 4459–65. The October 7 order stated that it had reviewed the arguments and evidence, but it left the September 2 methodology intact. 408 R.4493–95.

The appropriate relief is correspondingly narrow. This Court should recognize or adopt *Liteky*'s narrow qualification, vacate the September 2 and October 7 orders, and remand for a new determination under rule 29 of the Utah Rules of Criminal Procedure by a reviewing judge applying the complete source, objective-observer, and all-circumstances framework. If that reviewing judge finds the motion legally sufficient, rule 29 supplies the consequence. If not, the reviewing judge may deny it under the correct

standard. This Court need not decide actual bias, and this appeal need not adjudicate any order assigned to separate Appeal No. 20260698-CA.

STATEMENT OF THE ISSUE

Issue Presented: Legal standard governing the disqualification motion

The original motion invoked the objective appearance and aggregate standards, cited *Liteky* for the proposition that in-proceeding rulings and conduct can support disqualification in the exceptional case, and identified the conduct it relied on—non-rulings, filing restrictions, disparate treatment of the parties' filings, and in-court statements—rather than adverse rulings alone. 408 R.3454–58, 3461–63, 3476–82, 3485–93. The September 2 order ruled that each category failed because it arose intrajudicially. 408 R.4053–57. Reconsideration then squarely argued that source is not an absolute bar, quoted *Liteky*'s source-as-a-factor and deep-seated-antagonism formulations, and demanded contextual consideration of the alleged course of conduct as a whole. 408 R.4452–57, 4461–66. The court stated that it carefully and completely reviewed those arguments before denying relief. 408 R.4493.

Question. Did the reviewing court apply an incorrect legal standard by treating intrajudicial source as independently dispositive of every category of allegations and by never deciding how the properly presented circumstances, considered together, would appear to a reasonable person knowing all the circumstances? Answering that question requires this Court to determine how Utah's demanding extrajudicial-source principle

applies to in-proceeding conduct, including whether to adopt *Liteky*'s narrow source-as-a-factor rule to the extent *Dahl* permits.

Standard of review. "Whether the district court erred in declining to disqualify the trial judge on the basis of bias is a question of law" reviewed for correctness. *Paulson v. Paulson*, 2026 UT App 108, ¶ 34; accord *Lomsanidze v. Musayev*, 2025 UT App 81, ¶ 24. To the extent the ultimate ruling entails discretion, a court "abuses its discretion when it relies on an erroneous conclusion of law to come to its decision." *Taylor-West Weber Water Improvement District v. Olds*, 2009 UT 86, ¶ 3 (citing *Kilpatrick v. Bullough Abatement, Inc.*, 2008 UT 82, ¶ 23). The October 7 denial of reconsideration is reviewed for abuse of discretion, but that standard is measured by the same principle: leaving intact a ruling that rests on an erroneous legal standard is itself an abuse of discretion. *Id.* Although the filings below did not use the precise words "Utah should adopt *Liteky*," the source question, *Liteky*'s exact proposed rule, and the requested legal consequence were presented. 408 R.3492–93, 4452–57, 4461–66. The adoption request is an argument supporting that preserved issue, not a new issue. See *Hand v. State*, 2020 UT 8, ¶ 6 (distinguishing new "issues" from new "arguments," such as "the citation of new legal authority," offered in support of a preserved issue); *Patterson v. Patterson*, 2011 UT 68, ¶ 18 ("[W]e routinely consider new authority relevant to issues that have properly been preserved . . . .").

STATEMENT OF THE CASE

A. The motion and the course of conduct it alleged

On July 29, 2025, Appellant filed one motion seeking disqualification of the assigned judge from the pending matters in five criminal cases.[1] 408 R.3453–93. The motion invoked both rule 29 of the Utah Rules of Criminal Procedure and rule 63 of the Utah Rules of Civil Procedure. 408 R.3453. It was supported by an unsworn declaration under penalty of perjury and a certificate of good faith. 408 R.3493.

Because a rule 29 reviewer must assess whether the motion's allegations, taken as true, would give a reasonable person cause to question impartiality, *State v. Gardner*, 789 P.2d 273, 278 (Utah 1989); Utah R. Crim. P. 29(b)(1)(A), (b)(2)(B), the content of those allegations matters. The motion described a course of conduct spanning the postjudgment phase of the five cases, presented with dates and docket and transcript citations. Its principal allegations were these.[2]

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[1]The five district-court cases generated five disqualification appeals, which this Court consolidated for a single determination under lead No. 20260699-CA by order dated June 1, 2026. Separate Appeal No. 20260698-CA was not consolidated with these appeals and is not before the Court in this appeal. Citations in the form "408 R.__" are to the consecutively paginated record prepared in lead district-court case No. 221300408, which contains the filings common to all five cases.

[2]This brief does not rely on, and does not challenge, the merits of any ruling in the five cases. This Court affirmed the convictions in *Orem City v. Jakeman*, 2025 UT App 107, and the continuous protective orders in *Orem City v. Jakeman*, 2025 UT App 187. The allegations summarized here concern non-rulings, the timing and sequence of rulings, filing restrictions, and statements from the bench—not the outcome of any ruling.

Unadjudicated motions before sentencing. The motion alleged that Appellant filed pro se motions in September 2023 to represent himself (September 12, with a request to submit), for a new trial, and to withdraw his guilty pleas (September 21). 408 R.3469–71. None was ruled on. At an October 13, 2023 hearing held while Appellant was in a jail quarantine unit and not present, newly appointed counsel told the court the motions would be withdrawn; no withdrawal was filed and no order was entered. 408 R.3472–73. Sentence was imposed November 3, 2023. When Appellant attempted at sentencing to raise the pending motions, the court twice responded, "please don't interrupt me." 408 R.3473–74. A November 23, 2023 request for signed orders denying the motions, so that they could be appealed, was never acted on. 408 R.3474–75.

The filing arrangement. On September 27, 2024, after replacing the sentencing protective orders with continuous protective orders, the court directed Appellant to submit all future filings through appointed "co-counsel." 408 R.3477–78; see 408 R.1860. Co-counsel then declined to file the documents Appellant prepared to appeal the September 27 orders—a transcription, a statement of evidence and proceedings, proposed orders, and a fee-waiver request—and the court did not accept them from Appellant directly. 408 R.3478–80. Appellant twice notified this Court, in Appeal No. 20241042-CA, that the documents had been neither filed by co-counsel nor accepted from him directly. 408 R.3463; see 408 R.2839–45 (notices dated October 22, 2024 and January 22, 2025). Appellant was permitted to proceed without co-counsel only on March 28, 2025, after co-counsel moved to withdraw. 408 R.3480.

The unopposed correction. The continuous protective order entered September 27, 2024 in case 221300408 listed Appellant's adult son—who was not a victim, had not been a protected party under the prior orders, and was not discussed at the hearing—as a protected party. 408 R.3477–78. Appellant moved to correct the error on October 2, 2024. 408 R.3461. The City did not oppose. 408 R.2896. The motion alleged that a request to submit signed in November 2024 could not be filed under the co-counsel arrangement and was first accepted on March 28, 2025, and that the error interrupted Appellant's relationship with his son for almost ten months. 408 R.3462 & n.11, 3480, 3490; see 408 R.2830 (request to submit signed November 25, 2024, bearing the clerk's file stamp of March 28, 2025). No ruling issued. On June 2, 2025, Appellant petitioned this Court for extraordinary relief to compel a ruling. 408 R.2812–16; see 408 R.3481, 3489–90. On June 17, 2025, this Court requested a response from the respondents within thirty days under rule 19 of the Utah Rules of Appellate Procedure. Order, *Jakeman v. Fourth Dist. Court*, No. 20250611-CA (Utah Ct. App. June 17, 2025) (Addendum Item 4).[3] Thirteen days later, on June 30, 2025, the district court granted the correction, finding "no evidentiary basis" to include the son, and in the same ruling denied three other long-pending motions. 408 R.2896–2902. On July 23, 2025, this Court denied the petition as moot, describing it as "narrowly targeted to obtain a ruling on the outstanding motions," observing that those motions "were submitted for decision and had remained pending for

[3]The motion to disqualify recited June 4, 2025 as the date of this Court's order. 408 R.3482. The order itself is dated June 17, 2025, and this brief uses that date.

several months," and stating that "[t]he district court has now ruled on the target motions." 408 R.3283 & n.1.

The same-order designation. The June 30 ruling also addressed Appellant's March 29, 2025 written response to characterizations of his filings made at the March 28 hearing—a filing that requested no relief and on which no request to submit had been filed. The ruling noted that Appellant had "included over 300 pages of information apparently intending to show that filings he requested his attorney submit were not frivolous." 408 R.2900. It found the filing "burdensome," "irrelevant and immaterial," stated that "there is no reason for Defendant to need to 'respond,'" and designated it "effectively Defendant's first of three instances of vexatious litigation" under rule 83 of the Utah Rules of Civil Procedure. 408 R.2900–01; 408 R.3461, 3482, 3487. The motion alleged that this was the first occasion on which the court had ruled on any filing of Appellant's without a request to submit. 408 R.3460.

Disparate handling of the parties' filings. Against that sequence the motion set the disposition of the other side's filings: the City's motion to quash decided without awaiting a request to submit; the City's request for continuous protective orders granted the day it was made; and the probation officer's request to terminate Appellant's probation denied the same day it was submitted. 408 R.3456–57, 3460–61, 3462 n.14, 3485–86.

Statements from the bench. At the September 27, 2024 hearing, addressing evidence Appellant had offered to show he posed no danger to the protected parties, the assigned judge stated that when Appellant "details his wife's schedule, that starts to

sound like stalking," and continued: "I don't know why you know all the detail that you know about your wife, about her schedule and about appointments . . . . 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. So I'm just telling you that as a warning, okay, to put you on notice that that's sure how it looks." 408 R.3476–77, 3490; accord 408 R.2440 (transcript). The motion alleged that law enforcement had investigated the same conduct and declined to charge before that statement, and charged Appellant with stalking after it. 408 R.3490–91.[4]

The motion presented these events, together with interruptions of Appellant's argument and the hearing asymmetry the September 2 order later acknowledged, as a single pattern to be assessed "independently and when aggregated" through the eyes of a reasonable person knowing all the circumstances. 408 R.3485–86, 3492. It acknowledged the adverse-rulings rule, quoted *Liteky*'s statement that judicial rulings "almost never" establish partiality, and asserted that the alleged conduct could do so here given its context. 408 R.3491–92.

B. The referral and the two orders under review

On August 1, 2025, the assigned judge referred the motion to the presiding judge for assignment of a reviewing judge under rule 63(c)(1) of the Utah Rules of Civil Procedure, stating that no further action would be taken in the five cases until the motion was decided. 408 R.3567.

[4] Appellant was found not guilty at trial. See 11/07/2025 Jury Verdict in case 241404039.

On September 2, 2025, Presiding Judge Kraig Powell denied the motion. 408 R.4051–57. The order identified rule 29 as the governing referral procedure. 408 R.4051. Its legal-standard section stated that judges are presumed qualified, the moving party bears the burden, and "parties claiming bias must demonstrate that the alleged bias stems from an extrajudicial source." 408 R.4051. The Utah authority quoted in the same sentence, however, said alleged bias "must usually stem from an extrajudicial source." *Id.* (quoting *State v. Munguia*, 2011 UT 5, ¶ 17). The order also correctly recognized that adverse rulings alone are insufficient to establish bias. 408 R.4052.

The order announced that it would address the allegations "one by one" under seven headings: self-representation; preferential treatment; rulings allegedly entered too quickly; continuous protective orders; the assigned judge's statement that Appellant appeared to be engaging in stalking; law-library access; and the warning about a possible vexatious-litigant designation. 408 R.4052–57.

Each section supplied a category-specific reason for rejecting the allegation. The order reasoned that Appellant had at times acquiesced in working with counsel and was eventually permitted to represent himself. 408 R.4052–53. Addressing preferential treatment, the order acknowledged that the assigned judge "often took more time to hear the arguments of the City than he gave to Defendant," but reasoned that the judge knew Appellant's position, had heard enough, and could end the discussion after deciding to rule against him on the particular issue. 408 R.4053–54. The order attributed delays and speed to docket management among "hundreds of other cases," treated the protective-order allegations as adverse-ruling challenges, viewed the stalking statement as an

appropriate probation warning, found no authority supplied for a law-library obligation, and characterized the vexatious-litigant warning as "appropriate and timely." 408 R.4054–57.

After each category-specific explanation, the order returned to the same source-based conclusion. Sections A through D stated that because the alleged bias arose from proceedings in the cases, "even if Defendant's allegations were true," they would not constitute a valid basis for disqualification. 408 R.4053–55. Sections E through G likewise concluded that because the alleged bias did not arise from an extrajudicial source, "therefore" it did not constitute a valid basis for disqualification. 408 R.4056–57. The order denied the motion and returned the cases to the assigned judge. 408 R.4057.

On September 30, 2025, Appellant sought reconsideration. 408 R.4448–71. The motion's principal legal argument was that the September 2 order had converted a general extrajudicial-source principle into an absolute rule. It quoted *Munguia*'s "usually" and *Liteky*'s statement that source is neither necessary nor sufficient but a significant and often determinative factor; it also invoked *Liteky*'s demanding standard for in-proceeding conduct. 408 R.4453–55. The motion then reproduced the source-based conclusion from each of the seven sections and argued that the court had analyzed the incidents in isolation instead of asking how the circumstances appeared together. 408 R.4461–66, 4468–69.

On October 7, 2025, Judge Powell denied reconsideration. 408 R.4493–95. The order stated that the court had "carefully and completely reviewed all the arguments and evidence" and concluded that Appellant had not established a valid basis to disturb the

prior ruling. 408 R.4493. It did not identify a different source rule or perform a combined objective-observer analysis. It left the September 2 order intact. 408 R.4493–95.

C. Finality and the present appeal

Appellant first appealed the two orders in 2025. On November 14, 2025, this Court dismissed that appeal on its own motion because substantive postjudgment motions and a probation matter remained pending, leaving the disqualification denial "merely an interlocutory order with the pending proceedings remaining." 408 R.4516–17. Those proceedings, and the rule 83 proceeding that followed, were finally resolved by the district court's May 20, 2026 order, as detailed in the appellate-jurisdiction section below. 408 R.4912–23, 5301–09. This brief does not challenge the April 15 or May 20, 2026 orders; it cites them only as the dispositions relevant to appellate jurisdiction.

A new notice of appeal, dated and certified served May 25, 2026, designates only the September 2 and October 7 disqualification orders. 408 R.5354–61. A June 1, 2026 new-case notice recites March 25 rather than May 25 as the filing date, 408 R.5377–79; this Court's own docket, the controlling source for the date of receipt, reflects a May 25 filing.[5]

[5]*Related proceedings.* Separate Appeal No. 20260698-CA (consolidated with Nos. 20260700-CA, 20260702-CA, 20260704-CA, and 20260706-CA) challenges the May 20, 2026 order on its merits. A motion under rule 63 of the Utah Rules of Civil Procedure to disqualify the assigned judge from Appellant's post-conviction proceeding, Fourth District No. 260300085, was denied on May 27, 2026; this Court denied permission to appeal that order in No. 20260772-CA (July 20, 2026). Petitions for extraordinary relief concerning the docketing of papers tendered in No. 260300085 were denied in Nos. 20260793-CA (July 20 and 28, 2026) and 20261019-CA (Aug. 20, 2026). This Court may take notice of its own dockets. Utah R. Evid. 201. None of those proceedings is

SUMMARY OF ARGUMENT

This Court has jurisdiction. The prior appeal was dismissed because substantive postjudgment proceedings remained pending. Those proceedings—the deferred motions and the probation matter the dismissal identified, and the rule 83 proceeding that the April 15, 2026 ruling initiated in the same instrument that decided the deferred motions—remained pending without interruption until the May 20, 2026 final disposition. Under *Ross v. Barnett*, the disqualification orders became appealable then, and the new notice followed five days later.

On the merits, the September 2 order applied an incomplete methodology. Utah law strongly presumes impartiality. *Dahl* and *Paulson* require an extrajudicial source for ordinary personal-bias claims, and adverse rulings, case administration, and record-based opinions do not establish bias. *Liteky*, however, treats source as a significant and often determinative factor rather than an automatic bar, while setting an exceptionally high threshold for judicial rulings, opinions, and remarks arising in proceedings. Utah decisions have repeatedly used that reasoning: *Kucharski* juxtaposed *Munguia*'s qualified source rule with *Liteky*, and post-*Dahl Boyer* applied *Liteky*'s high-antagonism benchmark before separately applying Rule 2.11's objective reasonable-person, all-circumstances inquiry.

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before the Court here, and this brief relies on none of them to establish what the reviewing court should have found in 2025.

Those authorities can be harmonized only to the extent that doing so does not contradict *Dahl*'s binding language. *Dahl* footnote 14 noted that the allegations there would fail under the federal standard and then declined the invitation to adopt it. Appellant nevertheless asks this Court to adopt *Liteky*'s narrow source-as-a-factor rule to the fullest extent *Dahl* permits; if *Dahl* forecloses that step, Appellant preserves the issue for certiorari review. In either event, *Liteky* does not replace Rule 2.11's distinct appearance inquiry.

The September 2 order quoted "usually" but operationalized "always." In each of seven sections it concluded that, because the alleged conduct arose within the proceedings, it therefore could not support disqualification—even where the conduct alleged was a months-long non-ruling on an unopposed correction motion that ended thirteen days after this Court requested a response to a petition for extraordinary relief, a filing arrangement that allegedly left appeal documents unfiled, an in-court inference of uncharged conduct, and same-day rulings for one side against months of silence for the other. 408 R.3456–62, 3476–82, 3489–91. The category-specific reasons do not cure that error. They addressed whether each act was individually permissible or was an adverse ruling. They did not decide the motion's distinct claim that the alleged course of conduct, considered together, could cause a reasonable person knowing all the circumstances to question impartiality. The court announced a one-by-one method and never returned to the aggregate question.

Finally, the error affected the rule 29 disposition. The order repeatedly made source dispositive, including in sections that assumed the allegations true.

Reconsideration expressly presented the objective and aggregate theory, but the October 7 order left the original reasoning intact. Appellant does not use appearance to seek reversal of an underlying merits judgment; he seeks review of the rule 29 sufficiency ruling itself under *Boyer*'s reviewer-abuse pathway. The narrow remedy is to vacate both orders and remand for a fresh rule 29 determination. This appeal need not determine actual bias or disturb any later order on its independent merits.

ARGUMENT

Appellate jurisdiction and timeliness

This Court has statutory jurisdiction over appeals from courts of record in criminal cases other than first-degree or capital felonies. Utah Code § 78A-4-103(3)(e). Rule 3 of the Utah Rules of Appellate Procedure permits an appeal from a final district-court order, and rule 4 generally requires the notice within thirty days after entry. Utah R. App. P. 3(a)(1), 4(a).

A final order ordinarily disposes of all parties and claims. *Bradbury v. Valencia*, 2000 UT 50, ¶ 10. In a criminal case the sentence is usually the final order, *State v. Bowers*, 2002 UT 100, ¶ 4, but "[t]he final judgment rule does not preclude review of postjudgment orders," which "are independently subject to the test of finality, according to their own substance and effect." *Cahoon v. Cahoon*, 641 P.2d 140, 142 (Utah 1982); accord *Cheves v. Williams*, 1999 UT 86, ¶ 52. A postjudgment order is final when its effect "is to determine substantial rights and end the litigation regarding a specific issue" in the postjudgment proceeding. *Ross v. Barnett*, 2018 UT App 179, ¶ 20 (quoting *Colleli*

v. Colleli, 2004 UT App 318U, para. 2 (per curiam)). Applying that test, *Ross* held that the denial of a motion to disqualify the judge from pending supplemental proceedings "also became appealable" when the final order resolving those proceedings issued, *id.* ¶ 22, and explained—describing *Johnson v. Johnson*, 2004 UT App 13U, para. 4 (per curiam)—that "a motion to disqualify a judge from a pending matter becomes appealable once a final and appealable order is issued on that pending matter," *id.* When a jurisdictional question arises, "the burden to establish it rests upon the party asserting that jurisdiction exists." *Id.* ¶ 21 (cleaned up). Appellant accepts that burden, and the record carries it.

The November 14, 2025 dismissal of Appellant's first appeal applied those principles to the then-existing posture. Quoting *Cheves*, it acknowledged that postjudgment proceedings "may result in further final and appealable orders," but dismissed because substantive postjudgment motions and a probation matter remained pending, leaving the disqualification denial "merely an interlocutory order with the pending proceedings remaining." 408 R.4516–17.

Both conditions the dismissal identified were later finally resolved. Probation terminated November 20, 2025. 408 R.5309. And the motions the district court had expressly deferred on September 25, 2025 "until the Court of Appeals issues a decision as to Defendant's appeals," 408 R.4383–84, were decided in the April 15, 2026 ruling. 408 R.4912–23.

No earlier disposition started rule 4(a)'s clock. The September 2 order referred the five cases back to the assigned judge "for further proceedings." 408 R.4057. The April 15

ruling that decided the deferred motions simultaneously initiated—in the same instrument and the same five cases—the order-to-show-cause proceeding under rule 83 of the Utah Rules of Civil Procedure. 408 R.4912–23. The postjudgment proceedings therefore remained pending, without interruption, until the May 20, 2026 order resolved the order to show cause and declared itself final. 408 R.5301–09. After May 20, no substantive proceeding identified by the prior dismissal remained undecided; the May 20 order identified the continuous protective order itself—not any undecided motion—as the only outstanding item. *Id.* An order's continuing operation is the ordinary consequence of finality, not its negation. See *Ross*, 2018 UT App 179, ¶ 20. Under *Ross*, the interlocutory disqualification orders became appealable with that final disposition. This appeal rests on a new notice filed after the finality event, not on the dismissed 2025 appeal later "ripening." See *Garver v. Rosenberg*, 2015 UT 39, ¶¶ 2–16.

An independent, narrower route reaches the same result. Even if this Court were to conclude that the April 15, 2026 ruling was independently final as to the motions it decided—so that a later disposition could not restart their appeal periods, see *UDAK Properties LLC v. Spanish Fork City*, 2020 UT App 164, ¶¶ 9–12 (holding that rulings merged into an earlier, independently final supplemental judgment could not be appealed from a later supplemental judgment)—the same April 15 instrument commenced a distinct supplemental proceeding: it ordered Appellant to show cause why vexatious-litigant restrictions should not be imposed under rule 83 of the Utah Rules of Civil Procedure. 408 R.4912–23. Whether restrictions would issue, and what they would be, remained undecided until the May 20, 2026 order resolved the order to show cause and

declared itself final on that question. 408 R.5301–09. The July 29, 2025 disqualification motion sought disqualification from all pending and future matters and specifically challenged the assigned judge's vexatious-litigant warning; the September 2 order found that warning "appropriate and timely." 408 R.3453; 408 R.4057. Under *Ross*, the disqualification denial became reviewable, at a minimum, as an antecedent ruling governing that finally resolved rule 83 proceeding. 2018 UT App 179, ¶¶ 20–22. On either analysis, the May 25 notices were timely.

The new notice is signed, dated, and certified served May 25, 2026—five days after the finality order—and designates only the two disqualification orders. 408 R.5354–61. A June 1, 2026 new-case notice recites March 25, 2026. 408 R.5377–79. The signed notice, its position in the consecutively paginated record after the May 20 order, and the absence of any March-dated notice in the record mark that recitation as clerical; this Court's own docket, which controls the date of receipt, reflects a May 25, 2026 filing. A May 25 filing is timely under rule 4(a). And even if a notice had been filed in March, after the April 15 ruling had been announced but before the May 20 order was entered, rule 4(c) would treat it "as filed after such entry and on the day thereof." Utah R. App. P. 4(c).

Nor is the appeal moot. The continuous protective order remains operative. 408 R.5309. And the September 2 order did not merely deny a motion; it referred the five cases back to the assigned judge "for further proceedings," 408 R.4057, and the proceedings that followed produced restrictions that continue to bind Appellant today: a requirement that he obtain counsel before proceeding further in a pending action or filing

a future claim, a prohibition on direct requests to court clerks, and a directive that the Administrative Office of the Courts be notified of a prefiling order. 408 R.5308–09. Whether those restrictions were correctly entered is the subject of separate Appeal No. 20260698-CA; should this Court grant relief there, any remand will return the cases to the district court, and the question of which judge presides over the remanded matters will again be live. Whether they were entered by a judge who should have been disqualified is the question here. And because rule 29 permits only one motion to disqualify in an action, Utah R. Crim. P. 29(b)(1)(C), the September 2 determination is the only one Appellant can obtain in these cases. Vacating that determination so that it can be made under the correct standard is concrete relief.

I. The reviewing court treated source as a stopping rule; this Court should recognize or adopt *Liteky*'s narrow qualification and require the distinct Rule 2.11 inquiry.

A. Utah's demanding source rule should be harmonized with—and, if necessary, clarified by adopting—*Liteky*'s narrow source-as-a-factor principle.

Rule 29 of the Utah Rules of Criminal Procedure establishes the procedure. A motion must be filed in good faith and supported by an affidavit stating facts sufficient to show bias, prejudice, or conflict. Utah R. Crim. P. 29(b)(1)(A). The challenged judge must either grant the motion or certify it to a reviewing judge and take no further action until it is decided. *Id.* 29(b)(2)(A). If the reviewing judge finds the motion timely, in good faith, and legally sufficient, the reviewing judge "shall assign another judge" or request

that the presiding judge do so. *Id.* 29(b)(2)(B). The reviewing judge may consult the record and request a responsive affidavit. *Id.* 29(b)(2)(C).

The substantive inquiry is objective. Rule 2.11(A) requires disqualification in any proceeding in which the judge's "impartiality might reasonably be questioned," "including but not limited to" six enumerated circumstances. Utah Code Jud. Conduct r. 2.11(A). Comment 1 confirms that a judge is disqualified whenever impartiality might reasonably be questioned, "regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply." *Id.* cmt. 1. The Utah Supreme Court states the substantive command in the same objective terms: "A judge should be disqualified when circumstances arise in which the judge's 'impartiality might reasonably be questioned.'" *Dahl v. Dahl*, 2015 UT 79, ¶ 49 (quoting *State v. Gardner*, 789 P.2d 273, 278 (Utah 1989)). *Gardner* supplies the operative test for a motion's allegations: "[i]f the allegations in the affidavit are true and they would give a reasonable person cause to doubt whether the judge could be impartial under the circumstances, he should recuse himself," because "[n]othing is more damaging to the public confidence in the legal system than the appearance of bias or prejudice on the part of the judge." 789 P.2d at 278. Utah appellate decisions accordingly ask how the situation would appear "through the eyes of a reasonable person, knowing all the circumstances." *State v. Boyer*, 2020 UT App 23, ¶ 78 (cleaned up). This Court reaffirmed that formulation in 2026. *Paulson*, 2026 UT App 108, ¶¶ 65–66.

That standard is demanding. Judges are presumed qualified, and the movant bears the burden. *Dahl*, 2015 UT 79, ¶ 49. "[A]dverse rulings alone are insufficient to establish

the existence of judicial bias." *Id.* ¶ 52. Recent decisions enforce that rule. *Lomsanidze*, 2025 UT App 81, ¶¶ 32–35; *Paulson*, 2026 UT App 108, ¶¶ 65–69. A motion cannot transform dissatisfaction with outcomes, ordinary courtroom management, or a judge's record-based opinions into disqualifying partiality.

The source principle reinforces that threshold. *Dahl* states that parties claiming personal bias "must demonstrate" an extrajudicial source. 2015 UT 79, ¶ 49. *Paulson* repeated that wording in July 2026. 2026 UT App 108, ¶ 65. But *Paulson*'s very next paragraph confirms that the source sentence does not end the analysis: even so, an "appearance of bias may be grounds for reversal if actual prejudice is shown"; a judge "should be disqualified based on an appearance of bias whenever the judge's impartiality might reasonably be questioned"; and that question "is determined by viewing the question through the eyes of a reasonable person, knowing all the circumstances." *Id.* ¶ 66 (cleaned up) (quoting *State v. Boyer*, 2020 UT App 23, ¶¶ 77–78). The 2026 restatement thus preserves the two-track structure the older cases carry: a demanding source principle for personal-bias claims, followed immediately—not foreclosed—by the distinct objective appearance inquiry. Yet *Munguia*, from which *Dahl* drew, says bias "must usually stem from an extrajudicial source." 2011 UT 5, ¶ 17 (cleaned up). *Munguia* quoted that sentence from *In re Inquiry Concerning a Judge*, 1999 UT 81, ¶ 35, where it appears as an "[i]n other words" summary of the Canon's illustrative list of extrajudicial instances—prior knowledge of evidentiary facts, relationships with parties or counsel, prior involvement, financial interest. 2011 UT 5, ¶ 17. And Rule 2.11's text contains no source element at all: paragraph (A)(1) lists "personal bias or prejudice concerning a

party" among the disqualifying circumstances without restricting its origin, and comment 1 makes the catchall independent of every listed ground. The extrajudicial-source principle is judicial gloss defining when bias is "personal"—the kind of gloss *Liteky* holds identifies a significant factor, not an absolute element. Appellant does not contend that omitting "usually" is by itself reversible error. He asks the Court to resolve how that demanding source principle applies to exceptional in-proceeding conduct.

Liteky supplies the narrow answer. It does not directly control Utah's construction of Rule 29 or Rule 2.11 because it construed the federal recusal statute. But 28 U.S.C. § 455(a) and Rule 2.11(A) use the same operative objective language: disqualification when a judge's "impartiality might reasonably be questioned." Compare 28 U.S.C. § 455(a), with Utah Code Jud. Conduct r. 2.11(A). Rule 2.11's catchall applies even when none of its listed grounds applies. *Id.* cmt. 1. And *Liteky* construed that shared language to require every recusal ground "to be evaluated on an *objective* basis, so that what matters is not the reality of bias or prejudice but its appearance." 510 U.S. at 548 (emphasis in original).

Liteky rejected both extremes. It is "wrong in theory," the Court explained, to treat extrajudicial source as "the *only* basis for establishing disqualifying bias or prejudice": source is "the only *common* basis, but not the exclusive one." 510 U.S. at 551 (emphases in original). For bias-or-prejudice recusal, source is accordingly neither a necessary nor a sufficient condition; it is a "significant (and often determinative)" factor. *Id.* at 554–55. Judicial rulings alone "almost never" establish partiality, and ordinary courtroom administration, criticism, impatience, or anger does not suffice. *Id.* at 555–56. But

intrajudicial origin is not an automatic bar when judicial rulings, opinions, or remarks arising in proceedings display the exceptional degree of prejudgment or "deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* at 555. That is a limiting principle, not a relaxed recusal rule.

Nor would the requested rule graft a foreign doctrine onto Utah law. The Utah Supreme Court has itself recognized that purely intrajudicial statements can create an appearance of partiality. In *State v. Alonzo*, the trial judge suggested in chambers—in the case, with both parties present—that the defendants waive a jury and "just plead guilty." 973 P.2d 975, 979 (Utah 1998). The court held that "[s]uch comments call into serious question the impartiality of any judge regardless of humorous intent" and that "the comments alleged here created an appearance of bias"; the convictions stood only because no actual prejudice was shown. *Id.* at 979–80. *Alonzo* applied *Gardner*, which holds that a failure to recuse based on the appearance of bias may be grounds for reversal if actual prejudice is shown. 789 P.2d at 278. Neither decision required an extrajudicial source, and *Boyer* later identified *Alonzo* as the one recognized instance in which a judge's comments during proceedings created an appearance of bias. 2020 UT App 23, ¶ 79. And *Dahl* paragraph 49 itself opens with that command—a judge should be disqualified when the judge's impartiality might reasonably be questioned—quoting *Gardner* before it states the source rule. 2015 UT 79, ¶ 49. *Dahl* therefore cannot fairly be read as silently overruling the *Gardner–Alonzo* appearance line it invoked. Reading *Dahl*'s source sentence as *Munguia*'s "usually"—a demanding general rule subject to *Liteky*'s narrow qualification—harmonizes the entire line of authority; reading it as an

absolute intrajudicial bar places *Dahl* in unacknowledged conflict with the supreme court's own precedent.

The supreme court's own applications confirm that source does not end the analysis. In *Dahl* itself, after invoking the source rule, the court did not stop there: it examined the challenged statement's content and context—noting that it was directed at all counsel and singled out no litigant—before concluding that "[o]n these facts" nothing suggested bias. 2015 UT 79, ¶ 51. *Munguia* likewise traced each challenged comment to its record basis—the presentence report and the prosecutor's statements—before rejecting the claim. 2011 UT 5, ¶ 19. Neither decision treated intrajudicial origin as license to deem allegations irrelevant even if true.

Dahl's own supporting authority confirms the general-rule reading. For the source requirement, paragraph 49 cited the American Jurisprudence treatise. 2015 UT 79, ¶ 49 (citing 46 Am. Jur. 2d Judges § 131 (2008)). The current edition of that discussion states the requirement as one "generally considered" to govern—"although there is authority to the contrary"—and its companion section on judges' opinions states *Liteky*'s deep-seated-favoritism qualification as black-letter law. See 46 Am. Jur. 2d Judges §§ 127, 129 (2026) (the extrajudicial-source discussion formerly appearing at § 131). The treatise now lists *Dahl* itself among the decisions stating that general rule. *Id.* § 127. And the passage *Dahl* quoted restates the formulation of *United States v. Grinnell Corp.*, 384 U.S. 563, 583 (1966)—the very doctrine *Liteky* refined into the source-as-a-factor rule. See *Liteky*, 510 U.S. at 554–55. Traced to its cited sources, *Dahl*'s sentence states a demanding general rule—not an absolute intrajudicial bar.

Utah appellate courts have likewise repeatedly treated *Liteky* as instructive. *Campbell, Maack & Sessions v. Debry* used it in alternative analysis after finding the issue unpreserved. 2001 UT App 397, ¶¶ 24–27. *State v. Kucharski* directly juxtaposed *Munguia*'s "usually" formulation with *Liteky*'s source-as-a-factor rule and applied *Liteky* to opinions formed in current and prior proceedings. 2012 UT App 50, ¶¶ 4–6. *Fullmer v. Fullmer* relied on *Campbell* and *Liteky* for the proposition that ordinary impatience, dissatisfaction, annoyance, or anger does not establish bias. 2015 UT App 60, ¶ 12. And after *Dahl*, *Boyer* found no extrajudicial source but still tested the challenged comments under *Liteky* before separately applying Rule 2.11's reasonable-person, all-circumstances inquiry. 2020 UT App 23, ¶¶ 73, 76–83. *Boyer* also stated the ordinary-remarks rule conditionally: intrajudicial remarks do not support a challenge "as long as" the judge "decide[s] the case only after all the evidence is heard" and "does not allow the propensities to obscure the evidence." *Id.* ¶ 73 (cleaned up) (quoting *Madsen*, 767 P.2d at 546).

That approach is the national mainstream, not an outlier. State appellate courts across the country apply *Liteky*'s formulation to state-law disqualification claims arising from in-proceeding conduct. See *State v. Bard*, 181 A.3d 187, 198 (Me. 2018); *Tilson v. Tilson*, 948 N.W.2d 768, 784 (Neb. 2020); *Passero v. Fitzsimmons*, 92 Mass. App. Ct. 76, 83, 81 N.E.3d 814 (2017); *Avilez v. State*, 333 S.W.3d 661, 675 (Tex. App. 2010). Adopting *Liteky*'s narrow qualification would align Utah's stated rule with that settled body of law—and with Utah's own practice in *Kucharski*, *Boyer*, and *Alonzo*—rather than depart from it.

Binding hierarchy limits that synthesis. *Dahl* paragraph 49 states the source requirement categorically. 2015 UT 79, ¶ 49. Footnote 14 declined an invitation to adopt the federal deep-seated-antagonism standard because the manifestation of bias alleged there "would not establish judicial bias under that rule either"—a holding that adoption was unnecessary on those facts, not a rejection of the rule. *Id.* ¶ 54 n.14. The footnote arose, moreover, in *Dahl*'s discussion of rule 63's one-motion limit, not in its statement of the source principle. *Paulson* repeats *Dahl*'s source wording, but in the next paragraph repeats *Boyer*'s separate objective-appearance inquiry; it does not discuss *Liteky*'s source-as-a-factor rule. 2026 UT App 108, ¶¶ 65–66. This Court may therefore harmonize *Dahl* with *Munguia*, *Kucharski*, and *Boyer* only to the extent that doing so does not contradict *Dahl*'s binding language.

Dahl footnote 14 does not supply a shortcut around that question here. The proffer the *Dahl* court found insufficient "under that rule either" was of a different kind: an unestablished potential professional relationship between the opposing party and the judge's wife, which the record affirmatively refuted. 2015 UT 79, ¶¶ 54–56 & n.14. The court could say of that proffer that it "would not establish judicial bias" under any formulation, *id.* ¶ 54 n.14, because there was almost nothing to weigh. The rest of what *Dahl* weighed was of the same kind: several adverse rulings paired with a "one-time statement of frustration" that was directed to all counsel and singled out no litigant, *id.* ¶¶ 48, 51–52, and an alleged interaction twenty-three years earlier that the judge did not remember and the record did not corroborate, *id.* ¶¶ 57–59. Each proffer was isolated, attenuated, or ordinary adverse-ruling material. The July 29 motion is not of that kind. It

alleged, with record citations and under penalty of perjury, a specific multi-year sequence of identifiable acts—unadjudicated motions, a filing arrangement that left appeal documents unfiled, an unopposed correction left pending for months and granted thirteen days after this Court requested a response to a writ petition, a vexatious-litigant designation entered in the same ruling on a filing that requested no relief, disparate handling of the two sides' filings, and in-court statements inferring uncharged conduct—and the September 2 order itself confirmed portions of that account. 408 R.3453–93; 408 R.4053–57. Whether those circumstances, taken together and assumed true, would lead a reasonable observer to question impartiality is precisely the determination the objective inquiry exists to make; it cannot be resolved by classification at the threshold. The disposition footnote 14 reached in *Dahl* is therefore unavailable here without first conducting the aggregate analysis the September 2 order never performed.

Appellant nevertheless expressly asks this Court to adopt *Liteky*'s narrow source-as-a-factor rule to the fullest extent permitted by *Dahl*. Source ordinarily remains highly significant and often decisive; adverse rulings remain insufficient; but intrajudicial origin is not categorically dispositive when properly alleged judicial rulings, opinions, or remarks arising in proceedings satisfy *Liteky*'s exceptional threshold. If this Court concludes that *Dahl* forecloses that step, Appellant acknowledges that this Court is bound by *Dahl* and expressly preserves the issue for certiorari review by the Utah Supreme Court. No Utah appellate decision has decided whether *Dahl*'s source sentence admits *Liteky*'s qualification, and the question will recur in every disqualification motion founded on in-proceeding conduct.

The requested rule complements rather than replaces Rule 2.11's independent objective inquiry. Under the personal-bias theory, exceptional judicial opinions, rulings, and remarks arising in proceedings are tested under *Liteky*'s demanding benchmark; independently, all properly alleged circumstances must be evaluated under Rule 2.11's objective appearance standard. *Alonzo* illustrates both tracks: the in-case statement created an appearance of bias, and the outcome turned on prejudice, not on the statement's intrajudicial source. 973 P.2d at 979–80. *Boyer* likewise applied *Liteky*'s benchmark and then the reasonable-observer inquiry to in-proceeding comments. 2020 UT App 23, ¶¶ 73–83. *Paulson* states the source rule in one paragraph and then—introduced with "[b]ut even"—the objective appearance and prejudice rules in the next. 2026 UT App 108, ¶¶ 65–66. This framework preserves—not dilutes—the presumption of impartiality. Nor could it weaken Utah's protections: in drafting the Code of Judicial Conduct, the supreme court "imposed higher standards on judges than the Constitution requires." *Munguia*, 2011 UT 5, ¶ 16. The framework also honors the instruction that, once the demanding standard is correctly applied, "[i]n close cases, disqualification is the favored course of action"—an instruction *Madsen* itself tempered with the caution that disqualification "is not automatic" and must rest on facts rather than conjecture. *Madsen v. Prudential Fed. Sav. & Loan Ass'n*, 767 P.2d 538, 544 n.5 (Utah 1988). Both halves of that footnote can operate only if the analysis actually reaches the question the September 2 order's stopping rule bypassed.

B. The September 2 order treated source as an independent stopping rule in every category.

The September 2 order accurately quoted *Munguia*'s statement that alleged bias "must usually stem from an extrajudicial source." 408 R.4051. Its introductory sentence used *Dahl*'s categorical phrasing: parties "must demonstrate that the alleged bias stems from an extrajudicial source." *Id.* Because *Dahl* and *Paulson* themselves use that wording, the introductory sentence alone is not the claimed error. The seven applications that followed are the concern.

For the self-representation category, the court concluded that because the allegation arose from what the judge observed during the cases, "[t]herefore, even if Defendant's allegations were true," they were not a valid basis. 408 R.4053. For preferential treatment, the order again said the conduct occurred during the cases and "[t]herefore" could not support disqualification even if true. 408 R.4054. The conclusions for the speed of rulings and protective orders were materially identical. 408 R.4055. The stalking, law-library, and vexatious-litigant sections likewise said that because the conduct arose within the proceedings, "[t]herefore" it did not constitute a valid basis. 408 R.4056–57.

The repeated "therefore" matters because it states and applies a rule of decision: intrajudicial source meant the allegation could not be valid. In sections A through D, the order reached that conclusion while expressly assuming the allegations true. 408 R.4053–55. That inverts *Gardner*: when allegations are taken as true, the required question is

whether they "would give a reasonable person cause to doubt whether the judge could be impartial under the circumstances"—not where they arose. 789 P.2d at 278. In sections E through G, it reached the same legal conclusion without the assumption. 408 R.4056–57. The source-based rule was thus an independent ground in all seven categories, incompatible with the narrow source-as-a-factor rule Appellant asks this Court to adopt to the extent *Dahl* permits. In *Paulson*'s terms, the order performed paragraph 65's steps—presumption, burden, source, adverse rulings—and never reached paragraph 66's: how the circumstances, viewed together through the eyes of a reasonable person, would appear. Compare 2026 UT App 108, ¶ 65, with *id.* ¶ 66.

The motion alleged a combined pattern of statements and treatment and expressly invoked the reasonable-person appearance standard—not an inference of bias from losses alone. 408 R.3457–58, 3492–93. *Boyer*, *Alonzo*, and *Paulson* show that the objective appearance and prejudice inquiries remain analytically distinct from source. By ending every category with source, the September order never identified or decided that distinct aggregate question.

C. The order's category-specific explanations did not answer the distinct objective and cumulative question.

The City will likely emphasize that the September 2 order did more than invoke source. That is correct. Each section gave an additional explanation. The court reviewed the dockets, characterized the underlying events, and explained why it regarded each act as permissible case administration, an ordinary adverse ruling, or unsupported by

authority. 408 R.4052–57. A judge need not write any particular formula, and those explanations deserve engagement on their own terms.

But the additional explanations addressed a different question: whether each isolated act, on its own, proved bias or exceeded judicial authority. The motion's theory was that the combined course of conduct created an objective appearance of partiality. 408 R.3492. *Liteky* confirms that rulings "in and of themselves" almost never suffice, but "surrounding comments or accompanying opinion" remain the material of the exceptional intrajudicial inquiry. 510 U.S. at 555. An act can be within a judge's authority and still be part of the circumstances a reasonable observer considers. *Boyer* illustrates the distinction: it examined not only whether sentencing comments concerned proper subjects but also whether, in context, they suggested prejudgment of future motions. 2020 UT App 23, ¶¶ 78–83.

The September 2 order itself shows why aggregation could matter. It found that the assigned judge "often" heard more from the City than from Appellant. 408 R.4053. It reasoned that the judge could cut off a party "whom the judge has decided to rule against." 408 R.4053–54. It treated long delays and very quick rulings as exercises of prioritization among "hundreds of other cases." 408 R.4054–55. It found appropriate a warning that Appellant's conduct could support a stalking charge and a probation violation. 408 R.4056. And it deemed "appropriate and timely" a warning that Appellant might be declared vexatious. 408 R.4057. Those may all be defensible conclusions about each act standing alone. But the order nowhere mentions the sequence in which the motion placed the events: that the delayed correction motion was unopposed; that its

request to submit, signed in November 2024, was allegedly refused under the co-counsel arrangement and bears a March 28, 2025 file stamp; that the motion alleged Appellant was interrupted and prevented from rebutting counsel's characterization of the unfiled documents at the March 28, 2025 hearing; that Appellant petitioned this Court on June 2, 2025, and this Court requested a response on June 17; that the June 30, 2025 ruling granting the correction—entered thirteen days after that request—simultaneously entered the first vexatious-litigant designation on a filing that requested no relief; or that this Court had described the target motions as having "remained pending for several months." 408 R.3459–62, 3489–90; 408 R.2830; 408 R.3480; 408 R.2896–2902; 408 R.3283; 408 R.4051–57. The reconsideration motion enumerated that conduct and objected that it had been analyzed in isolation: "Nowhere in the entire document does the court address the cumulative effect upon the appearance of impartiality by all of the incidents when considered in their totality within their surrounding circumstances." 408 R.4459–66, 4468–69. Allegations of disparate handling of the two sides' filings describe "favoritism toward one of the parties," *Munguia*, 2011 UT 5, ¶ 17 (cleaned up), and an in-court statement inferring uncharged conduct is the *Alonzo* category, 973 P.2d at 979—the "surrounding comments" and "accompanying opinion" *Liteky* treats as the material of the exceptional intrajudicial case, 510 U.S. at 555. The legal question, however framed, was how the alleged pattern would appear to an objective observer knowing all the circumstances—not whether each act was independently permissible.

No Utah decision requires a separately captioned "cumulative analysis" or any formula of words. And the October 7 order later stated that the court had reviewed all

arguments and evidence. 408 R.4493. But the September order announced a "one by one" method, organized the decision into seven separate categories, and ended each with the same source-based stopping rule. 408 R.4052–57. It nowhere identified the aggregate objective theory. The combination of the stated method and the repeated ground—not silence alone—shows that the order did not decide the motion's distinct all-circumstances question.

The adverse-rulings rule does not answer that point. Appellant agrees that losses, even many losses, cannot alone establish bias. *Dahl*, 2015 UT 79, ¶ 52; *Lomsanidze*, 2025 UT App 81, ¶ 35. The selected issue concerns surrounding statements, hearing management, timing, and conduct alleged to reveal personal antagonism—not an inference drawn solely from outcomes. Whether that combined showing is legally sufficient is for a reviewing judge to decide under the correct demanding standard in the first instance.

D. Reconsideration did not cure the legal error, and a fresh Rule 29 determination is the narrow remedy.

Reconsideration put both claimed errors squarely before the court. It contrasted the September order's categorical sentence with *Munguia*'s qualifier; quoted *Liteky*'s source-as-a-factor and high-antagonism formulations; and cited Utah authorities addressing in-proceeding conduct. 408 R.4452–57. It then reproduced the source-based conclusion from all seven sections and argued that the incidents had to be considered under the reasonable-observer standard in their full context. 408 R.4461–66, 4468–69. The court

stated that it carefully and completely reviewed those arguments. 408 R.4493. Thus the precise source rule and the objective aggregate issue were unmistakably presented.

The October 7 order said the court had reviewed all arguments and evidence and found no valid basis to disturb its prior ruling. 408 R.4493. Brevity is not itself error, and a court need not respond line by line. But the order did not withdraw the categorical rule, identify a different standard, or supply the objective aggregate determination absent from the September order. It left that order and its seven "therefore" conclusions intact. 408 R.4493–95.

The dates recited in the motion raise a timing question under rule 29(b)(1)(B), and older known events cannot become timely merely because they are grouped with later events. But the September 2 order did not find the motion untimely or exercise paragraph (b)(2)(D)'s discretion to deny an untimely motion. It instead reached legal sufficiency and rejected every category on the merits. 408 R.4051–57. An appellate court may affirm "on any legal ground or theory apparent on the record." *Bailey v. Bayles*, 2002 UT 58, ¶ 10. But paragraph (b)(2)(D) says a reviewer "may" deny an untimely motion; the consequence of untimeliness is committed to the reviewing judge's discretion, and an unexercised discretionary choice is not a legal ground this Court can exercise for the first time on appeal. In any event, the motion rested on a continuing course of conduct whose most recent events—the June 30, 2025 ruling and this Court's July 23, 2025 order—fell within weeks of filing. 408 R.3461, 3482; 408 R.3283. That question remains for the rule 29 reviewer, if necessary, on remand.

The error was not harmless to the decision under review. The September order expressly made source dispositive in every category, four times even on an assumed-true basis. 408 R.4053–57. The motion included a combined appearance theory directed to the statements and treatment it alleged, not merely the outcomes it challenged. 408 R.3457–58, 3492–93. And taken as true, its central allegations fit recognized categories rather than the adverse-rulings category the order applied: disparate handling of the two sides' filings, see *Munguia*, 2011 UT 5, ¶ 17; an in-court statement inferring uncharged conduct, see *Alonzo*, 973 P.2d at 979; an alleged filing arrangement that left appeal documents unfiled while Appellant's appeal from the assigned judge's orders was pending, 408 R.3459–62, 3478–80; and a first vexatious-litigant designation entered, on a filing that requested no relief, in the ruling issued thirteen days after this Court requested a response to the extraordinary-relief petition. 408 R.2896–2902; 408 R.2812–46; 408 R.3489–90. These are not allegations of the kind *Dahl* footnote 14 found would fail under any standard; they are the circumstances the objective inquiry exists to weigh. There is therefore at least a reasonable likelihood that a reviewer who separately addressed that theory under the objective all-circumstances framework would reach a different rule 29 sufficiency determination. That is the measure *Gardner* itself supplies: a failure to recuse is harmless only in the absence of "a reasonable likelihood of a more favorable result for the defendant." 789 P.2d at 278 (cleaned up); see Utah R. Crim. P. 30(a). Because the decision under review is the rule 29 sufficiency determination, the "more favorable result" here is a favorable sufficiency determination and the assignment of another judge under rule 29(b)(2)(B).

Nor is this a case in which "[n]o allegation of actual prejudice was made." *Gardner*, 789 P.2d at 278. The motion did not rest on appearance alone: it alleged, under penalty of perjury, that the assigned judge had "demonstrated by his own comments his inability to be neutral," 408 R.3490, and the reconsideration motion described "bias rooted in personal feelings rather than impartial judgment" and presented each incident as one of "the many factors indicating [the assigned judge's] personal animus warranting disqualification." 408 R.4461, 4468–69. The motion framed that conduct as implicating Appellant's self-representation, his access to the courts, and his relationship with his son. 408 R.3459–61, 3480, 3487. On rule 29 sufficiency review those allegations are assumed true. Appellant asks this Court to decide only the governing legal standard, not actual bias; but the allegation *Gardner* found missing is present here, made contemporaneously and in the filings under review. *Paulson* confirms the framework this Court applied in 2026: an "appearance of bias may be grounds for reversal if actual prejudice is shown." 2026 UT App 108, ¶ 66 (cleaned up). At the rule 29 sufficiency stage, where the motion's allegations are assumed true, the motion's actual-bias allegations supply that showing for purposes of the analysis.

The substantial right rule 30 protects is likewise concrete, not academic. A favorable sufficiency determination required the assignment of another judge to all five cases. Utah R. Crim. P. 29(b)(2)(B). Instead, the same judge thereafter decided the deferred postjudgment motions, initiated and resolved the rule 83 order-to-show-cause proceeding, and entered the restrictions that bind Appellant today. 408 R.4912–23; 408 R.5301–09. Appellant does not contend that any of those subsequent rulings was

erroneous—that question is not presented in this appeal, and this brief does not rely on it. See *Boyer*, 2020 UT App 23, ¶ 83 n.13 (rulings "raised solely in the context of establishing actual prejudice from the court's failure to recuse" are "not asserted as an independent basis for reversal"). Rule 30 does not require him to: the reasonable likelihood *Gardner* demands is measured against the decision under review, and every proceeding that followed in these cases passed through the gate that decision closed.

Nor is the rules-based character of this claim a reason to discount it. *Munguia* explains that in drafting the rules of judicial conduct, Utah "imposed higher standards on judges than the Constitution requires to protect the rights of defendants," and that "most matters relating to judicial disqualification do not rise to a constitutional level"; regulation of personal bias is instead "left to statutes and judicial codes." 2011 UT 5, ¶ 16 & n.13 (cleaned up) (quoting *Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252, 2259 (2009)). Appellant asserts no freestanding constitutional claim. But the allocation *Munguia* describes is precisely why the rule 29 determination matters: for a criminal defendant, the rules are where the protection against a biased judge principally resides, and a determination made under an incorrect legal standard withholds the very safeguard the system assigns to it.

Boyer identifies two routes after a trial judge follows rule 29: the movant may establish actual bias or show that the reviewing judge abused discretion. 2020 UT App 23, ¶¶ 70–71. Appellant relies on the second route. *Paulson* also repeats that an appearance claim supports reversal only when actual prejudice is shown. 2026 UT App 108, ¶ 66. Here Appellant does not use appearance to overturn an underlying merits

judgment. He seeks correction of the rule 29 ruling itself, whose stated reasoning excluded the preserved theory. Because the appealed decision is the rule 29 sufficiency determination, any prejudice inquiry should focus on whether the stated legal error created a reasonable likelihood of a different determination—not on whether this appeal independently reverses a later merits order. See Utah R. Crim. P. 30(a). Nor is the objective appearance standard merely disciplinary. *Gardner* cautioned that the Code of Judicial Conduct does not itself define a defendant's constitutional fair-trial rights, 789 P.2d at 278 (citing *State v. Neeley*, 748 P.2d 1091, 1094 (Utah 1988)), but "[t]he parameters of defendants' constitutional rights to a fair trial are defined by [rule 29 of the Utah Rules of Criminal Procedure] and relevant case law." *Boyer*, 2020 UT App 23, ¶ 70 (quoting *Neeley*, 748 P.2d at 1094). Appellant's claim proceeds through rule 29's legal-sufficiency element, to which Rule 2.11's objective standard supplies the substantive rule of decision.

One further feature of rule 29 confirms that the error is not academic. "No party may file more than one motion to disqualify in an action." Utah R. Crim. P. 29(b)(1)(C). Unlike its civil counterpart, the criminal rule contains no exception for grounds later arising. Compare Utah R. Civ. P. 63(b)(5). The July 29, 2025 motion was therefore Appellant's only motion in these five cases, and its denial under an incorrect standard cannot be cured by a second motion. Review of that denial on this appeal is the one avenue the rules provide for deciding the question under the correct standard. See *Dahl*, 2015 UT 79, ¶ 54 n.14 (identifying extraordinary relief as the remaining safeguard once the one-motion limit applies).

The remedy should match the error. The Court should vacate the September 2 and October 7 orders and remand for a fresh determination by an eligible reviewing judge under rule 29(b)(2). The reviewer should apply *Munguia*, *Dahl*, and *Paulson*'s binding source and adverse-ruling rules, any narrow *Liteky* qualification this Court adopts to the extent *Dahl* permits, the presumption of impartiality, and Rule 2.11's distinct objective reasonable-person inquiry to all properly presented circumstances. If the motion is timely, filed in good faith, and legally sufficient, rule 29(b)(2)(B) requires assignment of another merits judge. If it is not, the reviewing judge may deny it under the correct framework. Appellant does not claim an entitlement to a different reviewer on remand. The stakes of a correct determination are fixed by the rule itself: "No party may file more than one motion to disqualify in an action," Utah R. Crim. P. 29(b)(1)(C), so a second motion cannot cure an erroneous legal determination of the first, and vacatur restores the July 29, 2025 motion to its pending status rather than authorizing a new one. *Dahl* footnote 14 explained that the parallel one-motion limit is tolerable because "[a] single motion to disqualify is sufficient in most cases." 2015 UT 79, ¶ 54 n.14. That assurance holds only if the single determination a party receives is made under the correct legal standard; appellate correction of a determination made under an incorrect standard is what keeps it true. On remand, the reviewing judge "may consider any part of the record of the action," Utah R. Crim. P. 29(b)(2)(C), and the record of these five cases as it now exists includes the proceedings and restrictions that followed the denial. 408 R.4912–23; 408 R.5301–09. And because the motion invoked rule 63 of the Utah Rules of Civil Procedure as well, 408 R.3453, nothing in the mandate should preclude the reviewing

judge from receiving, to the extent rule 63(b)(5)–(6) applies, a supplemental declaration of later-arising grounds the movant "did not know of and could not have known of at the time of the earlier motion," supported by a statement of when and how they became known. Utah R. Civ. P. 63(b)(5)–(6). Whether and how those provisions apply is for the reviewing judge; Appellant asks no more of this Court than recognition of what the rules already provide.

This relief leaves separate Appeal No. 20260698-CA separate. It does not vacate the April 15 or May 20, 2026 orders, decide any merits question under rule 83 of the Utah Rules of Civil Procedure or concerning the continuous protective orders, or use post-October events to prove what the reviewing court should have found in 2025. The May 20 order serves only as the finality event discussed in the appellate-jurisdiction section above.

STATEMENT REGARDING ATTORNEY FEES

Appellant is self-represented and does not seek attorney fees on appeal.

CONCLUSION

The Court should hold that the consolidated appeals are reviewable; harmonize *Munguia*, *Dahl*, and *Paulson* with—and, to the fullest extent *Dahl* permits, adopt—*Liteky*'s narrow source-as-a-factor rule; vacate the September 2 and October 7, 2025 disqualification orders; and remand for a new determination under rule 29 of the Utah Rules of Criminal Procedure applying the complete legal standard. If this Court

concludes that *Dahl* forecloses adoption, Appellant acknowledges that this Court is bound and expressly preserves the issue for certiorari review by the Utah Supreme Court. The Court need not decide actual bias or grant independent relief from any order assigned to separate Appeal No. 20260698-CA.

Dated: August 23, 2026 */s/ David Ammon Jakeman*
DAVID AMMON JAKEMAN, pro se

REQUEST FOR ORAL ARGUMENT

Appellant requests oral argument. Argument would assist the Court in addressing the prior finality dismissal; *Ross*'s matter-specific finality rule; the unresolved relationship among *Liteky*, *Dahl* footnote 14, *Kucharski*, *Boyer*, and *Paulson*; the narrow form of remand that preserves the separate scope of Appeal No. 20260698-CA; and the effect of rule 29(b)(1)(C)'s one-motion limit on the availability of any other remedy.

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Utah Rule of Appellate Procedure 24(g). The counted portions of the brief contain 11,248 words, as calculated by the word-processing system used to prepare it, excluding the table of contents, table of authorities, addendum, and certificates.

I further certify that this public brief complies with Utah Rule of Appellate Procedure 21(h). It does not contain material classified as private, controlled, protected, safeguarded, sealed, juvenile-court legal, or juvenile-court social. It complies with the

form requirements of Utah Rule of Appellate Procedure 27, including 13-point type, double-spaced text, and margins of at least one inch.

Dated: August 23, 2026 */s/ David Ammon Jakeman*
DAVID AMMON JAKEMAN, pro se

CERTIFICATE OF MAILING

I, Appellant David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing Opening Brief of Appellant, and all addenda, on August 23, 2026, to the following. (The hard copy requirement of UT. R. APP. P. 26(b) has been waived.)

Email: djsummers@orem.org, oremprosecutor@orem.gov, anleon@orem.gov
Mr. Jake Summers
Orem City Prosecutor's Office
56 North State Street
Orem, Utah 84057

Dated: August 23, 2026 */s/ David Ammon Jakeman*
DAVID AMMON JAKEMAN, pro se

ADDENDUM TO BRIEF OF APPELLANT

Lead Case No. 20260699-CA

Item 1 — September 2, 2025 Ruling and Order on Motion to Disqualify Judge
Item 2 — October 7, 2025 Ruling and Order on Defendant’s Rules 54, 59, & 60 Motion to Recons...
Item 3 — Selected pages of Appellant’s July 29, 2025 motion to disqualify
Item 4 — June 17, 2025 order in No. 20250611-CA requesting a response to Appellant’s petition
Item 5 — June 30, 2025 Ruling on Various Motions Raised by Defendant
Item 6 — July 23, 2025 order denying the petition for extraordinary relief as moot in No. 20...
Item 7 — August 1, 2025 referral order
Item 8 — September 25, 2025 Ruling on Defendant’s Request to Submit deferring rulings on pen...
Item 9 — Selected pages of Appellant’s September 30, 2025 reconsideration motion
Item 10 — November 14, 2025 order dismissing prior Appeal No. 20251197-CA
Item 11 — Selected pages of the May 20, 2026 order (finality and continuing effect only)
Item 12 — May 25, 2026 disqualification notice of appeal
Item 13 — June 1, 2026 consolidation order in lead Appeal No. 20260699-CA
Item 14 — October 1, 2024 minute order directing Appellant to file future documents through ...
Item 15 — Page 85 of the transcript of the September 27, 2024 hearing
Item 16 — Utah Code § 78A-4-103(3)(e)
Item 17 — Utah Rules of Appellate Procedure 3(a)(1), 4(a), and 4(c)
Item 18 — Utah Rule of Criminal Procedure 29(b)
Item 19 — Utah Code of Judicial Conduct rule 2.11(A) and comment 1

ADDENDUM ITEM 1

September 2, 2025 Ruling and Order on Motion to Disqualify Judge

(408 R.4051–57)

IN THE FOURTH JUDICIAL DISTRICT COURT

SPANISH FORK DEPARTMENT, UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. DAVID AMMON JAKEMAN, Defendant.	**RULING AND ORDER ON MOTION TO DISQUALIFY JUDGE** Case Nos. 221300408 221300553 231300069 231300079 231300162 Judge Jared Eldridge

David Ammon Jakeman moves to disqualify the judge assigned to these five criminal cases in which Mr. Jakeman is the Defendant. The judge certified the motion to the presiding judge for decision pursuant to Rule 29, Utah Rules of Criminal Procedure. The presiding judge now issues this ruling and order on the motion.

Legal Standards

The following legal principles apply to a motion to disqualify a judge:

Judges are presumed to be qualified and a party alleging bias on the part of the judge has the burden of demonstrating that the judge is not qualified. *In re Affidavit of Bias*, 947 P.2d 1152, 1153 (Utah 1997) (Mem. of Zimmerman, C.J.); *see also* 46 AM. JUR. 2D *Judges* § 129 (2008) ("The law presumes that a judge is unbiased and unprejudiced."). Moreover, parties claiming bias must demonstrate that the alleged bias stems from an extrajudicial source. *State v. Munguia*, 2011 UT 5, ¶ 17, 253 P.3d 1082 ("In other words, the bias or prejudice must usually stem from an extrajudicial source, not from occurrences in the proceedings before the judge." (emphasis omitted) (internal quotation marks omitted)); *see also* 46 AM. JUR. 2D *Judges* § 131 (2008)("[T]he alleged bias and prejudice of a judge

must stem from an extrajudicial source and result in an opinion on the merits on some basis other than what the judge learned from his or her participation in the case ....").

Dahl v. Dahl, 2015 UT 79, ¶ 49, 459 P.3d 276, 295.

Furthermore, the Utah Supreme Court has emphasized that a judge does not show bias by ruling one way or the other on disputed questions the judge is called on to decide:

> We have repeatedly held that adverse rulings alone are insufficient to establish the existence of judicial bias. *In re Affidavit of Bias*, 947 P.2d at 1154 ("[N]o deduction of bias and prejudice may be made from adverse rulings by a judge." (internal quotation marks omitted)); *In re Inquiry Concerning a Judge*, 2003 UT 35, ¶ 7, 81 P.3d 758 (per curiam) ("There is neither a factual nor a legal basis ... for concluding that a judge who rules against a party on a particular legal issue is biased against that party."). To hold otherwise would expose judges to accusations of bias in every case because every case necessarily requires rulings adverse to one party or the other.

Dahl, 2015 UT 79, ¶ 52, 459 P.3d 276, 295-96.

Ruling

Defendant's Motion to Disqualify Judge raises the following issues, which the Court will address one by one.

A. <u>The judge refused to let Defendant represent himself.</u>

Defendant argues that the judge refused to let him represent himself and instead required him to work with an attorney. Defendant asserts that this conduct by the judge violated his constitutional rights and shows the judge was biased against him.

The Court has reviewed the docket of the various cases. It appears that at times throughout the proceedings Defendant was willing to work with an attorney and actively consulted with appointed counsel. After his convictions were entered and during post-trial proceedings, Defendant made very clear his displeasure with counsel and insisted that his

counsel withdraw. His counsel agreed with him and moved to withdraw. The judge granted Defendant's motion and allowed counsel to withdraw. Defendant now represents himself.

The Court cannot find that this conduct by the judge manifests bias against Defendant. The judge originally thought Defendant would be better off with the assistance of counsel and Defendant acquiesced in using an attorney. Later, when Defendant made his desires fully clear, the judge granted his request to represent himself.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what the judge observed during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

B. The judge gave preferential treatment to the opposing party.

Defendant next argues that the judge showed bias by giving the City and its attorneys more time to present evidence and arguments than he gave to Defendant and by cutting Defendant off when he was trying to make arguments. Defendant also contends that the judge decided the City's motions quickly but delayed in ruling on Defendant's motions, thereby showing bias.

The Court has reviewed the instances Defendant identifies in his motion. It is true that the judge often took more time to hear the arguments of the City than he gave to Defendant to make arguments. But an examination of these instances shows that the judge knew what Defendant was arguing and had heard enough of the arguments by Defendant to make informed rulings. The judge simply agreed with the arguments the City made and disagreed with the arguments Defendant was making. Therefore, the judge did not need to

hear any further from Defendant. Ending the discussion is a judge's prerogative when considering arguments made by parties, even if that means cutting off a party whom the judge has decided to rule against on a particular issue. As stated above, a ruling against a party does not indicate that the judge is biased against that party. The proper method to challenge an adverse ruling is by appealing the ruling, not seeking to disqualify the judge.

As to the alleged delay in ruling on Defendant's motions, Defendant has six different criminal cases, and even more cases that were dismissed. The docket in the cases consists of hundreds of filings, many of them by Defendant. The judge has hundreds of other cases that demand his attention and therefore it is essential that the judge prioritize the motions filed to determine which motions demand his immediate attention. Defendant's frequent filings are often voluminous and complex. The judge exercised his broad discretion to prioritize all the matters that were pending before him, even if that meant delaying issuing rulings on Defendant's many motions.

Finally, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

C. The judge ruled too quickly on some of Defendant's motions.

Defendant next argues that the judge ruled too quickly on some of his motions, thereby preventing Defendant from submitting additional evidence and making additional arguments.

As the Court has observed just above, the judge has discretion to prioritize different matters pending before him. In some instances, the judge can act quickly, while in others much more time is needed. Exercising this discretion does not show bias by the judge.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

D. The judge engaged in a *de facto* termination of Defendant's parental rights by imposing and enforcing a continuous protective order against Defendant in which Defendant's children are protected parties.

Defendant next argues that the judge engaged in a *de facto* termination of Defendant's parental rights by imposing and enforcing a continuous protective order against Defendant in which Defendant's children are protected parties.

As stated above, a ruling against a party does not indicate that the judge is biased against that party. The proper method to challenge an adverse ruling is by appealing the ruling, not seeking to disqualify the judge.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

E. The judge showed bias by stating that it appeared Defendant was engaging in stalking.

Defendant next argues that the judge showed bias by stating that it appeared Defendant was engaging in stalking.

The Court has reviewed the instance identified by Defendant. Because the judge had pending potential probation matters for Defendant, it was entirely appropriate for the judge to warn Defendant that the conduct he was engaging in could provide grounds to charge him with stalking and violate his probation.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

F. The judge failed to order that Defendant be given access to a law library in jail.

Defendant next argues that the judge showed bias by failing to grant his request that he be given access to a law library while in jail.

Defendant does not cite any authority for the proposition that a judge is required to give inmates access to a law library while in jail.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

G. The judge showed bias by warning Defendant he may be deemed a vexatious litigant.

Defendant next argues the judge showed bias by warning Defendant he may be deemed a vexatious litigant if he continues to file documents in the way he has done in the past.

The Court has reviewed the statement the judge made to Defendant about potentially being deemed a vexatious litigant. Given the frequency, length, and content of Defendant's many filings, the warning the judge gave to Defendant was appropriate and timely and is not evidence of bias.

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

ORDER

Having concluded that Defendant's motion identifies no valid grounds on which to disqualify the judge, the Court denies the motion. The case is now referred back to the assigned judge for further proceedings.

DATED this 23rd day of September, 2025.



JUDGE KRAIG POWELL
Presiding Judge
Fourth District Court

ADDENDUM ITEM 2

October 7, 2025 Ruling and Order on Defendant’s Rules 54, 59, & 60 Motion to Reconsider, Alter, and Amend the Denial of His Request to Disqualify Judge

(408 R.4493–95)

FILED
OCT 0 7 2025
4TH DISTRICT
STATE OF UTAH
UTAH COUNTY

IN THE FOURTH JUDICIAL DISTRICT COURT

SPANISH FORK DEPARTMENT, UTAH COUNTY, STATE OF UTAH

STATE OF UTAH, Plaintiff, vs. DAVID AMMON JAKEMAN, Defendant.	**RULING AND ORDER ON DEFENDANT'S RULES 54, 59, & 60 MOTION TO RECONSIDER, ALTER, AND AMEND THE DENIAL OF HIS REQUEST TO DISQUALIFY JUDGE** Case Nos. 221300408 221300553 231300069 231300079 231300162 Judge Jared Eldridge

Defendant David Ammon Jakeman moves, pursuant to Utah Rules of Civil Procedure 54, 59, and 60, that the Court reconsider, alter, and amend its denial of his Motion to Disqualify Judge ("Motion to Reconsider, Alter, and Amend").

The Court has carefully and completely reviewed all the arguments and evidence set forth in the Motion to Reconsider, Alter, and Amend. After due consideration, the Court concludes that Defendant has failed to establish any valid basis to disturb the Court's previous ruling that the trial judge should not be disqualified based on alleged bias.

For this reason, Defendant's Motion to Reconsider, Alter, and Amend is DENIED.

SO ORDERED this 7th day of October, 2025.

Kraig Powell

JUDGE KRAIG POWELL
Presiding Judge
Fourth District Court



CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people by the method and on the date specified.

MYCASE: DAVID AMMON JAKEMAN jakemandav@gmail.com

EMAIL: REBEKAH GRIFFIN REBEKAH@DEXTERLAW.COM

EMAIL: ALIISA LEON ANLEON@OREM.GOV

10/07/2025 /s/ TRACY BULLOCK

Date: _____ _____

Signature

ADDENDUM ITEM 3

Selected pages of Appellant’s July 29, 2025 motion to disqualify

(408 R.3453–63, 3476–82, 3485–93)

DAVID JAKEMAN
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IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH
UTAH COUNTY, STATE OF UTAH

CITY OF OREM, State of Utah, v. **DAVID AMMON JAKEMAN,** Defendant.	**DEFENDANT'S MOTION TO DISQUALIFY JUDGE ELDRIDGE FROM ALL PENDING AND FUTURE MATTERS INVOLVING JAKEMAN** Trial Court Case No: 221300408 221300553 231300069 231300079 231300162 **HEARING AND ORAL ARGUMENTS REQUESTED**

Pursuant to Utah R. Civ. P. 63(b), Utah R. Crim. P. 29, and the Due-Process Clauses of the United States and Utah Constitutions, Defendant David Ammon Jakeman (AKA "Jakeman"), respectfully moves for the immediate disqualification of the Hon. Jared Eldridge from (1) *all* ongoing district-court matters in which Mr. Jakeman is a party, and from (2) any and all future matters involving Mr. Jakeman.

1. INTRODUCTION

This motion has been made necessary because, as will be shown below, Eldridge has, among other things:

Repeatedly ignored Jakeman's invocation of his right to self-representation.

Obstructed Jakeman's litigation and endangered his appeals and other claims by **(1)** repeatedly ignoring Jakeman's motions and by **(2)** forcing Jakeman to file motions through a gate-keeping attorney. (This obstruction rendered Jakeman's motion to withdraw guilty pleas mute and almost cost Jakeman his appeals 20231059-CA and 20231060-CA. The most notable motions Judge Eldridge ignored were **(a)** Jakeman's post-trial motion to represent himself, **(b)** Jakeman's post-trial motion(s) for a new trial, **(c)** Jakeman's post-trial motion to withdraw guilty pleas, and **(d)** Jakeman's motion to correct a clerical error in a protective order.)

Repeatedly treated the opposing party preferentially. Such as by **(1)** ruling on their motions expeditiously and without requiring or waiting for requests to submit while ignoring Jakeman's motions despite the filing of requests to submit, and by **(2)** giving the opposing party great latitude and time to speak and argue their case while repeatedly interrupting Jakeman, cutting him off, and refusing to give him the same opportunity to speak that Eldridge extended to the other party.

Threatened Jakeman on at least four separate occasions: **(1)** during sentencing[1], **(2)** during a hearing on Jakeman's request to modify protective orders[2], **(3)** during a hearing on prior counsel's motion to withdraw[3], and (4) by comments included in Eldridge's recent order addressing Jakeman's response to allegations made against him[4].

Conducted a structurally flawed set of proceedings on August 22, 2023 by (1) scheduling two trials and one change of plea hearing for a four-hour block, and then (2) proceeding with those proceedings despite the fact that Jakeman was transported one hour late, leaving only 3 hours to conduct both trials and the change of plea hearing. (See pending appeal 20231059-CA and Jakeman's Petition for Rehearing based on Fraud Perpetrated on the Court.[5])

Found Jakeman guilty of misdemeanor child abuse despite the fact that the required injury element was not proved beyond a reasonable doubt due to the fact that no causal nexus was established between the alleged injury and Jakeman's actions. (See pending appeal 20231059-CA and Jakeman's Petition for Rehearing based on Lack of Causal Nexus.)

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[1] R000950-951. See also Jakeman's motions for a new trial and to withdraw guilty pleas (and their accompanying declarations).
[2] R002545.
[3] See Jakeman's DEFENDANT'S RESPONSE TO STATEMENTS MADE DURING THE HEARING ON 03/28/2025
[4] See Jakeman's DEFENDANT'S MOTION TO ALTER OR AMEND ORDER FINDING HIS "RESPONSE TO STATEMENTS" BURDENSOME, IRRELEVANT, AND IMMATERIAL"
[5] See also Jakeman's motions for a new trial and their accompanying declaration(s).

Ignored and veered widely from the sentence recommended by AP&P, issuing an extremely harsh sentence of 365 days unsuspended incarceration rather than the 0-90 days recommended by AP&P.

Terminated Jakeman's parental rights without adherence to the constitutionally mandated safeguards through the improper issuance of draconian continuous protective orders. (See pending appeal 20241042-CA.)

Denied, without proper legal justification, motions filed by Jakeman that are compelling, legally sound, proper, and necessary. These include but are not limited to **(1)** Jakeman's very first Utah Code § 78B-7-804(3)(c) request for a hearing to modify continuous protective orders[6], and **(2)** Jakeman's Rule 11(f) motion to correct the record to include a missing declaration filed in support of a motion to withdraw guilty pleas[7].

Recently began laying the groundwork to improperly hamstring Jakeman's ability to represent himself before the courts by making a bogus finding that Jakeman had taken the first step toward becoming a vexatious litigant.[8]

Acted in other ways that indicate bias, such as by denying the request to terminate probation submitted by Jakeman's probation officer faster than that officer has ever seen before—Jakeman's probation officer, Chris Astle, told Jakeman at his last check-in that

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[6] See Jakeman's hearing request, Eldridge's denial, and Jakeman's pending Rule 59 motion to amend the denial order.
[7] See Jakeman's 11(f) motion, Eldridge's denial, and Jakeman's pending Rule 59 motion to amend the denial order.
[8] See Jakeman's response to statements, Eldridge's order in regard thereto, and Jakieman's Rule 59 motion to amend the that order.

Eldridge denied the request the very same day it was submitted, and that he has never seen a denial be issued that fast before.

2. LEGAL STANDARD

Disqualification of Eldridge is necessary because, given the totality of the facts detailed below, "the probability of actual bias on the part of [Eldridge]…is too high to be constitutionally tolerable[,]" Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 872 (2009), and because "[Eldridge's] conduct would appear to an objective observer to prejudice public esteem for the judicial office[,]" In re Worthen, 926 P.2d 853, 872 (Utah 1996), and because "An appearance of bias or prejudice is sufficient for disqualification, [and this request for disqualification has a] basis in fact and [is] grounded on more than mere conjecture and speculation." Spafford v. Granite Credit Union, 2011 UT App 401, ¶ 37, 266 P.3d 866, 875, abrogated by Coroles v. State, 2015 UT 48, ¶ 37, 349 P.3d 739; State v. Neeley, 748 P.2d 1091, 1094 (Utah 1988) (*a judge should recuse himself when his "impartiality" might reasonably be questioned*).

Additionally, disqualification of Eldridge is appropriate because, as demonstrated below, he has acted in a manner that not only "undermine[s]-public confidence in the independence* integrity,* and impartiality* of the judiciary[,]" but that also fail[s] to "comply with the law." Utah Code of Judicial Conduct Canon 1, Rules 1.1 and 1.2; see also Tumey v. State of Ohio, 273 U.S. 510, 535, 47 S. Ct. 437, 445, 71 L. Ed. 749 (1927) (*No matter what the evidence was against him, he had the right to have an impartial judge*).

Furthermore, disqualification of Eldridge is proper because, as demonstrated below, he has failed to "perform the duties of [his] judicial office impartially, competently, and diligently." Utah Code of Judicial Conduct Canon 2, see rules 2.2, 2.3, and 2.5.

Finally, the situation has become one where Eldridge—for his own benefit as well as for the benefit of Jakeman, the court, and the reputation of the courts—should "man up" and voluntarily recuse himself. State v. Boyer, 2020 UT App 23, ¶ 77, 460 P.3d 569, 592 (*a trial judge's failure to recuse based on the appearance of bias may be grounds for reversal if actual prejudice is shown*); State v. Neeley, 748 P.2d 1091, 1094 (Utah 1988) (*a judge should recuse himself when his "impartiality" might reasonably be questioned*); In re Murchison, 349 U.S. 133, 136, (1955) (*to perform its high function in the best way 'justice must satisfy the appearance of justice*).

Eldridge has allowed himself to become "personally embroiled with [Jakeman]" to the point where Jakeman finds himself forced to document in his own pleadings those things he finds offensive in Eldridge's actions in a manner that may "sting" Eldridge's ego. Mayberry v. Pennsylvania, 400 U.S. 455, 463–64 (1971) (*it is generally wise where the marks of the unseemly conduct have left personal stings to ask a fellow judge to take his place…We conclude that that course should have been followed here, as marked personal feelings were present on both sides*); Offutt v. United States, 348 U.S. 11, 17 (1954) (*The record is persuasive that instead of representing the impersonal authority of*

law, the trial judge permitted himself to become personally embroiled with the petitioner. There was an intermittently continuous wrangle on an unedifying level between the two).

For example,

From Pages 7-8 of Jakeman's "Response to Statements Made During The Hearing on 03/28/2025":

> Lastly, Jakeman takes this opportunity to point out some of the misbehavior directed toward him by Judge Jared Eldridge. Jakeman will address this behavior at length in a future motion asking for Eldridge's recusal from all future proceedings involving Jakeman. Said behavior reveals Eldrige's inappropriate, negative bias toward Jakeman and includes, but is not limited to the following:
>
> Consistently allowing the other parties—such as his antagonist "co-counsel" and the City attorney—to speak freely and at length, but almost always interrupting Jakeman and not allowing him the same opportunity to speak freely or at length.
>
> With the exception of the hearing on March 28, 2025, never properly adjudicating Jakeman's repeated requests to represent himself, such as using a proper *Frampton* colloquy and always forcing Jakeman to have a "co-counsel."
>
> Suggesting to the City during the hearing on September 27, 2024 that it charge Jakeman with stalking; which it has now done and which charges will soon be proved to be baseless.
>
> Always taking an antagonistic and patronizing attitude and approach toward Jakeman as is amply evidenced in the transcripts of previous hearings.
>
> Wrongly finding Jakeman guilty of child abuse during the hearing on 8/22/2023, when—as will be shown via the Court of Appeal's decision—there was not sufficient evidence for Jakeman to be found guilty beyond a reasonable doubt.
>
> Violating Jakeman's constitutional right to due process via the structural deficiencies inherent in the hearing and trial on 8/22/2023, which are addressed in Jakeman's appeal and that will be validated thereby.

Ignoring and refusing to adjudicate Jakeman's post-trial motions to self-represent, for a new trial, and to withdraw guilty pleas, and thereby violating his constitutional rights to self-represent and to a speedy trial.

Violating Jakeman's rights to due process and to equal protection by unconstitutionally terminating Jakeman's parental rights under cover of the "Continuous Protective Order" mechanism. This will be proven via pending appeals and federal litigation.

Requiring Jakeman submit documents through "co-counsel" Brixton Hakes and thereby being complicit in the obstruction of Jakeman's appeal.

In conclusion, Jakeman will continue to call out the dishonest, unethical, and immoral tactics of Orem's attorneys; and, he is not impressed, nor cowed, by Eldridge's repeated misuse of positional power.

From Pages 7-10 of Jakeman's "Rule 59 Motion to Alter or Amend Order Denying His Request for a Hearing to Modify Continuous Protective Orders":

It appears to Jakeman that Judge Eldridge's recent behavior—in ruling on motions and other filings without prior filing of "requests to submit"—is a further indication of his personal vendetta and inappropriate animus toward Jakeman that began at the August 22, 2023 trial on case 221300408 and has since been redoubled by Jakeman's recent Petition for Writ of Extraordinary Relief and the Appellate Court's corresponding order commanding Judge Eldridge to respond thereto.

Prior to Jakeman's 06/02/2025 Petition for Writ of Extraordinary Relief (20250611-CA), Judge Eldridge's *modus operandi* was to ignore Jakeman's motions *ad infinitum*[9] while ruling on the opposing party's motions with lightning alacrity[10]. It now appears that, beginning on June 30, 2025, Judge Eldridge has switched modes to the opposite extreme and now rules on Jakeman's motions—and inappropriately denying them—as quickly as possible without waiting for the required "request to submit" to be filed.

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[9] A few of the many examples of Jakeman's filings Judge Eldridge ignored are: (1) his 09/12/2023 *pro se* motions to represent himself, for a new trial, and to withdraw guilty pleas; (2) his 09/04/2024 *pro se* motion to adopt a definition of "harm or abuse;" (3) his 11/23/2023 and 10/07/2024 request to sign orders necessary for pursuit of his appeals, and (4) his 10/02/2024 motion to fix the clerical errors in the continuous protective orders.

[10] Examples of opposing party motions Judge Eldridge ruled on too expeditiously are:

On June 30, 2025, in response to the Utah Court of Appeals' order that he respond to Jakeman's Petition for Writ of Extraordinary Relief, Judge Eldridge issued a "Ruling on Various Motions Raised by Defendant" that included a grant of Jakeman's Motion to Fix Errors in New Continuous Protective Orders (there was no other plausible option but to grant it), a denial on three other long-overdue motions, and a "ruling" on Jakeman's 03/28/2025 Response to Statements Made During the Hearing on 3/28/2025 despite the facts that (1) it did not request any relief and (2) no "request to submit" had been filed for it.

In said "ruling," Judge Eldridge found Jakeman's Response to Statements to be "burdensome, irrelevant, and immaterial" and the first of first of three acts that could trigger a designation of Jakeman as a vexatious litigant under Rule 83 of the Utah Rules of Civil Procedure. Jakeman believes that this action was the beginning of a new tactic employed by Judge Eldridge to hamstring Jakeman's ability to protect his constitutional rights.

It seems that Judge Eldridge switched to this tactic after his previous tactic of requiring a reluctant public defender to serve as gatekeeper for Jakeman failed due to the lawyer's refusal to perform his duties.

Jakeman notes the above as part of his ongoing efforts to document Judge Jared Eldridge's inappropriate behavior in preparation for filing motion to disqualify him from all current and future actions involving Jakeman.

In addition to the details relating to Judge Eldridge's vindictive animus toward Jakeman that are noted in this motion and in other pleadings, Jakeman also notes that he learned from his probation officer, Chris Astle, during their monthly check-in meeting on Wednesday, July 23, 2025, that no judge has ever denied one of his requests for termination of probation as quickly as Judge Eldridge denied his request to terminate Jakeman's probation. According to Mr. Astle, Judge Eldridge denied his request on behalf of Jakeman the very same day it was submitted. Mr. Astle has never seen that happen before.

From Pages 3-9 of Jakeman's "Response and Objection to Respondent's 'Suggestion of Mootness'" that was filed with the court of appeals in regard to his Petition for Writ of Extraordinary Relief (20250611-CA):

For the following reasons, this Court should use this opportunity to admonish Judge Eldridge, to refer him for judicial discipline, and to order his Recusal from all present and future actions in which Jakeman is a party:

A. Chronic, Unjustified and Prejudicial Delay in Ruling on Motions

As documented in the instant petition and supporting materials, Judge Eldridge granted Jakeman's motion to fix a clerical error only after this Court ordered a response to the pending petition for writ of extraordinary relief.

The clerical error that resulted in the inclusion of Jakeman's son's name arose on September 27, 2024, and has completely obstructed their father-son relationship since that date. Though Jakeman's October 2, 2024 motion to fix the clerical error was unopposed, it was not ruled on by Judge Eldridge until June 30, 2025.[11]

Unfortunately, Judge Eldridge failure to rule on Petitioner's October 2, 2024 motion for over eight months was not an isolated incident.

In the same order by which Judge Eldridge granted Jakeman's motion to correct the clerical error in the 221300408 protective order Judge Eldridge also ruled on Jakeman's 10/07/2024 "Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motino to Modify Protective Orders".[12]

As documented throughout Jakeman's Petition for Writ of Extraordinary Relief filed on 02/25/2025 and introduced on pages 1-2, Judge Jared Eldridge has a long-standing practice of ignoring Jakeman's motions. For example, he never ruled on Jakeman's 11/23/2023 Request to Sign Orders or on Jakeman's original motion for a new trial or on his motion to withdraw guilty pleas.[13]

Even when Judge Eldridge has ruled on Jakeman's motions, the rulings have often been belated. In contrast, Judge Eldridge always rules promptly on motions from the City of Orem, often without even requiring a Request to Submit for them.[14]

Such failures and biased behavior violate Utah R. Civ. P. 7, Rule 2.7 of the Utah Code of Judicial Conduct, and basic due process.

B. Obstruction of Filings via Co-Counsel Requirement

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[11] Jakeman filed his first request to submit for his motion to fix clerical errors at least as early as November 25, 2024. It was refused by the court and Brixton Hakes refused to submit it to the court on Jakeman's behalf. Exhibit A. Jakeman thereafter repeatedly attempted to file the request to submit and it was repeatedly rejected because it wasn't coming from Brixton Hakes.

[12] Exhibit B

[13] Exhibit C

[14] See E.g. Ruling and Order on Orem City's Motion to Quash Subpoenas Duces Tecum that was issued without waiting for Orem City to file a Request to Submit. (Exhibit D)

Judge Eldridge ordered Petitioner to submit all filings through court-appointed "co-counsel" Brixton Hakes, who then refused to file critical appellate documents. Judge Eldridge simultaneously refused to accept filings directly from Petitioner. This created an unconstitutional procedural barrier, effectively denying Petitioner his right to appellate review and access to the courts. This behavior put Jakeman's appeals in jeopardy and necessitated his filing a Notice of Obstruction and a Notice of Continued Obstruction.[15]

C. Vindictive and Biased Conduct

Judge Eldridge's conduct reflects a personal animus toward Jakeman and an inability to perform as a neutral arbiter. Such conduct includes:

Threatening to impose an even harsher sentence than he was already doing if Jakeman continued to try to advocate for himself during his sentencing hearing on November 3, 2023.[16]

Requiring Jakeman to submit all filings through "co-counsel" Brixton Hakes and thereby being complicit in the obstruction of Jakeman's appeals and access to the courts.[17]

Violating Jakeman's rights to due process and to equal protection by unconstitutionally terminating Jakeman's parental rights under cover of the "Continuous Protective Order" mechanism.[18]

Ignoring and refusing to adjudicate Jakeman's post-trial motions to self-represent, for a new trial, and to withdraw guilty pleas, and thereby violating his constitutional rights to self-represent, to due process, and to a speedy trial.[19]

Suggesting to the City during the hearing on September 27, 2024 that it charge Jakeman with stalking even though Jakeman's knowledge came to him through valid sources and with no intent or action on his part.[20]

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[15] Exhibits F and G
[16] See R000950-51 (for 20231059-CA)
[17] See the last line of Judge Eldridge's minute order dated September 30, 2024. (Exhibit E) See Jakeman's Notice of Obstruction (Exhibit F) and his Notice of Continued Obstruction (Exhibit G).
[18] See Appeal 20241042-CA.
[19] See ISSUE I on page 3 of Petition for Writ of Extraordinary Relief 20250314-CA. See Jakeman's Request to sign orders that is unadjudicated to this day. (Exhibit C)
[20] See R002545 (for 20241042-CA). See also emails to Utah County Attorney's Office proving how the knowledge came to Jakeman. (Exhibit H)

meeting with Jakeman immediately prior to the August 22, 2023 trial for case 221300408.[49]

42. Eldridge's denial was based on the lies of Stormi Chrest and her colleague.[50]

Then appellate counsel was appointed, and:

43. Notices of appeal were filed again.

44. The appeal for case 221300408 was designated 20231059-CA, and the appeals for the other four cases were consolidated and designated as 20231060-CA.

Then,

45. Jakeman requested a hearing and filed a motion to modify the sentencing protective orders that had been issued by Eldridge against him during the sentencing hearing.

46. The hearing was conducted on September 27, 2024.

47. During the hearing, Eldridge misinterpreted and misconstrued evidence Jakeman had submitted to support his claim that the victim did not have a reasonable fear of future harm or abuse. In doing so, the Judge recommended Jakeman be charged with stalking and violation of a protective order.

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[49] This fraud perpetrated on the court by trial counsel and her second chair forms the basis of a Petition for Rehearing currently pending before the Utah Court of Appeals in case 20231059-CA.

[50] Despite their lies, Jakeman was astounded that Eldridge found them credible because Jakeman believed—and still believes—that Eldridge knew, or at least strongly suspected, they were lying.

48. One of the factors demonstrating the impropriety of Eldridge's recommendation is that none of the information included in Jakeman's evidence came to him on his own initiative or through any intentional action on his part.[51] Without any supporting evidence, Eldridge made a bald-faced and erroneous assumption that it had. (R002545.)

49. Jakeman had provided to the court a "Notice of Knowledge" intended to support his claim that he did not pose any danger of harm or abuse to his wife because, though he had plenty of opportunity to harm his wife, he had not done so. The court's questionable language was this:

> Okay, now just a side note on that. Part of that is that Mr. Jakeman will not stalk the individual people. This was part of the sentencing protective order. Now, when Mr. Jakeman sits here in Court and details his wife's schedule, that starts to sound like stalking, okay?
>
> I agree with Rebekah 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. So I'm just telling you that as a warning, okay, to put you on notice that that's sure how it looks.[52] (R002545.)

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[51] See the exhibits attached to Jakeman's reply to Orem City's Objection to his Request for a Hearing to Modify Continuous Protective Orders.

[52] Shortly after making this pronouncement, charges were brought against Jakeman for stalking and violation of a protection order based on nothing more than the inference of Eldridge.

At the conclusion of the hearing:

50. Eldridge replaced the sentencing protective orders with continuous protective orders.

51. A clerical error was inadvertently included in the protective order for case 221300408 inappropriately including Jakeman's oldest son as a protected party.

52. Without any legal basis for doing so, Eldridge ordered Jakeman to submit all filings and pleadings through "co-counsel" Brixton Hakes.

After the hearing, Jakeman prepared and emailed, among other documents, the following to Mr. Hakes so he could officially submit them to the court on the dates indicated in parentheses.[53] (But, Mr. Hakes never submitted them despite repeated reminders and begging from Jakeman.)

53. A notice of Jakeman's change of address (on 11/12/2024).

54. A Transcription of the September 27, 2024 motion hearing audio recording completed by Jakeman *pro se* (11/12/2024) because he was unable to pay the transcription fee due to indigence, and because the Utah Rules of Appellate Procedure required him to provide a transcription of the hearing in order to appeal Eldridge's orders.

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[53] In the same emails, Jakeman also sent the same documents via cc' to both the Spanish Fork District Court and to the Orem Prosecutor as he would normally do when filing documents himself.

55. A Proposed Order (on 11/19/2024) for a "Request to Sign Orders" previously filed by Mr. Hakes, and a Request to Submit for Decision (on 11/25/2024) for the same request so that Jakeman could comply with the Utah Rules of Appellate Procedure and pursue his appeal of Eldridge's orders issued in the September 27, 2024 hearing.

56. A Proposed Order (on 11/19/2024) for a "Request to Waive Hearing Transcription Fee(s)" previously filed by Mr. Hakes and a Request to Submit for Decision (on 11/25/2024) for the same request so that Jakeman, who was indigent, could comply with the Rules of Appellate Procedure requiring a transcription of the September 27, 2024 hearing.

57. A Proposed Order (on 11/19/2024) for a request to fix the clerical error in the 221300408 continuous protective order previously filed by Mr. Hakes, and a Request to Submit for Decision (on 11/25/2024) for the same request

58. Jakeman's proof of completion of the sentencing and probation requirements (on January 9, 2024).

59. A "Statement of Evidence and Proceedings" (on 11/20/2024) as required by the Utah Rules of Appellate Procedure for his appeal of the September 27, 2024 orders.

60. A Request to proceed 100% pro se without the requirement of filing through "co-counsel" (on January 22, 2025).

For some reason unknown to Jakeman, though Mr. Hakes had previously submitted Jakeman's motion to fix the clerical error, his request to sign orders, and his request to waive transcription fees, he refused to submit anything else for Jakeman.

After filing a bar complaint against Mr. Hakes for refusing to file Jakeman's pleadings with the court, Mr. Hakes filed a motion to withdraw as counsel and a hearing on the motion was held on March 28, 2025. At that hearing:

61. Mr. Hakes asserted that the reason he would not file Jakeman's documents was that they were frivolous and risked making him a vexatious litigant.

62. When Jakeman attempted to rebut Mr. Hakes' false assertion, Eldridge interrupted him and prohibited him from doing so.

63. Apparently accepting Mr. Hakes' allegations as true, and prohibiting Jakeman from rebutting them, Eldridge admonished Jakeman against submitting frivolous filings and warned him of the consequences of becoming a vexatious litigant.

64. Eldridge granted Mr. Hakes' motion, conducted the very first Frampton colloquy ever, and issued an order allowing Jakeman to represent himself 100% *pro se* for the very first time.[54]

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[54] Jakeman had previously requested permission to represent himself multiple times, but Eldridge had never previously conducted a Frampton colloquy and had never allowed Jakeman to represent himself 100% pro se. He had always imposed on Jakeman the requirement that he have a "co-counsel."

Immediately after the hearing, Jakeman descended the stairs, entered the clerk's office and personally filed a hard copy of every filing he had been prevented from filing by Mr. Hakes, including, but not limited to, the documents referenced above.

Then, in an effort to preserve an accurate record, Jakeman filed[55] a response to the allegations made against him during the March 28, 2025 hearing in which he:

65. Rebutted Mr. Hakes' allegations.

66. Attached, as exhibits, the documents Mr. Hakes had refused to submit.

67. Invited the reader to peruse the documents for themselves and make their own determination of whether they were frivolous or not.

Then Jakeman:

68. Filed a U.R.A.P. Rule 11(f) Motion to Correct the Record (on April 1, 2025) asking Eldridge to include within the record the declaration he had filed simultaneously with his motion to withdraw guilty pleas, but that had, for some unknown reason, not been properly scanned into the court's system.

69. Filed a Petition for Writ of Extraordinary Relief with the Appellate Court (on June 2, 2025) to order Eldridge to rule on Jakeman's motion to correct the clerical error in the 221300408 continuous protective order that was still prohibiting unjustly prohibiting Jakeman from maintaining a relationship with his oldest son.

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[55] Jakeman filed the document on 03/29/2025. MyCase shows that the court processed it on April 14, 2025.

70. Filed a request (on July 3, 2025) for a hearing to address modification of the continuous protective orders issued against him on 09/27/2024.[56]

On June 4, 2025, the Court of Appeals:

71. Ordered Eldridge to respond to Jakeman's Petition for Writ of Extraordinary Relief within 30 days.

Then, on June 30, 2025, Eldridge issued an order that did the following:

72. Fixed the clerical error.

73. Denied Jakeman's now mute request to issue written orders.

74. Improperly denied Jakeman's Rule 11(f) motion to correct the record.

75. Found Jakeman's written response to the allegations made against him by Mr. Hakes at the March 28, 2025 hearing to be burdensome, irrelevant and immaterial, and deemed his response to be the first of the three necessary actions toward a vexatious litigant determination.

Then Jakeman:

76. Filed a Rule 59 motion (on July 19, 2025) seeking to reverse the denial of his 11(f) motion to correct the record.[57]

77. Filed a Rule 59 motion (on July 19, 2025) seeking to reverse Eldridge's order finding his written response to Mr. Hakes allegations to be irrelevant, etc.[58]

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[56] MyCase shows that the court processed it on July 8, 2025.
[57] MyCase shows that the court processed it on July 21, 2025.
[58] MyCase shows that the court processed it on July 21, 2025.

accused of ineffective assistance of counsel) constitute disqualifying bias. In re Young, 1999 UT 81, ¶ 35, 984 P.2d 997, 1007 (*A feeling of ill will or, conversely, favoritism toward one of the parties to a suit are what constitute disqualifying bias or prejudice*).

It is Jakeman's view that Eldridge's loathing of Jakeman stems from Jakeman's willingness to assert his rights and vigorously advocate for himself, call Eldridge out on his inappropriate behavior, and not allow Eldridge to run roughshod over him with impunity.[61] The record supports this belief. Such a motive is improper, and so is taking action based upon it. State v. Munguia, 2011 UT 5, ¶ 17, 253 P.3d 1082, 1089 (*Bias and prejudice are ... improper when they are personal*); Offutt v. United States, 348 U.S. 11, 17–18, 75 S. Ct. 11, 15, 99 L. Ed. 11 (1954)

Examples of Eldridge cutting off Jakeman include:

From the transcription of the hearing 09/27/2023, R002638:

> THE COURT: Okay. Alright. Mr. Jakeman, I'll give you a short rebuttal. Sure. You can respond.
>
> MR. JAKEMAN: Yeah. So about the, about her request, first of all, it is procedurally defective. Secondly, [interrupted by the court]
>
> THE COURT: So, well, let me ask you this. […] [L]et's say that I require that she has to file a formal petition for the continuous protective order. Okay? […] I assume you may object and then we have a hearing and what's gonna happen at that hearing that is different than what I heard today?

[61] Jakeman has done this in person, e.g. during the March 28, 2023 hearing, as well as in writing, e.g. see his Response to Statements and his Opposition to the Suggestion of Mootness.

> MR. JAKEMAN: Well, I'm assuming a few more months will have passed. I may have won the appeal. I will finish probation, so there will be new facts. The other thing too, though, your Honor, is [interrupted by the court]
>
> THE COURT: Have you got oral arguments scheduled on that yet?"

If the reader will go to the record and compare the above opportunity to speak afforded Jakeman to the Prosecution's preceding opportunity, it will be abundantly obvious that the Prosecution was highly favored by Eldridge.

From the Recent Transcription of the 03/28/2025 motion hearing:

(Actually, this hearing has not been transcribed yet. Jakeman has requested it, and will gladly provide it when it is finished, but he doesn't want to wait any longer to file this motion.)

Examples of motions by Orem City Eldridge adjudicated quickly. (There is not one example of a motion filed by the prosecution that was ever delayed.)

Motion to Quash Subpoenas (filed on 08-29-2024; granted on 09-20-2024).

Request for Continuous Protective Order (filed and granted on 9/27/2024).

C. Eldridge's obstruction of Jakeman's efforts to litigate his legal claims and to defend his rights before the courts is a deprivation of due process, demonstrates bias, and warrants disqualification.

Eldridge has repeatedly and continuously obstructed Jakeman's efforts to access the courts in defense of his liberty and legal interests by **(1)** refusing to order that while incarcerated Jakeman be given sufficient access to legal resources and tools necessary for his preparation of legal filings[62], **(2)** refusing to let him represent himself[63], **(3)** requiring

[62] See numbered paragraphs 1-4 above.
[63] See numbered paragraphs 1-4 and 20-37 above.

that he submit all filings through an unwilling "co-counsel" who refused to file Jakeman's documents[64], **(4)** historically ignoring Jakeman's motions[65], and, most recently, switching to the opposite end of the spectrum and summarily and improperly denying Jakeman's motions[66], and **(5)** attempting to silence Jakeman through the improper and baseless use of the vexatious litigant mechanism[67].

These actions constitute **(1)** a "willful and persistent failure" to perform his judicial duties, In re Worthen, 926 P.2d 853, 870 (Utah 1996) (*situations where a judge knew of the duty to perform judicial responsibilities and knowingly failed to perform them and such failure was persistent*); **(2)** attempts to deny Jakeman meaningful access to the courts, Bounds v. Smith, 430 U.S. 817, 821–22, 824–25 (1977) (*It is now established beyond doubt that [defendants] have a constitutional right of access to the courts... our decisions have consistently required [courts] to shoulder affirmative obligations to assure all [defendants] meaningful access to the courts*); and, **(3)** with respect to the apparent malicious use of the vexatious litigant mechanism, an improper "prosecuting judge" situation similar to what can happen in contempt proceedings, In re Murchison, 349 U.S. 133, 137 (1955) (*Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer*), Tumey v. State of Ohio, 273 U.S. 510, 535, (1927) (*he had the right to have an impartial judge*), Cooke v. United States, 267

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[64] See numbered paragraphs 52-64 above.
[65] See numbered paragraphs 20-37 above.
[66] See numbered paragraphs 68-78 above.
[67] See numbered paragraphs 61-63, 75 above.

U.S. 517, 539, 45 S. Ct. 390, 396, 69 L. Ed. 767 (1925) (*a judge, called upon to act in a case of contempt by personal attack upon him, may, without flinching from his duty, properly ask that one of his fellow judges take his place…The case before us is one in which the issue between the judge and the parties had come to involve marked personal feeling that did not make for an impartial and calm judicial consideration and conclusion, as the statement of the proceedings abundantly shows. We think, therefore, that when this case again reaches the District Court, to which it must be remanded, the judge who imposed the sentence herein should invite the senior Circuit Judge of the circuit to assign another judge to sit in the second hearing of the charge against the petitioner*).

D. Eldridge's improper *de facto* termination of Jakeman's parental rights without adherence to the procedural safeguards mandated by the constitution is a deprivation of due process, shows bias, and warrants disqualification.

The matter of Eldridge's unconstitutional application of the "continuous protective order" statute is fully briefed in pending appeal 20241042-CA. (See Jakeman's Initial Memorandum and his Reply Memorandum). The facial unconstitutionality of the same statute is briefed in pending case 250401696. (See especially Jakeman's motion to reconsider his substantive due process claim, filed on July 12, 2025[68], and Jakeman's reply to the States objection to his motion for TRO and PI, filed on July 3, 2025[69]).

[68] MyCase shows the court processed it on July 14, 2025.
[69] MyCase shows the court processed it on July 3, 2025.

Jakeman asks the adjudicator of this motion to read his and the City's appeal memorandums and make their own conclusion regarding whether Eldridge's implementation of the continuous protective order statute was unconstitutional as applied and resulted in the unlawful, *de facto* termination of Jakeman's parental rights. Such determination is necessary for a proper evaluation of Jakeman's argument that such unconstitutional application is another factor weighing in favor of disqualification.

E. Eldridge's unwarranted delay in ruling on Jakeman's motions conveys bias, is a failure to perform his judicial duties competently and diligently, and warrants disqualification.

As detailed above, Eldridge has a long and rich history of failing to rule on Jakeman's motions. He refused to rule on Jakeman's motion for a new trial in case 221300408 in a timely fashion. Instead of ruling on his motion before imposing sentence as he was required to do by statute, he first imposed sentence, then he waited another 3-4 months before adjudicating it. He also never ruled on Jakeman's motion to withdraw guilty pleas in cases 221300553, 231300069, 231300079, 231300162.

Additionally, Eldridge has delayed ruling on many other motions, of which Jakeman's motion to fix the clerical error in a protective order is particularly noteworthy. Jakeman filed the petition on October 2, 2024 and it went unadjudicated until he filed a Petition for Writ of Extraordinary Relief with the Appellate Court on June 2, 2025. (See 20250611-CA.)

In response to the prompting from the Court of Appeals, Eldridge ordered the error fixed on June 30, 2025. The result of the clerical error and of Eldridge's refusal to

adjudicate Jakeman's motion to correct it, Jakeman's relationship with his oldest son was improperly interrupted for almost 10 months.

F. These three recent decisions by Eldridge were improper, evince bias and incompetence, and warrant disqualification: (1) June 30, 2025 denial of Jakeman's motion to correct the record; (2) June 30, 2025 finding that Jakeman's response to the allegations made against him during the March 30, 2025 hearing was burdensome, irrelevant and immaterial, and constituted the first step of three toward a vexatious litigant determination; and (3) June 25, 2025 denial of Jakeman's first ever request for hearing to modify continuous protective orders.

Jakeman asks that, as part of the adjudication of this motion, the reader also review the three pleadings listed above, Eldridge's corresponding orders, and Jakeman's corresponding Rule 59 motions asking for the orders' reversal. Such review will demonstrate that Jakeman's filings were proper and that Eldridge's rulings were improper.

Eldridge has demonstrated by his own comments his inability to be neutral. For example, during a hearing on September 27, 2024, he opined without any poof that Jakeman must have been engaged in stalking behavior or he could otherwise not have come into possession of certain information. This is what he said:

> "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. So I'm just telling you that as a warning, okay, to put you on notice that that's sure how it looks." (R002545.)"

Judges are supposed to make decisions based on evidence. Here Eldridge admitted that he had no evidence indicating how Jakeman knew the information; but nonetheless, improperly inferred that it must be through some unlawful means. Taylor v. Hayes, 418 U.S. 488, 498, 94 S. Ct. 2697, 2703, 41 L. Ed. 2d 897 (1974) (*an opportunity to be heard in defense before punishment is imposed are 'basic in our system of jurisprudence*). Eldridge could have just as easily not made any assumption at all, or instead, assumed the means were innocuous and lawful. But he didn't. This predisposition to adjudge Jakeman guilty without proof is the quintessential essence of inappropriate prejudice and bias. Eldridge's approach is the opposite of the one required, and, therefore, warrants recusal. United States v. Nickl, 427 F.3d 1286, 1298 (10th Cir. 2005) (*Courts have found an impermissible level of bias when a judge's remarks or actions reveal he has prejudged the guilt of a defendant*).

What makes Eldridge's statement even more pernicious is that law enforcement had already investigated the possibility of bringing charges against Jakeman based on (1) his service of a subpoena on the alleged victim and (2) his filing of a "Notice of Knowledge" in support of his motion to modify the sentencing protective orders, wherein he detailed the information Eldridge found so concerning. They had decided to not bring charges. However, after making these comments, law enforcement mysteriously changed their mind and charged Jakeman with both stalking and violation of a protective order.[70]

[70] See all three police reports in case 241404039.

Eldridge's statement of personal opinion provides context to the three orders referenced *supra*—his comment shows that Eldridge is predisposed to (a) believe the worst about Jakeman and to (b) rule against his filings. Furthermore, the timing of the three orders also provides informative context—they were issued after being reproved by the Court of Appeals, and they are the first of Jakeman's motions Eldridge has ever ruled on so quickly—indicating that in reaction to the sting of the Appellate reproof, Eldridge has switched from the tactic of delay to the tactic of vindictive attack.

Though it is true that "judicial rulings alone **almost never** constitute a valid basis for a bias or partiality motion[,]" Liteky v. United States, 510 U.S. 540, 555 (1994) (emphasis added), they can, especially given the context here, and especially if all three are misapplications of the law.

Thus, a proper determination of this point of argument requires the adjudicator of this motion to review Jakeman's three pleadings listed above, Eldridge's corresponding orders, and Jakeman's corresponding Rule 59 motions asking for the orders' reversal.

5. CONCLUSION AND REQUEST FOR RELIEF

The discussion above details circumstances sufficient to demonstrate both independently and when aggregated, not just an appearance of bias sufficient to warrant disqualification, but actual bias. A reasonable person knowing all of the circumstances outlined above would reasonably question Eldridge's impartiality. State v. Asta, 2018 UT App 220, ¶ 18, 437 P.3d 664, 670. Thus, Eldridge must be disqualified.

Respectfully submitted by Defendant,

I declare under criminal penalty of perjury under the laws of Utah that the foregoing is true and correct to the best of my knowledge and belief.

Dated: July 29, 2025

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, *pro se*

CERTIFICATE OF GOOD FAITH

I declare under criminal penalty of perjury under the law of Utah that the foregoing is true and correct to the best of my knowledge and belief and that this motion is filed in good faith. I hereby incorporate by this reference everything written above as my own personal declaration stating facts sufficient to show bias, prejudice or conflict of interest.

Executed this 29th day of July, 2025, in Saratoga Springs, Utah.

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, *pro se*

CERTIFICATE OF SERVICE

I certify that on July 29, 2025 I served a full & complete copy of this document & all attachments on CITY OF OREM via email to:

DAVID "JAKE" SUMMERS (#12253)
CITY OF OREM
56 North State Street
Orem, Utah 84057
(801) 229-7097
Email: djsummers@orem.org,
Email: oremprosecutor@orem.gov,

ALIISA N. LEON (#14993)
CITY OF OREM
56 North State Street
Orem, Utah 84057
(801) 229-7097
Email: oremprosecutor@orem.gov,
Email: anleon@orem.gov

Dated: July 29, 2025

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, *pro se*

ADDENDUM ITEM 4

June 17, 2025 order in No. 20250611-CA requesting a response to Appellant's petition for extraordinary relief

(from this Court's records)

The Order of the Court is stated below:
Dated: June 17, 2025
02:57:13 PM

At the direction of the Court

by
/s/ Jennifer A. Gadbois
Clerk of Court

IN THE UTAH COURT OF APPEALS

DAVID AMMON JAKEMAN, Petitioner, v. FOURTH DISTRICT COURT, SPANISH FORK, THE HONORABLE JARED ELDRIDGE, AND OREM CITY, Respondents.	ORDER Case No. 20250611-CA

Pursuant to rule 19 of the Utah Rules of Appellate Procedure, the Respondent is requested to file a response to the extraordinary writ filed by Petitioner. Respondent's response should comply with the requirements of rule 19 and be filed within thirty (30) days from the date of this order.

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

ADDENDUM ITEM 5

June 30, 2025 Ruling on Various Motions Raised by Defendant

(408 R.2896–2902)

IN THE FOURTH DISTRICT COURT -

SPANISH FORK, UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON VARIOUS MOTIONS RAISED BY DEFENDANT** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter came before the Court on four different motions filed by Defendant: Defendant's Motion to Fix Errors in New Continuous Protective Orders, Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders, Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas, and Defendant's Response to Statements Made During the Hearing on 3/28/2025. Plaintiff has not responded to any of these filings, and the time for responding has now passed. Defendant now requests that the Court address the matters.

All four motions were filed in all five cases. Accordingly, any citations to these documents reference the Case No. 221300408 Docket numbers.

DISCUSSION OF MATTERS RAISED

1. Motion to Fix Errors in New Continuous Protective Orders

In his Motion to Fix Errors in the New Continuous Protective Orders, Defendant makes three specific requests. *See* Docket No. 261. First, Defendant asks the Court to remove the name of one his children, Calan Jakeman ("Calan"), from the protective orders for various reasons including: Calan was not listed on sentencing protective orders, there was no reason or lawful basis for including Calan in the new protective orders, Calan was not a victim, Calan did not request to be included, Calan is 21 years old, and Calan is currently serving an LDS mission. *Id.*

Second, Defendant requests that all of his children's "relationship to Defendant" be changed from "child of an intimate partner" to simply "child." *Id.* Lastly, Defendant requests that the requirement that he stay away from the "UVU" and "BYU" campuses be changed to reference the "North Orem UVU" and "Provo BYU" campuses. *Id.*

In reviewing the docket, it appears Defendant is correct that no other protective orders have referenced Calan Jakeman. Calan is only included in the most recent protective orders. The Court does not recall nor has the Court been directed to any place in the record where there was any relevant discussion about why Calan should be included in the protective order. Despite Defendant's failure to cite any law in support of this contention regarding the inclusion of Calan in the protective order, the Court finds there is no evidentiary basis to include Calan in the protective order. Therefore, the Court GRANTS Defendant's motion to have Calan's name removed from the continuous protective order.

Defendant fails to cite any law in support of his request to change the "relationship to Defendant" listed in the protective orders from "child of an intimate partner" to "child" or to change the references of "UVU" and "BYU" campuses to "North Orem UVU" and "Provo BYU" campuses. The purpose of the protective order is to protect the named victims and give clear guidance about what is and is not permissible for the Defendant. Sufficient information is given in the protective order to identify the victims, and the proposed changes on Defendant's relationship to the victims add no clarification or substantive value in achieving that purpose. Additionally, the protective order provides that Defendant must stay away from places frequented by the protected person and any designated family members and lists various specific locations, including the UVU and BYU campuses. This is a sufficient level of detail to explain where Defendant is not permitted to visit in order to prevent risk to the victims. Accordingly, the

Court finds that Defendant's requests add nothing of value to the protective orders, Defendant's arguments are lacking and immaterial, and there are insufficient grounds to change the relationship status or location listings. The Court therefore DENIES the Defendant's motion relating to changing the wording of the relationship status and locations in the protective order.

2. Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders

In Defendant's Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of his Motion to Modify Protective Orders, Defendant submits orders memorializing the Court's denial of his previous motion to modify protective orders and requests the Court sign them. *See* Docket No. 262. The Court entered a "Sentence, Judgment, Commitment" on November 3, 2023. *See* Docket No. 134. The Court issued an oral ruling denying the Defendant's motion to modify the protective orders and granting the City's request for a continuous protective order on September 27, 2024. *See* Docket No. 249. All of these orders were memorialized by minute entries which are signed by the Court. *See* Docket Nos. 134 and 249. A defendant may appeal "a final order or judgment from a district court." Utah R. App. P. 3(a)(1). Inasmuch as it is necessary for the Defendant's appeal, the Court deems the Orders above to be final.

3. Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas

In his Motion to Correct Record by Including the Supporting Declaration He Submitted Simultaneously with His Motion to Withdraw Guilty Pleas, Defendant claims he submitted a declaration with his motion to withdraw guilty pleas but that the declaration somehow did not make it into the docket. He is asking for the declaration to be included with that motion to

withdraw guilty pleas, and he has submitted the declaration with this motion to correct the record. Defendant represents the motion to withdraw and the accompanying declaration were filed on or about September 21, 2023.

In reviewing the record, the Court reviewed a hearing on October 13, 2023, where Defendant through counsel, Greg Stewart, withdrew the Defendant's motion to withdraw his pleas. During the October 13 hearing the following dialog took place:

> THE COURT: Mr. Stewart, are you ready on Mr. Jakeman?
>
> MR. STEWART: I am, Judge, but Mr. Jakeman, I found out on Monday, was placed in a Covid quarantine unit at the jail.
>
> THE COURT: Oh, okay.
>
> MR. STEWART: They're not willing to transport him to video or make any other arrangements.
>
> THE COURT: I see, okay. So can you just give me an idea — I know that he had filed a motion to withdraw his plea.
>
> MR. STEWART: Right.
>
> THE COURT: Is he wanting to pursue that or —
>
> MR. STEWART: No, Judge. The last communication I had with him is that we intended to withdraw both of those motions –
>
> THE COURT: Okay. All right.
>
> MR. STEWART: — and proceed forward with sentencing.
>
> THE COURT: So do you want to just put this on in two weeks, for the 27th?
>
> MR. STEWART: Yeah, I have a day two of a two-day jury trial scheduled that day, but if — I'm sure I could make arrangements to be here right at 8:30, if we could do it then.
>
> THE COURT: Okay.

See Transcript of October 13, 2023 hearing, Docket No. 178, Pg. 2, lines 3-22.

Due to this withdrawal of his motion, sentencing was scheduled for October 27 but then continued until November 3, 2023, when it actually took place. Due to the fact Defendant withdrew this motion on October 13, 2023, the Court DENIES the Defendant's motion to include this statement as it is immaterial and moot.

4. Defendant's Response to Statements Made During the Hearing on 3/28/2025

Defendant filed Defendant's Response to Statements Made During the Hearing on 3/28/25 in which he fails to include a request for any sort of relief. *See* Docket 326. It is unclear what Defendant desires of the Court and what Defendant means by responding to statements made in the March 28, 2025, hearing. At that hearing, the relief requested by both Defendant and his former counsel was granted, and it does not appear there is any need for Defendant to now respond. The Court notes Defendant included over 300 pages of information apparently intending to show that filings he requested his attorney submit were not frivolous, in contrast to representations made by Orem City and Defendant's former counsel.

The Court now cautions the Defendant for a second time, "[a]ll pleadings, written motions and other papers must be free from burdensome, irrelevant, immaterial, scandalous, or uncivil matters." Utah R. Crim. P. 33. Moreover, "[p]leadings, written motions and other papers and attorney conduct which are not in compliance may be disregarded or stricken, in whole or in part, and the court may impose sanctions against the offending person." *Id.* Furthermore, "To be found vexatious, then, the court must find by clear and convincing evidence that the pro se litigant committed three or more proscribed acts in any one action, though not necessarily the action in which the vexatious litigant motion is filed." *Strand v. Nupetco Assocs. LLC*, 2017 UT App 55, ¶ 19, 397 P.3d 724, 727.

This filing, which is over 300 pages long, can certainly be considered burdensome. Moreover, some of the attachments pertain to separate proceedings such as a bar complaint Defendant has filed and a claim for ineffective assistance of counsel which has not been raised in this case. Finally, the Defendant has filed several motions, and reattached them here, seeking the same relief – to represent himself *pro se* and have counsel dismissed or even to have new counsel appointed. Given the recent granting of his request to proceed *pro se*, all of those motions are now moot, rendering the request irrelevant and immaterial.

The Court thus finds that Defendant has committed the first act of three toward a vexatious litigant determination. The hearing on March 28, 2025, was for the sole purpose of determining whether Defendant's counsel should be permitted to withdraw and whether Defendant should be permitted to proceed *pro se*. The Court granted such relief, which is what both Defendant and his counsel desired. Therefore, any statements made during that proceeding are considered for that purpose only. Thus, there is no reason for Defendant to need to "respond" to those statements. Moreover, there is little reason, if any at all, that Defendant's "response" should be over 300 pages long. Finally, by filing this "response" it is unclear whether Defendant is asking the Court for any sort of relief and if so, what that relief would be. Accordingly, the Court considers this filing not only burdensome, but irrelevant and immaterial. The Court will disregard this filing, as permitted by Rule 33, and it is effectively Defendant's first of three instances of vexatious litigation as described in Rule 83 of the Rules of Civil Procedure.

ORDER

Based on the foregoing, the court enters the following order:

1. The Defendant's Motion to Fix Errors in New Continuous Protective Orders is GRANTED in part and DENIED in part.
    a. The Court ORDERS Calan Jakeman to be stricken from the Continuous Protective Order.
    b. The Court DENIES the Defendant's other requested modifications.
2. The Defendant's Request to Sign Orders Required for Defendant to Pursue his Appeal of the Denial of His Motion to Modify Protective Orders is DENIED. The Court has already entered final judgment in this matter.
3. The Defendant's Motion to Correct Record by Including the Supporting Decleration He Submitted Simultaneously With His Motion to Withdraw Guilty Pleas is DENIED.
4. The Defendant's Response to Statements Made During the Hearing on 3/28/2025 is STRICKEN.
5. The Defendant is admonished to not file papers with the Court that are burdensome, irrelevant, immaterial, scandalous, or uncivil.
6. This is the order of the court. No additional order is necessary.

Dated this 30th day of June, 2025.



Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 6

July 23, 2025 order denying the petition for extraordinary relief as moot in No. 20250611-CA

(408 R.3283)

FILED
UTAH APPELLATE COURTS

JUL 23 2025

IN THE UTAH COURT OF APPEALS

DAVID AMMON JAKEMAN, Petitioner, *v.* HON. JARED ELDRIDGE, Respondent.	ORDER DENYING PETITION FOR EXTRAORDINARY RELIEF Case No. 20250611-CA

Before Judges Christiansen Forster, Mortensen, and Luthy.

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 "Motion to Fix Errors in New Continuous Protective Orders" filed in several cases. The motions were submitted for decision and had remained pending for several months.

The district court has now ruled on the target motions and entered amended continuous protective orders in the cases below. As a result, the outcome requested in the petition has been achieved. Accordingly, the petition is now moot.[1]

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

Dated this 23rd day of July, 2025.

FOR THE COURT:

Michele M. Christiansen Forster, Judge

[1]. Jakeman argues that the petition is not moot and raises issues beyond the scope of the petition. The petition itself was narrowly targeted to obtain a ruling on the outstanding motions. With the entry of the orders on the identified motions, the petition is moot.

ADDENDUM ITEM 7

August 1, 2025 referral order

(408 R.3567)

The Order of the Court is stated below:
Dated: August 01, 2025 04:40:24 PM
/s/ JARED ELDRIDGE
District Court Judge

FOURTH JUDICIAL DISTRICT - SPANISH FORK DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, vs. DAVID AMMON JAKEMAN, Defendant.	RULING Order Referring Defendant's Motion to Disqualify Judge Eldridge to the Presiding Judge for Decision Case No: 221300408 Judge: JARED ELDRIDGE Date: August 1, 2025

Defendant filed a Motion to Disqualify Judge Eldridge from All Pending and Future Matters Involving Jakeman, citing Rule 63 in the following matters: cases 221300408, 221300553, 231300069, 231300079 and 231300162.

Rule 63(c)(1) states,

"The judge who is the subject of the motion must, without further hearing or a response from another party, enter an order granting the motion or certifying the motion and affidavit or declaration to a reviewing judge. The judge must take no further action in the case until the motion is decided. If the judge grants the motion, the order will direct the presiding judge of the court to assign another judge to the action or hearing. Assignment in justice court cases will be in accordance with Utah Code of Judicial Administration Rule 9-109. The presiding judge of the court, any judge of the district, or any judge of a court of like jurisdiction may serve as the reviewing judge."

Pursuant to this rule, the Defendant's Motion to Disqualify filed in the above enumerated cases is referred to the Presiding Judge for assignment to a reviewing judge to rule on this matter.

ORDER

Based on the foregoing:

(1) The Defendant's Motion to Disqualify Judge Eldridge From All Pending and Future Matters Involving Jakeman is hereby referred to the Presiding Judge to assign a reviewing judge to rule on this matter.

(2) Pursuant to Rule 63(c)(1) no further action will be taken by Judge Eldridge in the above enumerated cases until this matter is decided.

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

ADDENDUM ITEM 8

September 25, 2025 Ruling on Defendant’s Request to Submit deferring rulings on pending postjudgment motions

(408 R.4383–84)

IN THE FOURTH DISTRICT COURT -
SPANISH FORK, UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON DEFENDANT'S REQUEST TO SUBMIT** Case Nos. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

This matter comes before the Court on Defendant's Requests to Submit for the following Motions: Motion to Alter or Amend Order Denying His Request for a Hearing to Modify CPO (Docket No. 368), Motion to Alter of Amend Order Finding His Response to Statements Burdensome (Docket No. 359), Motion to Alter or Amend Order Denying His Motion to Correct the Record (Docket No. 358), and Second URAP Rule 11(f) Motion to Correct the Record (Docket No. 385). In addition to filing a motion requesting amendment of the order, Defendant has filed a notice of appeal for the Court's order denying Defendant's request for a hearing to modify Continuous Protective Orders (Docket No. 378). In addition to filing a motion requesting amendment of the Court's finding his statements burdensome, a motion requesting amendment of the Court's denial of his Motion to Correct the Record, and a second motion requesting correction of the record, Defendant has filed a notice of appeal for the Court's ruling that found his statement burdensome and denied his motion to correct the record (Docket No. 377).

"Generally, when a party files a timely notice of appeal, the court that issued the judgment loses jurisdiction over the matters on appeal." *Mardanlou v. Ghaffarian*, 2015 UT App 128, ¶ 17, 351 P.3d 114, 118 (quoting *Myers v. Utah Transit Auth.*, 2014 UT App 294, ¶ 15, 341 P.3d 935 (citation and internal quotation marks omitted)). Because the motions and notices of appeal submitted by Defendant address the same matters, the Court does not have jurisdiction to issue rulings on those motions until a decision is issued by the Court of Appeals.

Accordingly, the Court DEFERS ruling on Defendant's motions until the Court of Appeals issues a decision as to Defendant's appeals.

ORDER

Based on the foregoing, the Court enters the following order:

1. Defendant's Requests to Submit are DEFERRED until such time as the Court of Appeals issues a decision as to his corresponding appeals.
2. This is the order of the court. No additional order is necessary.

Dated this 25 day of September, 2025.

Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 9

Selected pages of Appellant’s September 30, 2025 reconsideration motion

(408 R.4452–57, 4459–66, 4468–69)

(*"A district court has broad discretion to rule on a motion to set aside a default judgment under rule 60(b)...." [...] "Thus, we review a district court's denial of a [rule] 60(b) motion under an abuse of discretion standard of review." Id. And "in the context of a denial of a rule 60(b) motion, '[w]e review a district court's findings of fact under a clear error standard of review,' while '[w]e review a district court's conclusions of law for correctness, affording the trial court no deference.' "*); *Jones v. Layton/Okland*, 2009 UT 39, ¶ 10, 214 P.3d 859, 861 (*We review a district court's denial of a rule 60(b) motion for relief from judgment for an abuse of discretion.*); *Utah v. Boyden*, 2019 UT 11, ¶ 16, 441 P.3d 737, 741 (citations omitted) (*When addressing a petition that asserts error in judicial proceedings, our review is limited to "determin[ing] whether the [lower court] has regularly pursued its authority." [...] The issue here concerns whether the district court regularly pursued its authority or abused its discretion in denying the State's motion for relief under Utah Rule of Civil Procedure 60(b). "A district court has broad discretion in ruling on a motion to set aside an order or judgment under rule 60(b)." [...] Thus, we generally "review a district court's denial of a 60(b) motion under an abuse of discretion standard."*).

THE DENIAL IS CONTRARY TO LAW AND BASED ON AN ERROR OF LAW

The denial is both contrary to law and based on an error of law because it applied an incorrect standard for where improper bias can arise, and it failed to consider the evidence of bias in its totality.

IMPROPER BIAS NECESSITATING DISQUALIFICATION CAN ARISE FROM INTRAJUDICIAL SOURCES

In the "Legal Standards" section of the denial, the court asserted that "parties claiming bias **must** demonstrate that the alleged bias stems from an extrajudicial source." See Denial page 1 (emphasis added). The denial then applied this standard to every section of the ruling. See Denial pages 3, 4, 5, 6, 7.

But the denial's definition and application of the "extrajudicial source" rule are incorrect because they turn the rule into an absolute bar against recognizing improper bias arising from intrajudicial sources rather than a rebuttable presumption.

The fact that the denial's definition and application are incorrect is demonstrated by the authority used to support it, *State v. Munguia*. Denial page 1. *Munguia* states that:

> ***Bias and prejudice are only improper when they are personal. A feeling of ill will or, conversely, favoritism toward one of the parties to a suit are what constitute disqualifying bias or prejudice.*** *For example, where a judge stated that he "could not stand" a certain law enforcement officer and would not accept cases initiated by him, it was found that his personal feelings and intense dislike of the officer were improper. However, neither bias nor prejudice refers to the attitude that a judge may hold about the subject matter of a lawsuit. [...],* ***the bias or prejudice must usually stem from an extrajudicial source****, not from occurrences in the proceedings before the judge.*

State v. Munguia, 2011 UT 5, ¶ 17, 253 P.3d 1082, 1089 (emphasis added). Thus, the standard is that improper bias—a feeling of ill will toward one of the parties—must usually stem from an extrajudicial source. The word "usually" indicates that, though rare or unlikely, such improper bias can result from intrajudicial sources.

The same authority provides an example of an improper bias resulting from an intrajudicial source—a feeling of ill will toward "a certain law enforcement officer"

whom the judge "could not stand". *Id.* Presumably said bias developed from the interactions involving the judge and the law enforcement officer during judicial proceedings of which both took part.

Additionally, the United States Supreme Court has specifically said that improper bias can arise "(albeit rarely)" from intrajudicial sources. *Liteky v. United States*, 510 U.S. 540, 554–55, 114 S. Ct. 1147, 1157, 127 L. Ed. 2d 474 (1994).

> The fact that an opinion held by a judge derives from a source outside judicial proceedings is not a *necessary* condition for "bias or prejudice" recusal, since predispositions developed during the course of a trial will sometimes (albeit rarely) suffice. Nor is it a *sufficient* condition for "bias or prejudice" recusal, since *some* opinions acquired outside the context of judicial proceedings (for example, the judge's view of the law acquired in scholarly reading) will *not* suffice. Since neither the presence of an extrajudicial source necessarily establishes bias, nor the absence of an extrajudicial source necessarily precludes bias, it would be better to speak of the existence of a significant (and often determinative) "extrajudicial source" *factor,* than of an "extrajudicial source" *doctrine,* in recusal jurisprudence.
>
> […] First, judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. In and of themselves (*i.e.,* apart from surrounding comments or accompanying opinion), they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required (as discussed below) when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal. Second, opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.

Id. (citations omitted).

Thus, though there is a presumption that a bias will normally not exist—or at least not be improper—if it developed from intrajudicial sources, such a presumption can be overcome. *Binks v. Maughan*, 2009 UT App 321 (*The extrajudicial source rule provides*

that statements and rulings by a judge during court proceedings generally cannot form the basis for disqualification unless those words or actions are "extreme" and reflect "a deep-seated antagonism toward the party requesting recusal."); *State, In Int. of M.L.*, 965 P.2d 551, 556 (Utah Ct. App. 1998) (*Thus, to support a claim of bias based on a judge's presiding over prior proceedings, " 'it [must] appear[ ] that, apart from [the judge's] analysis of the issues of fact or law [in those prior proceedings], he had such a bias in favor of one party or prejudice against the other that he could not fairly and impartially determine the issues,' "*) (citations omitted); *Poulsen v. Frear*, 946 P.2d 738, 742 (Utah Ct. App. 1997).

The presumption against intrajudicially sourced bias stems from the fact that judges have the duty to rule in favor of one party and against another as a matter of course. It is part and parcel of their job. Thus, it would be impractical if judicial bias against one party could be presumed from an adverse ruling against that party—or even from a series of adverse rulings against that party—without more. *Dahl v. Dahl*, 2015 UT 79, ¶ 52, 459 P.3d 276, 296 (*To hold otherwise would expose judges to accusations of bias in every case because every case necessarily requires rulings adverse to one party or the other*); *In re Affidavit of Bias*, 947 P.2d 1152, 1154 (Utah 1997) (*the mere fact that a judge decides* ***a*** *[single] case against a party may not be considered in determining bias*) (emphasis added).

But even this logic has its reasonable limits. For example, 1000 adverse rulings that were all reversed on appeal would indicate improper bias beyond any doubt. As

explained below, though it hasn't yet reached this extreme in Jakeman's situation, it is on track to do so.

Jakeman asserts that Judge Eldridge has developed a personal dislike of him that is so extreme it can be accurately characterized as "deep-seated antagonism". This intense personal animus developed because Jakeman:

1. Vigorously asserted his rights and repeatedly demonstrated over the course of multiple proceedings that Judge Eldridge is frequently wrong in both his understanding and application of the law;
2. Spoke out of turn during multiple hearings—because he would otherwise not have been given a turn to speak—in order to assert his legal rights (including, but not limited to, his right to self-represent); and
3. Spoke and behaved in an agitated manner during trial on August 22, 2023 because he had been transported to trial one hour late, **resulting in (1)** him not being able to meet with his attorney as previously planned, which **(i)** would have been only the second time that he had met with his attorney, for which meeting **(ii)** he had spent a major part of the preceding eleven days preparing, and on which meeting **(iii)** his hopes and plans depended, **(2)** him being deprived of 25% of the scheduled trial time which had been set aside to conduct two full trials and which was inadequate even at 4 hours, but was made even more inadequate by its reduction to 3 hours, **and (3)** him feeling extremely agitated, rushed, and dismayed by being deprived of a material

portion of his already inadequate trial time and by him being deprived of the critical trial preparation meeting.

Jakeman alleges that these three behaviors constitute the intrajudicial sources from which Judge Eldridge's personal bias against Jakeman developed. Such bias is inappropriate—regardless of the fact that its development was purely intrajudicial—because it rose to a level of "ill will" or "intense dislike" so extreme that Judge Eldridge "cannot stand" Jakeman. *State v. Munguia*, 2011 UT 5, ¶ 17, 253 P.3d 1082, 1089.

Jakeman further asserts that Judge Eldridge's "deep-seated antagonism" has resulted in "bias-induced incompetence". In other words, Judge Eldridge's personal dislike of Jakeman is so strong that it renders him incapable of treating Jakeman with fairness and impartiality, and of "fairly and impartially determin[ing] the issues" presented before him in cases involving Jakeman.

This "bias-induced incompetence" was made clear in Jakeman's motion, which set forth sufficient facts that a reasonable person, knowing all the circumstances would question Judge Eldridge's impartiality. *State v. Asta*, 2018 UT App 220, ¶ 18, 437 P.3d 664, 670 (*The question of a judge's impartiality is determined by viewing the question through the eyes of a reasonable person, knowing all the circumstances*).

As described in Jakeman's motion, these facts and circumstances include:

1. Repeated refusal to honor Jakeman's right to self-representation—ignoring his requests, failing to conduct proper Frampton colloquies, and forcing him to proceed with

8. Excessive sentencing—imposing 365 days' unsuspended incarceration despite AP&P's recommendation of 0–90 days. (Id. at 4, 21–22).

9. Improper de facto termination of Jakeman's parental rights by issuing continuous protective orders that terminated Jakeman's relationship, communication, and interaction with his five non-victim minor children without provision of the safeguards required by the constitution for the protection of parental rights. (Id. at 4, 7–8, 25–26, 36–37).[10]

10. Baseless denial of compelling, legally sound motions—including Jakeman's first request for a hearing under Utah Code § 78B-7-804(3)(c) and his Rule 11(f) motion to correct the record. (Id. at 4, 29–30, 37).[11]

11. Malicious attempt to lay the groundwork for a vexatious-litigant designation—finding Jakeman's "Response to Statements" burdensome and immaterial, and counting it as the first step toward labeling him vexatious—in order to hamstring Jakeman's ability to represent himself. (Id. at 4, 30–31, 35).

12. Suspiciously rapid denial of probation termination—denying his probation officer's request the very same day it was filed, which the officer said he had never seen before. (Id. at 4, 9).

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[10] This de facto termination is the subject of appeal 20241042-CA for which a decision is expected imminently.

[11] These denials are the subject of appeal 20250896-CA. Jakeman's victory in this appeal will provide additional proof of Judge Eldridge's improper bias. These denials are also the subject of pending motions to alter/amend, which Judge Eldridge has, once again, refused to adjudicate and for which Jakeman has filed a new Petition for Writ of Extraordinary Relief seeking to compel Judge Eldridge to fulfill his duty to adjudicate them.

13. Suggesting new charges—urging prosecutors during a September 27, 2024 hearing to engage in vindictive prosecution by baselessly charging Jakeman with stalking, which they subsequently did. (Id. at 7–8, 24–25).

14. Interrupting and silencing Jakeman at hearings while allowing opposing counsel to argue at length. (Id. at 2–3, 7–8, 33–34).

15. Chronic delays in ruling on motions—including an eight-month delay in correcting a clerical error that barred father-son contact, remedied only after appellate intervention resulting from Jakeman filing a Petition for Writ of Extraordinary Relief to compel Judge Eldridge to correct the error. (Id. at 9–10, 37–38).

16. Improper June 30, 2025 rulings—fixing the clerical error noted above, but simultaneously denying multiple motions without legal justification, and thereby demonstrating his vindictive character by seeking to make Jakeman pay for embarrassing him before the Utah Court of Appeals. (Id. at 30–31, 39–40).

17. Improper denial of hearing requests—including the July 25, 2025 denial of his first request for a hearing to modify continuous protective orders. (Id. at 30–31).

18. Personal embroilment and antagonistic tone—patronizing remarks, hostility, and prejudicial assumptions, such as inferring stalking without evidentiary support. (Id. at 7–8, 24–25, 39–40).

19. Vindictive timing of adverse rulings—after being reproved by the Court of Appeals, Eldridge suddenly issued quick adverse rulings against Jakeman, suggesting retaliation. (Id. at 9–10, 39–40).

20. Reliance on false testimony—accepting trial counsel's false account of pretrial

preparation meetings when denying Jakeman's motion for a new trial. (Id. at 23–24).[12]

21. General pattern of animus and personal dislike—actions and tone throughout proceedings show bias rooted in personal feelings rather than impartial judgment. (Id. at 7–8, 33–34, 39–40).

22. Letting Jakeman's prior counsel and opposing counsel allege misconduct on Jakeman's part while refusing to let Jakeman rebut such allegations. (Id. at 2–3, 28–30, 33–34).

THE COURT ABUSED ITS DISCRETION BY BASING ITS DENIAL ON THE WRONG LEGAL STANDARD

The discussion supra shows that the "extrajudicial source" doctrine constitutes a rebuttable presumption, not an absolute bar. However, the court's denial of Jakeman's motion to disqualify Judge Eldridge was based in every part on the erroneous premise that the doctrine constitutes an absolute bar. Thus, this erroneous legal conclusion metastasized to contaminate the entire body of the denial.

Section A concluded with this statement:

> *Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what the judge observed during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.*

Denial, page 3.

Section B concluded with this statement:

Finally, this alleged bias by the judge does not arise from any extrajudicial source

[12] Trial counsel's testimony of a pretrial preparation meeting has been proven to be false by the evidence submitted in support of Jakeman's URAP Rule 35(a) Petition for Rehearing in appeal 20231059-CA.

but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

Denial, page 4.

Section C concluded with this statement:

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

Denial, page 5.

Section D concluded with this statement:

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, even if Defendant's allegations were true, they would not constitute a valid basis for disqualification.

Denial, page 5.

Section E concluded with this statement:

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

Denial, page 6.

Section F concluded with this statement:

Furthermore, this alleged bias by the judge does not arise from any extrajudicial source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

Denial, page 6.

Section G concluded with this statement:

Furthermore, this alleged bias by the judge does not arise from any extrajudicial

source but instead from what occurred during the proceedings in these cases. Therefore, it does not constitute a valid basis for disqualification.

Denial, page 7.

Because it is an abuse of discretion to issue a decision based on an error of law, the denial should be reconsidered and reversed. *State v. Petersen*, 810 P.2d 421, 425; *Simler v. Chilel*, 2016 UT 23, ¶ 9.

EVIDENCE OF BIAS MUST BE CONSIDERED IN ITS TOTALITY, NOT PIECEMEAL

Utah law requires evaluating allegations of judicial impartiality from the vantage point of a reasonable person "knowing all the circumstances." *State v. Boyer*, 2020 UT App 23, ¶ 78, 460 P.3d 569, 592 (*The question of a judge's impartiality is determined by viewing the question through the eyes of a reasonable person, knowing all the circumstances*) (citations omitted); *State v. Asta*, 2018 UT App 220, ¶ 18, 437 P.3d 664, 670.

This inquiry has also been framed as determining whether the judge's "impartiality might reasonably be questioned." *State v. Gardner*, 789 P.2d 273, 278 (Utah 1989) (*The canons of judicial ethics state that a judge should disqualify himself where his impartiality might reasonably be questioned*).

A judge's statements and actions during the course of a proceeding—or over the course of multiple proceedings—will "support a bias or partiality challenge" if "they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994). *United States v. Nickl*, 427 F.3d 1286, 1298 (10th Cir. 2005) (*Recusal is necessary when a judge's actions or*

comments "reveal such a high degree of favoritism or antagonism as to make fair judgment impossible." [...] Courts have found an impermissible level of bias when a judge's remarks or actions reveal he has prejudged the guilt of a defendant.) (citations omitted).[13]

In other words, Utah recusal law makes clear that an accurate assessment of a judge's partiality or impartiality requires: **(1)** an accurate understanding of **(i)** all of the judge's actions and statements, **and (ii)** the full context of their surrounding circumstances; **and that (2)** those actions and statement be evaluated in their totality within their surrounding circumstances. *Dahl v. Dahl*, 2015 UT 79, ¶ 49, 459 P.3d 276, 295 (*A judge should be disqualified* ***when circumstances arise*** *in which the judge's "impartiality might reasonably be questioned."*); *W. Jordan City v. Goodman*, 2006 UT 27, ¶¶ 21-22, 135 P.3d 874, 880–81; *United States v. Pearson*, 203 F.3d 1243, 1277 (10th Cir. 2000) (*A judge has a continuing duty to recuse under § 455(a) if sufficient factual grounds exist to cause a reasonable, objective person, knowing all the relevant facts, to question the judge's impartiality. "[W]hat matters is not the reality of bias or prejudice but its appearance." [...] the judge provided reasoned grounds for denying both motions. Thus, while the comments cited by Mr. Pearson indicate that the judge assessed certain defense arguments harshly,* ***the circumstances surrounding those motions*** *would not allow a reasonable person to harbor doubts that the judge considered those motions*

[13] This is exactly what Judge Eldridge did—prejudged Jakeman's guilt—during the September 27, 2024 hearing when he suggested that Orem City should prosecute Jakeman for stalking.

impartially.) (citations omitted) (emphasis added). *Offutt v. United States*, 348 U.S. 11, 17, 75 S. Ct. 11, 15, 99 L. Ed. 11 (1954) (*Our concern is with the fair administration of justice. The record discloses not a rare flareup, not a show of evanescent irritation—a modicum of quick temper that must be allowed even judges.* ***The record is persuasive that [...] the trial judge permitted himself to become personally embroiled with the petitioner. There was an intermittently continuous wrangle on an unedifying level between the two.***); *Liteky v. United States*, 510 U.S. 540, 541, 114 S. Ct. 1147, 1150, 127 L. Ed. 2d 474 (1994) (***Apart from surrounding comments or accompanying opinion,*** *[judicial rulings alone] cannot possibly show reliance on an extrajudicial source; and, absent such reliance,* ***they require recusal only when they evidence such deep-seated favoritism or antagonism as would make fair judgment impossible***.) See also, Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 129 S. Ct. 2252, 2255–56, 173 L. Ed. 2d 1208 (2009); *Mayberry v. Pennsylvania*, 400 U.S. 455, 463–64, 91 S. Ct. 499, 504, 27 L. Ed. 2d 532 (1971) (supporting a contextual, cumulative appraisal).

But that is not the approach the court employed in its denial. Rather, the denial separated the allegations into individual component parts and evaluated them on a piecemeal basis.

THE DENIAL'S METHODOLOGY OF TREATING EACH INCIDENT—OR CATEGORY OF INCIDENTS—IN ISOLATION MISAPPLIES UTAH LAW

Excluding the introduction, the denial is separated into seven distinct sections. Each section addresses either a single incident or a single category of related incidents. Here are the section titles:

A. The judge refused to let Defendant represent himself.
B. The judge gave preferential treatment to the opposing party.
C. The judge ruled too quickly on some of Defendant's motions.
D. The judge engaged in a de facto termination of Defendant's parental rights by imposing and enforcing a continuous protective order against Defendant in which Defendant's children are protected parties.
E. The judge showed bias by stating that it appeared Defendant was engaging in stalking.
F. The judge failed to order that Defendant be given access to a law library in jail.
G. The judge showed bias by warning Defendant he may be deemed a vexatious litigant.

Nowhere in the entire document does the court address the cumulative effect upon the appearance of impartiality by all of the incidents when considered in their totality within their surrounding circumstances.

Because the denial employed an approach unsupported by case law, it constitutes a misapplication of law and an abuse of discretion. *State v. Petersen*, 810 P.2d 421, 425; *Simler v. Chilel*, 2016 UT 23, ¶ 9. Therefore, the denial should be reconsidered and reversed.

EACH OF THE DENIAL'S SEVEN LETTERED SECTIONS IS FACTUALLY INACCURATE OR IGNORES MATERIAL FACTS

Section A is incorrect because it incorrectly presumes Jakeman had never made his desire to represent himself clear until after his botched trial on August 22, 2023. This is a false presumption as the following facts show:

On July 14, 2022, Jakeman unequivocally stated:

> *I haven't asked for an attorney, and I decline representation of a public defender. No one has asked me if I wanted one. I want to represent myself, and I have some motions I'd like to submit to the Court.*

R000828; Motion to Disqualify, p. 13.

repeatedly impeded and prevented from making his arguments as a stand-alone ground for disqualification, but as one of the many factors indicating Judge Eldridge's personal animus warranting disqualification.

Section C is not necessarily factually incorrect, but it fails to consider the overarching pattern of Judge Eldridge's rulings, always ruling with alacrity on the Prosecution's motions and almost always treating Jakeman's filings with sloth-like lethargy or completely ignoring them altogether.

Furthermore, Jakeman didn't raise the issue of this suspicious pattern as a stand-alone ground for disqualification, but as one of the many factors indicating Judge Eldridge's personal animus warranting disqualification.

Section D is also not necessarily factually incorrect. Nor is it incorrect that the proper remedy for an adverse ruling is an appeal rather than a motion to disqualify. But, the denial does not recognize that Jakeman did not file a motion to disqualify immediately after—or even soon after—the de facto termination of his parental rights. That termination happened on November 3, 2023, but Jakeman did not move for disqualification until July 29, 2025.

Furthermore, Jakeman didn't raise the issue of the improper termination of his parental rights as a stand-alone ground for disqualification, but as one of the many factors indicating Judge Eldridge's bias-induced incompetence warranting disqualification.

Section E is factually incorrect because it fails to consider the circumstances surrounding Judge Eldridge's admonition. Prior to the admonition, the possibility of charging Jakeman for stalking had been investigated and rejected twice. It wasn't until

after Judge Eldridge's accusatory comments that Jakeman was actually charged with stalking. Furthermore, the language Judge Eldridge used should be evaluated. It is one thing to warn a person subject to ongoing probation to be careful not to engage in stalking, and quite another to say that the person's actions constitute stalking.

Furthermore, Jakeman didn't raise the issue of this improvident advisal as a stand-alone ground for disqualification, but as one of the many factors indicating Judge Eldridge's personal animus warranting disqualification.

Section F correctly states that Jakeman did not cite to any authority supporting his argument that incarcerated criminal defendants who represent themselves pro se must be given access to legal research resources in order to draft motions and otherwise litigate their defense. Perhaps it was because the principle that some means must be provided to self-representing, incarcerated defendants to prepare their defense is so blatantly obvious—given the fact that attorneys themselves are incapable of providing adequate representation without access to the same resources—that Jakeman believed judges would understand it. Nevertheless, Jakeman now remedies that failure. *Bounds v. Smith*, 430 U.S. 817, 821, 825-826, 97 S. Ct. 1491, 1494, 1497, 52 L. Ed. 2d 72 (1977) (*It is now established beyond doubt that prisoners have a constitutional right of access to the courts. [...] If a lawyer must perform such preliminary research, it is no less vital for a pro se prisoner.*); *Love v. Summit Cnty.*, 776 F.2d 908, 914 (10th Cir. 1985).

Furthermore, Jakeman didn't raise the issue of Judge Eldridge's failure to provide Jakeman meaningful access to the courts as a stand-alone ground for disqualification, but as one of the many factors indicating Judge Eldridge's personal animus warranting

ADDENDUM ITEM 10

November 14, 2025 order dismissing prior Appeal No. 20251197-CA

(408 R.4516–17)

FILED
UTAH APPELLATE COURTS

NOV 14 2025

IN THE UTAH COURT OF APPEALS

OREM CITY, Appellee, *v.* DAVID AMMON JAKEMAN, Appellant.	ORDER Case No. 20251197-CA

Before Judges Orme, Harris, and Oliver.

David Ammon Jakeman appeals the denial of his motion to disqualify a judge and the subsequent denial of his motion to reconsider. This matter is before the court on the court's own motion for summary disposition based on lack of jurisdiction due to the absence of a final appealable order.

Generally, appeals may be taken only from final orders. *See* Utah R. App. P. 3; *Bradbury v. Valencia*, 2000 UT 50, ¶ 9, 5 P.3d 649. "To be final, the trial court's order or judgment must dispose of all parties and claims to an action." *Bradbury*, 2000 UT 50, ¶ 10. In a criminal case, the sentence is usually the final order. *State v. Bowers*, 2002 UT 100, ¶ 4, 57 P.3d 1065. However, postjudgment proceedings may result in further final and appealable orders. *See Cheves v. Williams*, 1999 UT 86, ¶ 52, 993 P.2d 191 (stating that "the initial action resulting in a final judgment and the subsequent action seeking enforcement of that judgment are separate proceedings, each resulting in separate judgments that are then individually subject to the rules of appellate procedure concerning appeals").

In the underlying criminal cases, Jakeman has filed multiple postjudgment motions challenging various matters beyond his convictions. Additionally, a recent order to show cause has been filed raising an issue of whether he violated his probation. Although the motion to disqualify a judge also resulted in a postjudgment order, it was in the context of ongoing proceedings in the district court. The denial of the motion to disqualify does not resolve any of the substantive motions before the court, and is merely an interlocutory order with the pending proceedings remaining.

Accordingly, there is no final order from which to appeal. *Bradbury*, 2000 UT 50, ¶ 10. Because there is no final appealable order, this court lacks jurisdiction and must dismiss the appeal. *Id.* ¶ 8.

IT IS HEREBY ORDERED that this appeal is dismissed.

Dated this 14th day of November, 2025.

FOR THE COURT:

Ryan M. Harris, Judge

ADDENDUM ITEM 11

Selected pages of the May 20, 2026 order (finality and continuing effect only)

(408 R.5301, 5308–09)

IN THE FOURTH DISTRICT COURT -

SPANISH FORK, UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, v. DAVID A. JAKEMAN, Defendant.	**RULING ON ORDER TO SHOW CAUSE REGARDING VEXATIOUS LITIGANT FINDINGS** Case No. 221300408, 221300553, 231300069, 231300079, 231300162 JUDGE JARED ELDRIDGE

INTRODUCTION

This matter comes before the Court on its Order to Show Cause (OSC) issued on April 15, 2026, requiring Defendant David A. Jakeman to show cause why he should not be designated a vexatious litigant under rule 83 of the Utah Rules of Civil Procedure. Defendant filed an Opposition and Request to Discharge the OSC on May 9, 2026. The Court held a hearing on this matter on May 20, 2026. At the outset of the hearing, Defendant appeared *pro se* and requested a continuance, which the Court denied because the parties were present and had been afforded adequate time to prepare for the noticed hearing.

The Court acknowledges that *pro se* litigants generally lack formal legal training and generally attempts to accord them "every consideration that may reasonably be indulged." *Lundahl v. Quinn*, 2003 UT 11, ¶ 13, 67 P.3d 1000. However, the Court notes the Defendant in this case represented he does in fact have legal training and practiced law for a period of time in another jurisdiction. Nevertheless, the Court must balance leniency with *pro se* litigants with the necessity of maintaining decorum, efficiency, and procedural regularity. Having thoroughly reviewed the record, the relevant law, and the filings and arguments of the parties, the Court enters the following findings and order.

Court finds by clear and convincing evidence that there is no reasonable probability he will prevail on them.

IV. Vexatious Litigant Order Under Rule 83(b)

"When an individual avails herself of the judicial machinery as a matter of routine, special leniency on the basis of pro se status is manifestly inappropriate." *Lundahl*, 2003 UT 11, ¶ 4. To protect the judicial system and opposing parties from needless expense and delay, rule 83 grants the Court authority to impose prospective filing restrictions.

The Court finds that requiring Defendant to retain counsel is the least restrictive measure reasonably necessary to curb his abusive conduct. Defendant's history of voluminous and repetitive filings, and his disregard for the Court's time and resources, warrant the involvement of licensed counsel. This restriction will help ensure that future filings are legally supported and do not unnecessarily burden judicial resources.

ORDER

Based on the foregoing findings, the Court enters the following ORDER pursuant to rule 83(b) of the Utah Rules of Civil Procedure:

1. Pursuant to rule 83(b)(2), Defendant David A. Jakeman is ORDERED to obtain legal counsel before proceeding further in a pending action.
2. Pursuant to rule 83(b)(3), Defendant is ORDERED to obtain legal counsel before filing any future claim for relief.
3. Pursuant to rule 83(b)(6), which allows the Court to take any other action reasonably necessary to curb abusive conduct, Defendant is PRECLUDED from making requests directly to the court clerks. Defendant has a history of making extremely burdensome

requests that consume many clerk hours to satisfy. In the future, any requests for the court clerks must be made by way of his attorney.

4. The Court declines to enter restrictions under rule 83(b)(1), (b)(4), or (b)(5) at this time.
5. Pursuant to rule 83(f)(1), the clerk of the court is DIRECTED to notify the Administrative Office of the Courts that a pre-filing order has been entered against the Defendant.
6. Finally, the City's motion to strike any pleadings filed by Defendant *pro se* after the Court's April 15, 2026 order is GRANTED. Any such filings are hereby stricken from the record. If Defendant wishes to refile those documents, they must be submitted through licensed legal counsel.

CONCLUSION

Accordingly, the Court's Order to Show Cause is hereby RESOLVED against the Defendant. The criminal portion of these cases were closed successfully on November 20, 2025, upon the termination of Defendant's probation, thus terminating the Court's jurisdiction as to criminal sanctions. The only outstanding issue in this matter is the continuous protective order that was issued pursuant to statute. This Ruling constitutes a final order on the question of whether Defendant is a vexatious litigant.

Dated this 20th day of May, 2026.

Jared Eldridge,
Fourth District Court Judge

ADDENDUM ITEM 12

May 25, 2026 disqualification notice of appeal

(408 R.5354–61)

DAVID JAKEMAN
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IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH
UTAH COUNTY, STATE OF UTAH

DAVID AMMON JAKEMAN, Defendant/Appellant, v. **OREM CITY / STATE OF UTAH,** Plaintiff/Appellee.	**NOTICE OF APPEAL FROM SEPTEMBER 2, 2025, AND OCTOBER 7, 2025 ORDERS** Judge Jared Eldridge Trial Court Case No(s): 221300408, 221300553, 231300069, 231300079, 231300162

Defendant/Appellant David Ammon Jakeman, files this notice of appeal under Utah Rules of Appellate Procedure 3 and 4.

1. **Party taking appeal.** The party taking this appeal is Defendant David Ammon Jakeman.

2. **Court from which appeal is taken.** This appeal is taken from the Fourth Judicial District Court, Spanish Fork Department, Utah County, State of Utah, the Honorable Jared Eldridge presiding in the underlying matters and the Honorable Kraig Powell presiding over the disqualification and reconsideration motions.

3. **Court to which appeal is taken.** This appeal is taken to the Utah Court of Appeals. See Utah Code Ann. § 78A-4-103; Utah R. App. P. 3(d)(4).

4. **Orders appealed.** Defendant appeals from the entirety of the following written, signed orders, oral rulings, incorporated rulings, predicate findings, and their collateral consequences:

   I. September 2, 2025 "RULING AND ORDER ON MOTION TO DISQUALIFY JUDGE"
   II. October 7, 2025 "RULING AND ORDER ON DEFENDANT'S RULES 54, 59, & 60 MOTION TO RECONSIDER, ALTER, AND AMEND THE DENIAL OF HIS REQUEST TO DISQUALIFY JUDGE"

5. **Protective designation of incorporated and predicate orders.**

Defendant designates both the disqualification denial and the reconsideration denial individually and collectively. Defendant also designates all rulings, findings, predicate determinations, incorporated orders, collateral consequences, and merged rulings necessary to obtain full review of those orders.

This notice is intended to preserve appellate review of each order in its entirety and of all incorporated rulings on which either order depends.

The disqualification rulings affected later proceedings before Judge Eldridge, including but not limited to continuous-protective-order modification/vacation proceedings, Rule 83 proceedings, pro-se-status rulings, and record-correction proceedings.

6. Finality and appealability.

This appeal is taken from final, appealable postjudgment disqualification rulings, not from an ongoing interlocutory proceeding. To the extent the September 2, 2025 "Ruling and Order on Motion to Disqualify Judge" or the October 7, 2025 "Ruling and Order on Defendant's Rules 54, 59, & 60 Motion to Reconsider, Alter, and Amend the Denial of His Request to Disqualify Judge" could previously have been characterized as interlocutory because further proceedings before Judge Eldridge remained pending, those rulings have now ripened for appellate review. The September 2, 2025 order finally denied Defendant's request to disqualify Judge Eldridge and referred the cases back to Judge Eldridge. The October 7, 2025 order finally denied reconsideration, alteration, amendment, or other modification of that disqualification ruling. The later May 20, 2026 "Ruling on Order to Show Cause Regarding Vexatious Litigant Findings" resolved the Rule 83 OSC, entered the challenged Rule 83 restrictions, stated that "the criminal portion of these cases were closed successfully on November 20, 2025, upon the termination of Defendant's probation," stated that the Court's jurisdiction as to criminal sanctions had terminated, stated that "[t]he only outstanding issue in this matter is the continuous protective order that was issued pursuant to statute," and stated that the Rule 83 ruling "constitutes a final order on the question of whether Defendant is a vexatious litigant." As of that ruling, the district court had resolved the postjudgment proceedings affected by the challenged disqualification rulings, including the Rule 83 proceeding, pro-se-status issues, record-correction matters, and CPO-related requests identified in this

Notice and related notices of appeal. The existing continuous protective orders remain operative and continue to affect Defendant's rights, but their continuing legal effect is not itself an unresolved district-court proceeding, and no preexisting request for district-court relief concerning them remains undecided. Accordingly, the disqualification and reconsideration orders designated in this Notice finally dispose of the discrete disqualification matters they resolve and are reviewable now.

7. **Rule 83 Exemption / Appellate-Review Filing.**

This Notice is filed solely to invoke appellate jurisdiction and obtain review of the orders designated herein. It is not a "future claim for relief" under Utah Rule of Civil Procedure 83(a)(2), which defines "claim" and "claim for relief" as a petition, complaint, counterclaim, cross-claim, or third-party complaint. Utah Rule of Civil Procedure 83(b)(4) expressly provides that a pending-action prefiling order may not require permission before filing "a notice of or petition for permission to appeal," and Rule 83(d)(1) repeats that exception. The May 20, 2026 Rule 83 order also expressly declined to impose Rule 83(b)(4) or Rule 83(b)(5) prefiling restrictions, even though it directed AOC notice under Rule 83(f). To the extent the May 20, 2026 order is treated as a prefiling order, the notice-of-appeal exception applies by its express terms. To the extent the order is treated instead as a counsel-requirement or clerk-request order under Rule 83(b)(2), Rule 83(b)(3), or Rule 83(b)(6), Defendant does not concede that those provisions restrict this Notice. A notice of appeal is the jurisdictional appellate filing governed by Utah Rule of Appellate Procedure 3, and Rule 83 should not be construed to

permit a district-court order to prevent, burden, reject, or condition appellate review of that order or any incorporated/predicate order. Any contrary construction would render Rule 83(b)(4) and Rule 83(d)(1)'s appellate carveout meaningless and would raise serious due-process, open-courts, and appellate-access concerns. This Notice should therefore be accepted, filed, and transmitted to the Utah Court of Appeals.

8. Orders appealed in greater detail and specificity.

Defendant appeals from the entirety of the following written, signed orders, oral rulings, incorporated rulings, predicate findings, and their collateral consequences:

I. September 2, 2025 "RULING AND ORDER ON MOTION TO DISQUALIFY JUDGE"

Defendant appeals from the "Ruling and Order on Motion to Disqualify Judge," entered by Presiding Judge Kraig Powell in Case Nos. 221300408, 221300553, 231300069, 231300079, and 231300162, including but not limited to:

a) the denial of Defendant's Motion to Disqualify Judge Jared Eldridge;

b) the ruling that Defendant failed to identify valid grounds to disqualify Judge Eldridge;

c) the ruling that Defendant's allegations concerning denial or restriction of self-representation did not establish bias or grounds for disqualification;

d) the ruling that Defendant's allegations concerning preferential treatment of Orem City, unequal hearing time, delayed rulings on Defendant's motions, and expedited

rulings on Orem City's matters did not establish bias or grounds for disqualification;

e) the ruling that Defendant's allegations concerning Judge Eldridge's continuous-protective-order rulings and enforcement of continuous protective orders did not establish bias or grounds for disqualification;

f) the ruling that Defendant's allegations concerning Judge Eldridge's statements about stalking, law-library access, and vexatious-litigant warnings did not establish bias or grounds for disqualification;

g) the ruling that the alleged bias did not arise from an extrajudicial source;

h) the ruling that adverse rulings and in-proceeding judicial conduct were insufficient to establish disqualification;

i) the order referring the cases back to Judge Eldridge for further proceedings; and

j) all findings, rulings, denials, disqualification rulings, bias rulings, extrajudicial-source rulings, due-process rulings, self-representation rulings, continuous-protective-order-related rulings, and collateral consequences contained in the order.

II. October 7, 2025 "RULING AND ORDER ON DEFENDANT'S RULES 54, 59, & 60 MOTION TO RECONSIDER, ALTER, AND AMEND THE DENIAL OF HIS REQUEST TO DISQUALIFY JUDGE"

Defendant appeals from the written, signed "Ruling and Order on Defendant's Rules 54, 59, & 60 Motion to Reconsider, Alter, and Amend the Denial of His Request to

Disqualify Judge," filed/certified on or about October 7, 2025, including but not limited to:

a) the denial of Defendant's Rules 54, 59, and 60 Motion to Reconsider, Alter, and Amend the denial of his request to disqualify Judge Eldridge;

b) the ruling that Defendant failed to establish a valid basis to disturb the prior ruling denying disqualification;

c) the ruling reaffirming the denial of Defendant's request to disqualify Judge Eldridge;

d) the ruling declining to reconsider, alter, amend, vacate, or otherwise modify the prior disqualification ruling;

e) all findings, rulings, denials, reconsideration rulings, Rule 54 rulings, Rule 59 rulings, Rule 60 rulings, disqualification rulings, judicial-bias rulings, due-process rulings, and collateral consequences contained in the order; and

f) all incorporated rulings and orders on which the reconsideration denial depends, including the underlying "Ruling and Order on Motion to Disqualify Judge," to the extent incorporated into or necessary to review the reconsideration denial.

Respectfully submitted,

Dated: May 25, 2026

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, pro se

CERTIFICATE OF SERVICE

I, David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing document(s) and all attachments on May 25, 2026, to the following.

DAVID "JAKE" SUMMERS (#12253)
ALIISA N. LEON (#14993)
CITY OF OREM
Email: djsummers@orem.org
Email: anleon@orem.gov
Email: oremprosecutor@orem.gov

Dated: May 25, 2026

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, pro se

ADDENDUM ITEM 13

June 1, 2026 consolidation order in lead Appeal No. 20260699-CA

The Order of the Court is stated below:
Dated: June 01, 2026
04:48:07 PM

At the direction of:
/s/ JUDGE RYAN M HARRIS

by
/s/ Jennifer A. Gadbois
Clerk of Court

IN THE UTAH COURT OF APPEALS

OREM CITY,
Appellee,
v.
DAVID AMMON JAKEMAN,
Appellant.

ORDER

Case No. 20260699-CA

Case Nos. 20260701-CA, 20260703-CA, 20260705-CA, 20260707-CA

Trial Court Case Nos. 221300408, 231300162, 231300079, 231300069, 221300553

This matter is before the court on its own motion.

It appears that judicial economy will result by consolidating the appeals for a single determination. IT IS HEREBY ORDERED that the above appeals are consolidated as Case No. 20260699-CA. All future filings shall be filed under **Case No. 20260699-CA**.

End of Order - Signature at Top of the First Page

ADDENDUM ITEM 14

October 1, 2024 minute order directing Appellant to file future documents through co-counsel

(408 R.1860)

The Order of the Court is stated below:
Dated: October 01, 2024 09:19:50 AM
At the direction of:
/s/ JARED ELDRIDGE
District Court Judge
by
/s/ CHANTELL DAVIS
District Court Clerk

FOURTH JUDICIAL DISTRICT - SPANISH FORK DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

OREM CITY, Plaintiff, vs. DAVID AMMON JAKEMAN, Defendant.	MINUTES AMENDED: PROTECTIVE ORDER HEARING Case No: 221300408 MO Judge: JARED ELDRIDGE Date: September 27, 2024

PRESENT

Clerk: chanteld
Prosecutor: LEON, ALIISA
Defendant Present
The defendant is not in custody
Defendant's Attorney(s): HAKES, BRIXTON

DEFENDANT INFORMATION

Date of birth: September 4, 1975
Audio
Tape Number: ROOM 1 Tape Count: IP-3:34:04

This case involves domestic violence.

CHARGES

1. CHILD ABUSE W/INJURY - INTENTIONAL OR KNOWING - Class A Misdemeanor - Disposition: 08/22/23 Guilty - Bench

2. VIOLATION OF A PROTECTIVE ORDER - Class A Misdemeanor - Disposition: 08/22/23 Guilty - Bench

HEARING

This matter comes before the court for a protective order hearing. The parties are present. Mr. Hakes appears as Mr. Jakeman's co-counsel. The defendant presents argument. The defendant calls Chad Dunford. The defendant calls Rebecca Raymond. The city calls Rebecca Jakeman. 5:00 The court hears closing arguments. 5:40 The court makes a ruling and issues a continuous protective order.
The court orders the defendant to file any future documents through co-counsel.

ADDENDUM ITEM 15

Page 85 of the transcript of the September 27, 2024 hearing

(408 R.2440)

threaten to use physical force that would reasonably expected to cause bodily harm or engage in any other conduct that would place the protected person or designated family member or household members in reasonable fear of bodily injury.

Okay, now just a side note on that. Part of that is that Mr. Jakeman will not stalk the individual people. This was part of the sentencing protective order. Now, when Mr. Jakeman sits here in Court and details his wife's schedule, that starts to sound like stalking, okay?

I agree with Rebekah 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. So I'm just telling you that as a warning, okay, to put you on notice that that's sure how it looks.

Okay, so paragraph 4 continues the no contact order,

ADDENDUM ITEM 16

Utah Code § 78A-4-103(3)(e)

Effective 3/13/2026

78A-4-103 Jurisdiction of Court of Appeals.

(1)As used in this section, “adjudicative proceeding” does not include a proceeding under Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section 63G-2-404.

(2)The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:

(a)to carry into effect the judgments, orders, and decrees of the Court of Appeals; or

(b)in aid of the jurisdiction of the Court of Appeals.

(3)The Court of Appeals has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:

(a)

(i)except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as described in Section 63G-4-403, originating from:

(A)a formal adjudicative proceeding of a state agency;

(B)a special adjudicative proceeding, as described in Section 19-1-301.5; or

(C)a hearing before a local school board or the State Board of Education as described in Section 53G-11-515; or

(ii)except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district court review of an informal adjudicative proceeding of an agency;

(b)appeals from the district court review of:

(i)adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and

(ii)a challenge to agency action under Section 63G-3-602;

(c)appeals from the juvenile courts;

(d)interlocutory appeals from any court of record in criminal cases, except those involving a charge of a first degree or capital felony;

(e)appeals from a court of record in criminal cases, except those involving a conviction or charge of a first degree felony or capital felony;

(f)appeals from orders on petitions for extraordinary writs sought by persons who are incarcerated or serving any other criminal sentence, except for petitions constituting a challenge to a conviction of or the sentence for a first degree or capital felony;

(g)appeals from the orders on petitions for extraordinary writs challenging the decisions of the Board of Pardons and Parole except in cases involving a first degree or capital felony;

(h)appeals from district court involving domestic relations cases, including, but not limited to, divorce, annulment, property division, child custody, support, parent-time, visitation, adoption, and paternity;

(i)appeals from the Utah Military Court; and

(j)cases transferred to the Court of Appeals from the Supreme Court.

(4)The Court of Appeals does not have appellate jurisdiction over an appeal of an injunctive order described in Section 78B-5-1002.

(5)Notwithstanding Subsection (3), the Court of Appeals upon its own motion only and by the vote of four judges of the court may certify to the Supreme Court for original appellate review and determination any matter over which the Court of Appeals has original appellate jurisdiction.

(6)The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in the Court of Appeals’s review of an agency adjudicative proceeding.

(7)A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:

(a)Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;

(b)the Court of Appeals judge is designated by the presiding officer of the Judicial Council to sit as a member of a panel as described in Section 78A-5a-202; and

(c)a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.

Amended by Chapter 38, 2026 General Session

ADDENDUM ITEM 17

Utah Rules of Appellate Procedure 3(a)(1), 4(a), and 4(c)

Utah Courts

URAP Rule 3 (Rules of Appellate Procedure)

Rule 3. Appeal as of right : how taken.

Effective: 5/1/2026

Rule printed on August 15, 2026 at 8:24 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) **Filing the notice of appeal.**

(1) Except as otherwise provided by law, a party may appeal a final order or judgment from a district court, a juvenile court, or the Business and Chancery Court to the appellate court by filing a notice of appeal with the trial court clerk within the time allowed by Rule 4.

(2) Anappellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal but is ground only for the appellate court to act as it considers appropriate, including dismissing the appeal or other sanctions short of dismissal, and awarding attorney fees.

(b) **Joint or consolidated appeals.** If two or more parties are entitled to appeal from a judgment or order and their interests are such as to make joinder practicable, they may file a joint notice of appeal or may join in an appeal of another party after filing separate timely notices of appeal. Joint appeals may proceed as a single appeal with a single appellant. Individual appeals may be consolidated by order of the appellate court upon its own motion, upon the motion of a party, or by stipulation of the parties to the separate appeals.

(c) **Party Designation.** The party taking the appeal is known as the appellant and the adverse party as the appellee. Unless otherwise directed by the appellate court, the appeal will not change the title of the action or proceeding. For original proceedings in the appellate court, the party making the original application is known as the petitioner and any other party as the respondent.

(d) **Notice of appeal contents.** The notice of appeal must:

(1) specify the party or parties taking the appeal;

(2) if privately retained trial counsel files the notice of appeal, state whether trial

(2) if privately retained trial counsel files the notice of appeal, state whether trial counsel will remain counsel of record on appeal, and, if not, provide appellant's contact information for the purpose of receiving court notices;

(3) name the court from which the appeal is taken;

(4) name the court to which the appeal is taken; and

(5) designate the judgment or order being appealed.

(e) **Serving the notice of appeal.** The appellant must serve the notice of appeal on each party to the judgment or order in accordance with the requirements of the court from which the appeal is taken. If counsel of record is served, the certificate of service must include the name of the party represented by that counsel.

(f) **Filing fee in civil appeals.** When filing any notice of separate, joint, or cross appeal in a civil case, the party taking the appeal or cross appeal must, pursuant to Rule 21, pay the filing fee established by law to the trial court clerk, unless waived by the trial court.

The trial court clerk must accept a notice of appeal regardless of whether the filing fee has been paid.

(g) **Docketing of appeal.**

(1) **Transmitting notice of appeal to the appellate court.** After an appellant files the notice of appeal, the trial court clerk must immediately email a copy of the notice of appeal to the appellate court clerk. The email will include:

(A) the date the notice of appeal was filed, and

(B) the clerk's statement declaring whether the filing fee was paid and whether the cost bond required by Rule 6 was filed.

(2) **Docketing the appeal.** Upon receiving the copy of the notice of appeal from the trial court clerk, the appellate court clerk will enter the appeal on the docket. An appeal will be docketed under the title given to the action in the trial court, with the appellant identified as such, but if the title does not contain the name of the appellant, that name will be added to the title.

Utah Courts

URAP Rule 4 (Rules of Appellate Procedure)

Rule 4. Appeal as of right: when taken.

Effective: 12/9/2025

Rule printed on August 15, 2026 at 8:24 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) **Appeal as of right.** Except as provided in paragraph (a)(1) or (a)(2), in a case in which an appeal is permitted as a matter of right from the trial court to the appellate court, the notice of appeal required by Rule 3 must be filed with the clerk of the trial court within 30 days after the date of entry of the judgment or order appealed from. If the trial court enters a judgment or order on a Saturday, Sunday, or legal holiday, the date of entry will be deemed to be the first day following the trial court's entry that is not a Saturday, Sunday, or legal holiday.

(1) When a judgment or order is entered in a statutory forcible entry or unlawful detainer action, the notice of appeal required by Rule 3 must be filed with the clerk of the trial court within 10 days after the date of entry of the judgment or order appealed from.

(2) When an order is entered denying, in whole or in part, a motion to dismiss under Utah Code section 78B-25-103, the notice of appeal must be filed with the clerk of the trial court within 21 days after the date of entry of the order appealed from.

(b) **Time for appeal extended by certain motions.**

(1) Except as provided in paragraph (b)(3), if a party timely files in the trial court any of the following, the time for all parties to appeal from the judgment runs from the entry of the dispositive order:

(A) a motion for judgment under Rule 50(b) of the Utah Rules of Civil Procedure;

(B) a motion to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted, under Rule 52(b) of the Utah Rules of Civil Procedure;

(C) a motion to alter or amend the judgment under Rule 59 of the Utah Rules of

Civil Procedure;

(D) a motion for a new trial under Rule 59 of the Utah Rules of Civil Procedure;

(E) a motion for relief under Rule 60(b) of the Utah Rules of Civil Procedure if the motion is filed no later than 28 days after the judgment is entered;

(F) a motion or claim for attorney fees under Rule 73 of the Utah Rules of Civil Procedure; or

(G) a motion for a new trial under Rule 24 of the Utah Rules of Criminal Procedure.

(2) Except as provided in paragraph (b)(3) notice of appeal filed after announcement or entry of judgment, but before entry of an order disposing of any motion listed in paragraph (b)(1), will be treated as filed after entry of the order and on the day thereof, except that such a notice of appeal is effective to appeal only from the underlying judgment. To appeal from a final order disposing of any motion listed in paragraph (b)(1), a party must file a notice of appeal or an amended notice of appeal within the prescribed time measured from the entry of the order. If multiple motions in paragraph (b)(1) are timely filed and the court decides any motion by separate order, the time to file a notice of appeal runs from the entry of the last order.

(3) In a case relating to a voting contest, an election, or the establishment of boundaries of political districts for purposes of an election:

(A) the time for all parties to appeal from the judgment runs from the date of entry of the judgment regardless of whether a party files any motion described in paragraph (b)(1); and

(B) a notice of appeal will be treated as filed on the day the notice of appeal is filed.

(c) Filing prior to entry of judgment or order. A notice of appeal filed after the

(c) **Filing prior to entry of judgment or order.** A notice of appeal filed after the announcement of a decision, judgment, or order but before entry of the judgment or order will be treated as filed after such entry and on the day thereof.

(d) **Additional or cross-appeal.** If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days after the date on which the first notice of appeal was filed, or within the time otherwise prescribed by paragraphs (a) and (b) of this rule, whichever period last expires.

(e) **Motion for extension of time.**

(1) The trial court, upon a showing of good cause, may extend the time for filing a notice of appeal upon motion filed before the expiration of the time prescribed by paragraphs (a) and (b) of this rule. Responses to such motions for an extension of time are disfavored and the court may rule at any time after the filing of the motion. No extension can exceed 30 days beyond the prescribed time or 14 days beyond the date of entry of the order granting the motion, whichever occurs later.

(2) The trial court, upon a showing of good cause or excusable neglect, may extend the time for filing a notice of appeal upon motion filed not later than 30 days after the expiration of the time prescribed by paragraphs (a) and (b) of this rule. The court may rule at any time after the filing of the motion. That a movant did not file a notice of appeal to which paragraph (c) would apply is not relevant to the determination of good cause or excusable neglect. An extension may not exceed 30 days beyond the prescribed time or 14 days beyond the date of entry of the order granting the motion, whichever occurs later.

(f) **Motion to reinstate period for filing a direct appeal in criminal cases.**

(1) The trial court will reinstate the 30 day period for filing a direct appeal in a criminal case if a defendant demonstrates by a preponderance of the evidence that the defendant was deprived of the right to appeal through no fault of the defendant.

(2) The motion must be filed within one year, or within a reasonable time, whichever is later, from the day on which the defendant personally knew, or should have known in the exercise of reasonable diligence, of evidentiary facts forming the basis of the claim that the defendant was deprived of the right to appeal.

(A) The motion must state:

(i) the date the defendant learned that the defendant was denied the right to an appeal; and

(ii) how the defendant learned that the defendant was denied the right to an appeal.

(B) If the motion is filed more than one year after the defendant learned that the defendant was denied the right to an appeal, the defendant must allege all of the grounds that support the allegation that the delay in filing the motion was reasonable.

(3) If the defendant is not represented by counsel and is indigent, the trial court will appoint counsel.

(4) The motion must be served on the prosecuting entity. The prosecutor may file a response to the motion within 28 days after being served.

(5) If the motion to reinstate the time to appeal is opposed, the trial court will set a hearing at which the parties may present evidence.

(6) If the prosecutor opposes the motion on the ground that the defendant filed it beyond the time limit in paragraph (f)(2), the prosecutor must prove, by a preponderance of the evidence, that the defendant's delay was unreasonable. The court may deny the motion as untimely only if the court finds that the prosecutor has carried this burden.

carried this burden.

(7) If the trial court enters an order reinstating the time for filing a direct appeal, the defendant's notice of appeal must be filed with the clerk of the trial court within 30 days after the date the order is entered.

(g) **Motion to reinstate period for filing a direct appeal in civil cases.**

(1) The trial court will reinstate the 30 day period for filing a direct appeal if the trial court finds by a preponderance of the evidence that:

(A) the party seeking to appeal lacked actual notice of the entry of judgment at a time that would have allowed the party to file a timely motion under paragraph (e) of this rule;

(B) the party seeking to appeal exercised reasonable diligence in monitoring the proceedings; and

(C) the party, if any, responsible for serving the judgment under Rule 58A(d) of the Utah Rules of Civil Procedure did not promptly serve a copy of the signed judgment on the party seeking to appeal.

(2) A party seeking such reinstatement must file a written motion in the trial court within one year from the entry of judgment. The party must comply with Rule 7 of the Utah Rules of Civil Procedure and must serve each of the parties in accordance with Rule 5 of the Utah Rules of Civil Procedure.

(3) If the trial court enters an order reinstating the time for filing a direct appeal, a notice of appeal must be filed within 30 days after the date of entry of the order.

ADDENDUM ITEM 18

Utah Rule of Criminal Procedure 29(b)

Utah Courts
URCRP Rule 29 (Rules of Criminal Procedure)

Rule 29. Disability and disqualification of a judge or change of venue.

Effective: 4/1/2018

Rule printed on August 15, 2026 at 8:13 pm. Go to https://www.utcourts.gov/rules *for current rules.*

(a) **Disability.**

(a)(1) Substitute judge during trial. If, by reason of death, sickness, or other disability, the judge before whom a trial has begun is unable to continue with the trial, any other judge of that court or any judge assigned by the presiding officer of the Judicial Council, upon certifying that the judge is familiar with the record of the trial, may, unless otherwise disqualified, proceed with and finish the trial, but if the assigned judge is satisfied that neither the judge nor a substitute judge can proceed with the trial, the judge may grant a new trial.

(a)(2) Substitute judge after guilty verdict.If, by reason of death, sickness, or other disability, the judge before whom a defendant has been tried is unable to perform the duties required of the court after a verdict of guilty, any other judge of that court or any judge assigned by the presiding officer of the Judicial Council may perform those duties.

(b) **Disqualification.**

(b)(1) Motion to disqualify.

(b)(1)(A) A party to any action or the party's attorney may file a motion to disqualify a judge. The motion shall be accompanied by a certificate that the motion is filed in good faith and shall be supported by an affidavit stating facts sufficient to show bias or prejudice, or conflict of interest.

(b)(1)(B) The motion shall be filed after commencement of the action, but not later than 21 days after the last of the following:

(b)(1)(B)(i) assignment of the action or hearing to the judge;

(b)(1)(B)(ii) appearance of the party or the party's attorney; or

(b)(1)(B)(iii) the date on which the moving party learns or with the exercise of reasonable diligence should have learned of the grounds upon which the motion is based.

If the last event occurs fewer than 21 days prior to a hearing, the motion shall be filed as soon as practicable.

(b)(1)(C) Signing the motion or affidavit constitutes a certificate under Rule 11 of the Utah Rules of Civil Procedure and subjects the party or attorney to the procedures and sanctions of Rule 11. No party may file more than one motion to disqualify in an action.

(b)(1)(D) The other parties to the action may not file an opposition to the motion and if any response is filed it will not be considered. The moving party need not file a Request to Submit for Decision under Rule 12. The motion will be submitted for decision upon filing.

(b)(2) Reviewing judge; reassignment.
(b)(2)(A) The judge against whom the motion and affidavit are directed shall, without further hearing, enter an order granting the motion or certifying the motion and affidavit to a reviewing judge. The judge shall take no further action in the case until the motion is decided. If the judge grants the motion, the order shall direct the presiding judge of the court to assign another judge to the action or hearing. Assignment in justice court cases will be in accordance with Utah Code of Judicial Administration Rule 9-109. The presiding judge of the court, any judge of the district, or any judge of a court of like jurisdiction, may serve as the reviewing judge.

(b)(2)(B) If the reviewing judge finds that the motion and affidavit are timely filed, filed in good faith and legally sufficient, the reviewing judge shall assign another judge to the action or hearing or request the presiding judge to do so. Assignment in justice court cases will be in accordance with Utah Code of Judicial Administration Rule 9-109.

(b)(2)(C) In determining issues of fact or of law, the reviewing judge may consider any part of the record of the action and may request of the judge who is the subject of the motion and affidavit an affidavit responsive to questions posed by the reviewing judge.

(b)(2)(D) The reviewing judge may deny a motion not filed in a timely manner.

(c) **Change of venue.**

(c)(1) Courts of record.

(c)(1)(A) In the courts of record, if a party believes that a fair and impartial trial cannot be had in the court location or in the county where the action is pending, that party may move to have the trial of the case take place with a jury from another county or the case transferred to a court location in a county where a fair trial may be held. Such motion shall be supported by an affidavit setting forth facts.

(c)(1)(B) If the court is satisfied that the representations made in the affidavit required by subsection (c)(1)(A) are true and justify a change of jury pool or location, the court shall enter an order transferring the case, or selecting a jury from a county free from the objection. If the court is not satisfied that the representations justify an alternate jury pool or transfer of the case, the court shall either enter an order denying the motion or order a hearing to receive further evidence with respect to the alleged prejudice and resolve the matter.

(c)(2) Justice courts.

(c)(2)(A) In the justice courts, if a party believes that a fair and impartial trial cannot be had in the court location or in the county where the action is pending, that party may move to have the trial of the case take place with a jury from another county or in a court location where a fair trial may be held. Such motion shall be supported by an affidavit setting forth facts.

(c)(2)(B) If the court is satisfied that the representations made in the affidavit required by subsection (c)(2)(A) are true and justify a change of jury pool or location, the court shall enter an order selecting a jury from a county free from the objection; or directing that trial proceedings be held in a court location free from the objection. If the court is not satisfied that the representations justify an alternate jury pool or relocation of the trial, the court shall either enter an order denying the motion or order a hearing to receive further evidence with respect to the alleged prejudice and resolve the matter.

(c)(3) Timing. A motion filed pursuant to this subsection (c) shall be filed not later than 14 days after the party learns or with the exercise of reasonable diligence should have learned of the grounds upon which the motion is based.

(d) **Documents of record.**When a change of judge or place of trial is ordered all documents of record concerning the case shall, without delay, be transferred or made available in the new location.

ADDENDUM ITEM 19

Utah Code of Judicial Conduct rule 2.11(A) and comment 1

Utah Courts

UCJA Rule 2-211 (Code of Judicial Administration)

The Utah Code of Judicial Administration Chapters 11-15 have been moved to the Supreme Court Rules of Professional Practice Chapters 1-5

Rule 2-211. Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.

Effective: 5/1/2021

Rule printed on August 15, 2026 at 8:26 pm. Go to https://www.utcourts.gov/rules *for current rules.*

Intent:

To establish the authority of the presiding officer, the Management Committee and the Council to take corrective action in the event of non-compliance with this Code or the Code of Judicial Conduct.

Applicability:

This rule shall apply to judicial and quasi-judicial officers.

Statement of the Rule:

(1) Allegations of failure to comply with the provisions of this Code and the Code of Judicial Conduct may be reported by any court employee verbally or in writing by any of the following methods:

(1)(A) By contacting directly any supervisor or member of management with whom the employee is comfortable reporting such matters;

(1)(B) By contacting any Human Resource representative;

(1)(C) By contacting directly, any member of AOC management, including any court level administrator;

(1)(D) By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator; or

(1)(E) By contacting any commissioner, judge or justice.

(2) Supervisors, members of management, Human Resource representatives, and court level administrators shall promptly submit allegations reported under paragraph (1) verbally or in writing to the State Court Administrator, the Deputy State Court Administrator, or Assistant State Court Administrator.

(3) The State Court Administrator, Deputy State Court Administrator, and Assistant State Court Administrator shall promptly submit allegations reported under paragraph (2) to the presiding officer of the Council.

(4) The presiding officer of the Council, in consultation with the Management Committee, has the discretion to dismiss the allegations, investigate the allegations, take appropriate corrective action or submit the matter to the Council for consideration. Where corrective action is taken, the presiding officer shall report to the Council in executive session the

nature of the problem and the corrective action taken. Information which identifies the person who submitted the allegation and the individual against whom corrective action is taken may be omitted from the report.

(5) The Council shall convene in executive session to review those allegations of non-compliance submitted by the presiding officer pursuant to paragraph (4) and, upon a majority vote, direct dismissal of the allegations, investigation of the allegations, corrective action or referral to the Judicial Conduct Commission. Allegations of non-compliance shall be referred to the Conduct Commission only after consideration by the Council and upon a majority vote of its members.

(6) The presiding officer of the Council is empowered to implement any corrective action recommended by the executive management committee or the Council.

(7) If the allegations involve inappropriate behavior toward the person who submitted the allegations, the presiding officer shall notify the person whether corrective action was taken. The person may ask that any decision made by the presiding officer be reviewed by the Council.

Effective May 1, 2021

CERTIFICATE OF MAILING

I, Appellant David Ammon Jakeman, hereby certify that I emailed a true and correct copy of the foregoing Opening Brief of Appellant, and all addenda, on August 23, 2026, to the following. (The hard copy requirement of UT. R. APP. P. 26(b) has been waived.)

Email: djsummers@orem.org, oremprosecutor@orem.gov, anleon@orem.gov
Mr. Jake Summers
Orem City Prosecutor's Office
56 North State Street
Orem, Utah 84057

Dated: August 23, 2026

/s/ David Ammon Jakeman
DAVID AMMON JAKEMAN, pro se