

1988

Jan Lyle Jensen v. Mary Ann Jensen : Brief of Appellant

Utah Court of Appeals

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UTAH COURT OF APPEALS
BRIEF

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COURT OF APPEALS

IN THE UTAH COURT OF APPEALS

	*	
JAY LYLE JENSEN	*	APPELLANTS BRIEF
APPELLANT/DEFENDANT	*	
VS	*	880004-CA
MARY ANN JENSEN	*	
RESPONDENT/PLAINTIFF		

IN THE ABOVE COURT, THE APPELLANT, JAY LYLE JENSEN, COMES NOW
BEFORE THE COURT TO PLEAD HIS CASE IN THE FOLLOWING BRIEF, ASKING
THE ABOVE NAMED COURT TO ALLOW THE RELIEF AS SOUGHT BY THE APPELLANT
IN THIS IMMEDIATE CASE.

THERE ARE NUMEROUS ISSUES THAT NEED TO BE RESOLVED, AND THE APPELLANT
ASK'S THIS COURT TO ISSUE AN ORDER AND ALLOW THE RELIEF THE APPELLANT
SEFKS IN THIS CASE.

THIS IS A DIVORCE CASE STEMING FROM A MARRIAGE IN THE STATE
OF WASHINGTON, CITY OF RENTON, 1968. THE PARTIES HAVE 5 CHILDREN
AS A RESULT OF THIS MARRIAGE, THO SINCE THE RECENT RULING OF THE
LOWER COURT, (2 TWO) HAVE SINCE BEEN REMOVED FROM THE PLAINTIFFS
HOME.

I

A) APPELLANT HAS SUBMITTED NUMEROUS MOTIONS BEFORE THE COURT PERTAINING TO THE CASE, HOWEVER THE COURT RULED ON ONLY ONE OF THESE MOTIONS, LEAVING THE MOST IMPORTANT OF THE MOTIONS UNDECIDED.

B) THE COURT WAS PREJUDICED AGAINST THE APPELLANT AND REFUSED THE APPELLANTS MOTIONS.

C) THE APPELLANT IS INCARCERATED IN THE WASHINGTON PENAL SYSTEM, AND THEREFORE CANNOT PROCURE LEGAL COUNCIL TO REPRESENT HIS INTERESTS IN THE IMMEDIATE CASE.

D) THE COURT INFORMED THE APPELLANT THAT THE CASE WAS TO BE SET FOR TRIAL, HOWEVER THE COURT NEVER INFORMED THE APPELLANT OF THAT DATE, AND PROCEEDED WITH OUT INFORMING THE APPELLANT WHEN THE TRIAL WOULD BE.

II

A) APPELLANT AWAITED RULING ON MOTIONS PRESENTED BEFORE THE COURT BEFORE FILING AN ANSWER TO THE DIVORCE COMPLAINT, THEREFORE THE APPELLANT REQUESTS THIS COURT TO CONSIDER THE FACTS IN THIS CASE.

B) SINCE THIS DECREE HAS BEEN ENTERED, THE RESPONDENT HAS TRAVELED TO THE PROPERTY OF THE APPELLANTS PARENTS AND REMOVED CERTAIN PROPERTY BELONGING TO THE PARENTS WITH OUT PERMISSION (THEFT) AND PROPERTY BELONGING TO APPELLANT, SAID PROPERTY AWARDED TO APPELLANT IN THE DECREE OF DIVORCE DECREE. (NOTE PAGE 2 ITEM 9 OF DIVORCE DECREE.

C) ITEMS REMOVED SPECIFICALLY WHICH WERE IN THE VEHICLES OF THE APPELLANT, AND SPECIFICALLY PART OF THE PROPERTY AWARDED TO THE APPELLANT ARE THE FOLLOWING:

- 1 CHAIN SAW PURCHASED BY THE COUPLE IN 1979 AT POCA TELLO IDAHO, AT CHUBBUCK LUMBER SUPPLY CO. FOR \$395.00
- 2 TELEVISION SET (SMALL 13") WHICH APPELLANT PURCHASED FROM HIS EARNINGS WHILE IN THE PRISON SYSTEM IN 1986.
- 3 RADIO CASSETTE (PORTABLE) PURCHASED IN THE YEAR 1986 WHILE IN PRISON FOR \$77.10
- 4 WRIST WATCH OWNED BY THE APPELLANT (SEIKO) PURCHASED BY THE COUPLE IN 1979 AT A JEWELERY STORE IN POCA TELLO IDAHO FOR \$135.
- 5 MISCELLANEOUS TOOLS CONSISTING OF ELECTRIC DRILLS, AND IMPACT WRENCHES THAT WERE IN THE POSESSION OF APPELLANT ON THE PROPERTY OF APPELLANTS PARENTS, AND REMOVED BY

RESPONDENT/PLAINTIFF AFTER THE DIVORCE DECREE WAS AWARDED.

- 6 IN THE PAST MONTH THE COUPLES CHILD, CHANTELE JENSEN HAS LEFT THE HOME(RUN AWAY) AND HAS NOT BEEN HEARD FROM SINCE THAT TIME.
- 7 THE COURT HAS REMOVED FROM THE RESPONDENT/PLAINTIFF THE OLDEST SON OF THE TWO PARTIES BECAUSE SHE WAS NOT ABLE TO CONTROL HIM. THE OLDEST SON BEING JEREMY LYLE JENSEN.

III

APPELLANT HAS RECEIVED CORRESPONDENCE FROM THE COUPLES SON SINCE HIS REMOVAL FROM THE RESPONDENT/PLAINTIFF'S HOME TELLING OF THE NUMEROUS GOINGS ON IN THE HOME THAT GIVES RISE TO THE ABILITY OF THE RESPONDENT/PLAINTIFF'S ABILITY TO TAKE CARE OF THE CHILDREN PROPERLY, AND HER PHYSICAL AND MENTAL RESPONSIBILITY IS SUSPECT BY THE APPELLANT.

THE DAUGHTER HAS PHONED THE RESPONDENT/PLAINTIFF AND TOLD HER THAT " YOU ARE THE WORSE MOTHER IN THE WORLD, I HATE YOU "!

THIS INFORMATION GIVES SERIOUS CONCERN TO THE ABILITY OF THE PLAINTIFF'S CONTINUED CONTROL OVER THE CHILDREN. THE APPELLANT FEELS THERE IS NOT THE HARMONY AND LOVE IN THE HOME TO CARE FOR THE CHILDREN.

IV

THERE IS A BOAT BELONGING TO THE COUPLE THAT HAS NOT BEEN LISTED ON THE COMMUNITY PROPERTY, AND NUMEROUS OTHER PROPERTY THAT IS SECRETED AT THE RESPONDENT/PLAINTIFFS PARENTS HOME THAT HAS BEEN PART OF THE COMMUNITY PROPERTY FOR OVER 15 YEARS. THIS PROPERTY IS SECRETED AWAY IN ORDER THAT THE RESPONDENT/PLAINTIFF MIGHT HAVE THIS OUT FROM THE SETTLEMENT IN THIS DIVORCE. (NOTE MOTION FOR SHOW CAUSE ORDER) THERE IS OTHER COMMUNITY PROPERTY THAT IS NOT LISTED, AND THAT IS "HIDDEN" FROM THE APPELLANT AND THIS COURT.

V

THE BUICK RIVIERA IS IN POOR CONDITION, HAS NOT BEEN OPERATED IN OVER 15 YEARS, AND CANNOT BE REPAIRED AS THERE ARE NO LONGER PARTS AVAILABLE FOR THIS MODEL, THEREFORE THE APPELLANT RECEIVED AN AUTOMOBILE THAT IS THE SAME AS A WRECK AS HIS MEANS OF TRANSPORTATION, WHILE THE RESPONDANT WAS GIVEN THE ONLY AUTOMOBILE THAT

CAN BE USED, THIS AUTOMOBILE APPELLANT GAVE TO RESPONDENT LAST SUMMER. THE PICKUP ALSO BEING IN BAD REPAIR, THO CAN BE REPAIRED TO USE AS TRANSPORTATION.

VI

THE APPELLANT RECEIVED THE FINAL DECREE OF DIVORCE FROM THE RESPONDANT'S ATTORNEY, HOWEVER THEY WERE NEVER SIGNED BY THE JUDGE OF THE COURT, THUS MAKING THEM NULL AND VOID.

THEREFORE THIS APPELLANT FEELS THAT THIS DIVORCE ACTION IS FLAWED FROM THE BEGINNING, 1. THE RESPONDANT LIED, AND MANIPULATED THE COURT TO HER BENEFIT, 2. THE COURT DID NOT SIGN THE DIVORCE FIN-DECREE, 3. THERE HAVE BEEN MATERIAL CHANGES, NAMELY THE DAUGHTER AND ONE SON HAS BEEN REMOVED FROM THE JURISDICTION OF THE COURT, 4. THE APPELLANT WAS NOT INFORMED OF THE COURT DATE BY THE COURT AND THUS PREVENTING HIM FROM PRESENTING DOCUMENTS TO REFUTE THE RESPONDANTS ALLEGATIONS, 5. APPELLANT WAS NOT REPRESENTED BY COUNSEL , NOR ABLE TO APPEAR FOR THE HEARING, 6. THERE WERE NUMEROUS ERRORS ON BEHALF OF THE COURT, 7. MOTIONS WERE NOT RULED UPON, AND OTHER ISSUES TO BE DISPOSED OF BEFORE THIS COULD HAVE BEEN RULED UPON.

CONCLUSIONS RECOMMENDED

IT IS FELT THAT GIVEN THE FACTS IN THIS DIVORCE CASE THAT THE COURT ERRORED, AND DID NOT ALLOW THE APPELLANT THE OPPORTUNITY TO PRESENT ARGUEMENTS, DID NOT RULE ON HIS MOTIONS, GIVING THE FALSE BELIEF THAT THIS WOULD BE DONE BEFORE SETTING ON THE CALENDAR, FAILED TO INFORM APPELLANT OF THE DATE FOR HEARING, AND DIDN'T INFORM APPELLANT OF HIS LEGAL REMEDIES, AND FAILED TO SIGN THE FINAL DECREE OF DIVORCE.

GIVEN THESE FACTS, ALONG WITH ALL OTHERS, THE APPELLANT REQUESTS THIS COURT TO OVERTURN THIS CASE, AND RESET FOR NEW TRIAL, AND FOLLOW THE LAW.

IN THE EVENT THAT THIS CANNOT BE ACCOMPLISHED, APPELLANT SEEKS RELIEF IN THIS COURT FROM THIS DIVORCE BY CHANGING THE FINAL DECREE, BY ALLOWING RELIEF SOUGHT.

1. ALLOW THE APPELLANT THE INTERNATIONAL PICKUP.
2. START CHILD SUPPORT 90 DAYS FOLLOWING THE RELEASE OF APPELLANT FROM PRISON.
3. REMOVE THE ALIMONY FROM THE CONDITIONS.
4. RETURN THE PROPERTY AT ISSUE TO APPELLANT.
5. REMOVE THE TWO CHILDREN THAT HAVE LEFT THE HOME FROM OBLIGATIONS OF CHILD SUPPORT, AND OTHER STIPUALTIONS.
6. RETURN THE CHAIN SAW, TV, RADIO, AND OTHER TOOLS THAT HAVE BEEN REMOVED BY THE RESPONDANT.

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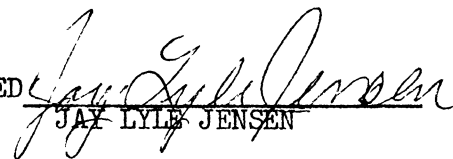
CONCLUSIONS

THE APPELLANT WOULD BE SATISFIED IF THESE COULD BE APPLIED IN THIS CASE. APPELLANT DOES NOT WISH TO APPEAL THE ACTUAL DIVORCE, AND FEELS THAT THESE STIPULATIONS WOULD BE MOST SATISFACTORY, AND WOULD BE HAPPY WITH THIS SETTLEMENT.

NOTE: NO COPIES SENT TO APPELLANT ATTORNEY,
AS APPELLANT HAS NO MEANS TO COPY THESE
DOCUMENTS. THIS IS THE ONLY COPY IN
EXISTANCE.

DATED THIS 9 DAY OF MAY 1988

SIGNED


JAY LYLE JENSEN

ADDRESS: 15314 N.E. DOLE VALLEY RD.
YACOLT, WASHINGTON 98675