

2008

# Micheal Blocker v. Neil and Isabel Morkel : Addendum

Utah Court of Appeals

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## Recommended Citation

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**IN THE UTAH COURT OF APPEALS**

MICHAEL BLOCKER,  Petitioner/Appellee,  vs.  NEIL AND ISABEL MORKEL,  Respondent/Appellant.	Appeal No. 20080415  Trial Case No. 070402784
---	---

ADDENDUM

1. Order, signed March 26, 2008.
2. Affidavit in Support of Request for Civil Stalking Injunction, filed September 18, 2007.
3. IHC Health Center report, dated January 20, 2003.
4. Petition to Modify Decree of Divorce, filed October 1, 2007.
5. Important Timeline of Events.
6. Police Reports:
  - Sandy Police Report, Incident No. 07E007502, incident dates July 10, 2007 and July 13, 2007.
  - Sandy Police Supplemental Incident Report, incident date August 10, 2007.
  - Provo Police Call For Service, dated October 3, 2005
  - Provo Police Call For Service, dated February 22, 2003
  - Provo Police Crime Report, Case No. 200301043, incident date January 30, 2003
  - Provo Police Call For Service, dated January 30, 2003
  - Provo Police Incident Report, incident date January 20, 2003
  - Provo Police Crime Report, Case No. 200300673, incident date January 20, 2003

**IN THE UTAH COURT OF APPEALS**

MICHAEL BLOCKER,	
Petitioner/Appellee,	Appeal No. 20080415
vs.	
NEIL AND ISABEL MORKEL,	Trial Case No. 070402784
Respondent/Appellant.	

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  - Provo Police Call For Service, dated January 30, 2003
  - Provo Police Incident Report, incident date January 20, 2003
  - Provo Police Crime Report, Case No. 200300673, incident date January 20, 2003

7. UTAH RULES:

- Utah Code Annotated §76-5-106.5 (2003)
- Utah Code Annotated §77-3a-101 (2003)
- Utah Code Annotated §78A-4-103 (recodified 2/07/08, previously §78-2a-3)
- Utah Rule of Civil Procedure 15
- Utah Rule of Civil Procedure 52
- Utah Rule of Appellate Procedure 33
- Utah Rule of Appellate Procedure 34

Tab 1

FILED  
12/11/07  
CIVIL DISTRICT COURT  
JAN 11 2008

**Ron D. Wilkinson (5558)**

**Kristin Gerdy (7208)**

Attorneys for Respondent

*The Heritage Building*

815 East 800 South, Suite 101

Orem, Utah 84097

(801) 225-6040 Fax (801) 225-6041

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IN THE FOURTH JUDICIAL DISTRICT COURT FOR UTAH COUNTY,  
STATE OF UTAH

---

MICHAEL BLOCKER,

Petitioner,

**vs.**

NEIL MORKEL AND ISABEL MORKEL,

Respondents.

**ORDER**

Civil No.: 070402784/070402785

Judge: Samuel McVey

---

This matter came for hearing before the Honorable Samuel McVey on the twenty-first (21<sup>st</sup>) day of December 2007, continued to the thirtieth (30<sup>th</sup>) day of January 2008, and concluding on the fourteenth (14<sup>th</sup>) day of February, 2008. The Petitioner was present, represented by counsel, Ron D. Wilkinson and Kristin Gerdy. The Respondents were also present, represented by Wendy Lems. The Court listened to the examination of multiple witnesses and received multiple documents into evidence, as well as hearing argument from both parties. After carefully considering the evidence, the Court finds and orders as follows:

1. The Court dismisses the Civil Stalking Injunction against Neil Morkel. However,

the Court finds that Mr. Morkel did commit at least one substantiated stalking incident when he came to Mr. Blocker's parents' home on September 7, 2007, the day of Mr. Blocker's wedding. The Court notes that there were likely other incidents, but they were insufficiently proved. The Court further finds that Mr. Morkel's testimony was not credible regarding his denial of going to Mr. Blocker's parents' homes and his claims that he was visiting a friend in the neighborhood.

2. The Court finds that Isabel Morkel committed at least four (4) incidents of stalking against Mr. Blocker when she called Mr. Blocker and his mother on March 23, 2005 making accusations about Mr. Blocker; called Mr. Blocker's mother in June 2007 to make additional accusations; repeatedly called Mr. Blocker's cell phone during court hearings on September 24 and October 31, 2007; and sent an email on September 17, 2007 containing information about Mr. Blocker's wedding and making disparaging statements against him; was near Mr. Blocker's home on repeated occasions, causing emotional distress to him and/or members of his household.

3. The Court finds that Isabel Morkel caused Mr. Blocker to suffer emotional distress, by her outrageously intolerable conduct, which offends generally accepted standards of decency and morality.

4. The Court found that the three incidents directed at Mr. Blocker's home were particularly invasive and offensive, and violated standards of decency.

5. The Court, hereby, awards a three-year Civil Stalking Injunction against Isabel


Morkel.

6. The Court orders that Isabel Morkel have no personal contact with Mr. Blocker or members of his family.
7. The Court further enjoins Isabel Morkel from contacting Mr. Blocker either by telephone or email.
8. Finally, the Court enjoined Isabel Morkel from going to Mr. Blocker's home.
9. The Court orders each party to bear his or her own fees.

DATED this 26 day of March 2008.

BY THE COURT:

  
DISTRICT COURT JUDGE

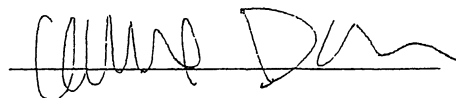
I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
AN ORIGINAL FILED IN THE  
FOURTH JUDICIAL DISTRICT, SALT LAKE COUNTY, STATE OF UTAH  
DATE: APR 2 2008  
  
REPUTY CLERK



MAILING CERTIFICATE

I certify that I mailed a true and correct copy of the foregoing document to the following  
this 18 day of March 2008.

Ms Wendy J Lems  
Attorney for Respondents  
7050 S Union Park Center, Ste 350  
Salt Lake City, UT 84047



Tab 2

FILED  
4TH JUDICIAL DISTRICT COURT  
SEATTLE, WA  
7637 SEP 18 PM 4:51

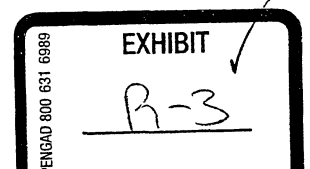
RON D WILKINSON (5558)  
Attorney at Law  
*The Heritage Building*  
815 East 800 South, Suite 101  
Orem, Utah 84097  
(801) 225-6040 Fax (801) 225-6041

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

MICHAEL BLOCKER,	:	
	:	
Petitioner,	:	
	:	
vs.	:	<b>AFFIDAVIT</b>
	:	<b>IN SUPPORT OF REQUEST FOR</b>
	:	<b>CIVIL STALKING INJUNCTION</b>
	:	
<u>Isabel Morkel</u>	:	
<del>NEIL MORKEL AND ISABEL MORKEL</del>	:	Civil No.: 070402785
	:	
Respondents.	:	Judge McVey

MICHAEL BLOCKER, BEING FIRST DULY SWORN, DEPOSES AND SAYS AS  
FOLLOWS:

1. Except as provided otherwise, I state the following based on my own personal knowledge.
2. I was married to Respondent Neil and Isabel Morkel's daughter, Kirsteen, on August 15, 1997.
3. On July 8, 2004, we divorced.
4. We have a five-year-old son, Mackay Phillip Blocker, born July 20, 2002.
5. During the last five years, the Morkels have followed me, obtained detailed



personal information about me and about members of my family, and have otherwise harassed me as detailed herein.

6. On two occasions Neil Morkel has assaulted me during visitation exchanges.
7. First, on January 20, 2003, Neil Morkel assaulted me at his home in Provo shortly before 4:00 p.m. See Exhibit 1, Provo Police Report.
8. When I arrived for my visitation with Mackay, Kristeen and Isabel Morkel, met me at the door. They told me that I could not bring my bag into their home during my visit with Mackay. (They later told the responding police officer that I had attempted to feed the baby on my last visit). I believed that I had the right to have my belongings with me during the visit and said so. An argument ensued during which Neil Morkel struck me on the left, back side of the neck. Things calmed down, and a few minutes later, I called the police to make a report.
9. At 5:50 p.m. that day, January 20, 2003, I was seen at the IHC Health Center in North Orem as a result of being struck by Mr. Morkel.
10. On Tuesday, July 10, 2007, when I went to pick Mackay up for a visit, Mr. Morkel, again, assaulted me by pushing me and knocking my camera to the ground. See Exhibit 2, Sandy City Police Report.
11. In addition, Neil Morkel has repeatedly and wrongfully attempted to impact my LDS Church membership by contacting numerous bishops and other church authorities to falsely complain about my treatment of his daughter and my son.
12. As recently as late August 2007, Mr. Morkel called my Bishop and insisted that

he be allowed to meet with him. During that meeting, he made false allegations of sexual abuse against me.

13. Somehow Mr. Morkel also obtained the telephone number of my fiancé's<sup>1</sup> LDS branch president in Colorado and called him to complain about me. He insisted that the Branch President have my fiancé call him to discuss the situation.
14. I do not know how he obtained any information about my fiancé, as I had not disclosed her name nor where she lives to anyone in the Morkel family and we do not have any common friends. Their ability to do this concerns me.
15. In addition to those phone calls, the Morkels were able to find out private information about my fiancé that they have used in emails to imply that my upcoming marriage will harm Mackay. How or where they obtained this information is a mystery to me, but the fact that they have done so is of great concern.
16. I am constantly amazed at the Morkels' resourcefulness at tracking down people and information and the lengths they will go in their attempts to destroy my relationship with my son.
17. The Morkels have also apparently resorted to following me and my family members.
18. On numerous occasions when I have had Mackay, and even when I have not, I have seen them following me.

---

<sup>1</sup> We were married on September 7, 2007.

19. After I picked Mackay up for each of our first two overnight visits, I saw Neil Morkel following me in his car. This made me nervous, so instead of going home (where I feared Mr. Morkel would confront me in front of Mackay), I went to other public places.
20. On other occasions, I have seen the Morkels following me.
21. For example, on July 4, 2006, after Kirsteen had picked Mackay up from my parents' home (at 11:00 p.m.), she and her parents drove back to my sister's home where the rest of the family was still doing fireworks. Later, my brother saw them following him near my parents' home. What is important to note is that both homes are in single-entry planned-unit-developments, so there is no reason they would have been "passing through."
22. On other occasions when I have had Mackay for overnight visits, I have seen the Morkels sitting in their car outside the house late at night.
23. In September 2005, after doing an exchange at the church building, I saw Isabel Morkel drive right passed my parents' house as I returned about fifteen minutes later.
24. Recently, this behavior has escalated.
25. On Tuesday, August 28, 2007, I had just left the Orem Police Station having spoken with Detective Craig Gaines regarding some missing police reports that I had requested for an upcoming hearing. Detective Gaines called me back regarding the missing reports, to say that he had found them. Detective Gaines

then said that Kirsteen had come into the station 10 minutes after I had left.

“Coincidentally,” Kirsteen had come to get the same reports that I had.

26. On Friday, August 31, 2007, at 7:25 p.m., just 10 minutes after my fiancé had returned home to our house, Kirsteen’s mother, Isabel Morkel, came to the door. My fiancé did not know who she was at the time. She asked if her if she was Trudy Southwick. She said, “yes, I am.” Isabel Morkel then handed Trudy an envelope and said that it was from a neighbor down the street. When she ask who the neighbor was, Isabel said, “Juay. ’ However, the letter was from Kirsteen to my fiancé, Trudy, and included false allegations of mistreatment and abuse against me.
27. On Sunday, September 2, 2007, our Bishop called my fiancé into his office and told her that Neil Morkel had called him again, a week earlier on Saturday. He said that Neil called regarding Trudy, in reference to her “past.” Previously, Neil had called him a few weeks earlier regarding me. Our Bishop asked Trudy detailed questions about her past and particularly her previous marriages. Apparently, Neil had said a number of things about her being unstable and other things regarding her character.
28. At 9:42 p.m. on Thursday, September 6, 2007, the night before my wedding, I received an email from Neil Morkel that indicated that he knew details about my wedding the following day about which he should not have known. See Exhibit 3 Email from Neil Morkel dated September 6, 2007.

29. On September 7th, around 2:00 p.m. Neil Morkel drove by my parents' house in Orem just as we were getting ready to leave for my wedding in Salt Lake City.
30. On Sunday, September 16, 2007, at 11:46 p.m. I received an email from Isabel Morkel that again included specific details about my wedding the previous week to which she should not have had access. The fact that she sent this email the very night I returned from my honeymoon (rather than shortly after the events she references) also implies to me that she knew about my travel plans. See Exhibit 4, email from Isabel Morkel dated September 16, 2007.
31. This pattern of following me, my fiancé, and my family members is highly *disconcerting*.
32. The Morkels have also made at least veiled threats against me that cause me to fear for my safety and even for my life.
33. This behavior has now gone on for five years. During that time, the Morkel's behavior has become more venomous and the incidents have escalated.
34. I am fearful because <sup>the Morkels</sup> ~~Petitioner and her parents~~ seem to stop at nothing, and I do not know how far they will go to get me out of Mackay's life.
35. Neil and Isabel Morkel have been central to the campaign to disrupt my relationship with my son.
36. One or both of the Morkels have physically assaulted me, repeatedly contacted my Church leaders and others to disparage my character under the guise of reporting my "abuse" of their daughter and our son, and followed me and



members of my family.

37. This behavior is upsetting and inappropriate.
38. The Morkels have not been content with supporting their daughter; they have taken the cause as their own. For example, at the end of July 2005, I called Detective Gaines to check on the status of the case (drugging allegations). He said that he had met with Petitioner and her father, Neil Morkel. He said that Mr. Morkel was upset that the police were not going to pursue charges against me. Detective Gaines told Mr. Morkel that there was no direct evidence proving who gave Mackay the codeine. Detective Gaines further told Mr. Morkel something to the effect that it was possible that I could claim that Kirsteen gave Mackay the codeine. Detective Gaines said that Mr. Morkel become very upset at that. He said that Mr. Morkel said that he wanted to get a criminal attorney and pursue charges against me.
39. I request that this Court issue a civil stalking injunction against Neil and Isabel Morkel. I ask the Court to order the Morkels to stay away from me, my home, The Family Academy (ACAFS), my LDS chapel, or other places where they know or should have reason to know that I will be. I also request that the Court prohibit them from contacting me, any member of my family, my Church leaders, neighbors, employer, or any one else either directly or indirectly for the purpose of giving or obtaining information about me or any member of my family.

Further, your affiant saith naught.

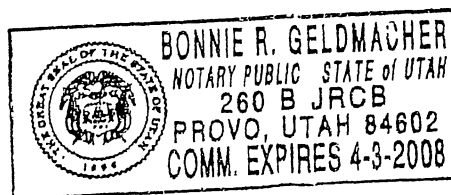
DATED this 18th day of September 2007.

Michael Blocker  
MICHAEL BLOCKER, Respondent

STATE OF UTAH            )  
                                      ) ss.  
COUNTY OF UTAH        )

On this 18th day of September, in the year 2007, before me, a notary public, personally appeared Michael Blocker who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same. Witness my hand and official seal.

Bonnie R. Geldmacher  
NOTARY PUBLIC



Provo City Police Department  
Incident Report 1223566  
Page 1

Received 15:58 Dispatched 16:00 Arrived 16:10 Cleared 18:01

---

Date 01-20-03	Dispatcher D089	Jur. 01	Grid 10	Sector	Map
---------------	-----------------	---------	---------	--------	-----

---

Location 1815 N 1450 E  
Complainant BLOCKER, MICHAEL  
Address  
Phone 801 420-3363

Veh. Lic.  
Tow Company

NCIC Rep. 5801 Family Fights

~~Notes/Other Information~~

---

3699373 3113 INFO 17:48  
CHRIS BOYACK 3113 INFO 17:47  
CASE # 3113 INFO 16.23  
CODE 4 3120 INFO 16:16  
CODE 4 HASN'T ARRIVED YET 3113 INFO 16 09  
VERBAL ARGUMENT, ONE HIT, OTHERWISE NOT PHYSICAL, NO ALCOHOL, NO  
WEAPONS, CALMED DOWN NOW, ALL SEPARATED, NO MORE VIOLENCE EXPECTED

~~Units/Officers~~

---

P113 3113 DEWEY, RICHARD W.  
P120 3120 KENKEL, CHRISTOPHER T.

NCIC Ver. 5806 Domestic Violence  
Disposition 4 ACTIVE  
AI P  
Case Number 200300673

# Provo Police Department Crime Report

Case No. 200300673  
Report No. 200300673.1  
Report Date: 1/20/03

Provo Police Department  
P. O. Box 1849  
Provo Utah 84603  
801 852-6200

1

Page 1 of 2

Subject: 5806 - Domestic Violence

Case Report Status	In Process
Occurred On (and Between)	1/20/03 15:55:00
Location	1815 N 1450 E
Census/Geo Grid	10 - Grid 10
Call Source	Phone

Vehicle Activity  
Vehicle Traveling  
@ Cross Street

Means 25 - Between 0600 and 1800 hours  
Other Means  
Motive 11 - Forms of domestic viol not mentioned above  
Other Motives

Date Entered 2/4/03 20:15:04  
Entered By C170 - BRIGGS, C.  
Data Verified  
Verified By  
Data Approved  
Approved By  
Connecting Cases  
Disposition  
Clearance Reason  
Date of Clearance  
Reporting Agency  
Division  
Notified

witness statements  
Inactive

Provo Police Department  
PATROL

Reporting Officer  
P113 - DEWEY, RICHARD

Date/Time Submitted  
Assessed By  
P120 - KENKEL, CHRISTOPHER

Report Narrative On 01-20-03 shortly before 1800 hrs., I was dispatched to 1815 N. 1450 E. regarding a domestic disturbance. I responded and met with S1/Nell Peter Morkel, V1/Michael Blocker, W1/Isabel Marie Morkel, and W2/Kirsteen D. Blocker.

## BACKGROUND INFORMATION:

V1/Michael is currently separated from his wife, W2/Kirsteen. They have a very young son in common. That son and W2/Kirsteen live with W2/Kirsteen's parents at 1850 N. 450 E. Her parents are S1/Niel and W1/Isabel.

V1/Michael is allowed visitation and he responds to the Morkel residence to exercise those visitation rights.

## ARGUMENT:

On 01-20-03 when V1/Michael arrived for his visitation of his son he was greeted at the door by W2/Kirsteen and W1/Isabel and advised S1/Michael that he was not to bring his bags into the residence during the visitation. W2/Kirsteen and W1/Isabel were concerned because the day before, V1/Michael had attempted to feed the baby, baby food that he had brought into the house. W2/Kirsteen and W1/Isabel stated that the baby is currently being breast fed by W2/Kirsteen and the baby's stomach cannot yet handle the baby food that V1/Michael was attempting to feed it. They requested that V1/Michael leave his items outside that residence so that they would not have to be concerned about the baby being fed some type of solid baby food by V1/Michael.

V1/Michael felt that it was his right to keep his property with him and an argument ensued. S1/Niel had been down stairs when the argument started and came upstairs.

## ALLEGED ASSAULT:

V1/Michael stated that during the heated argument he, V1/Michael, made a derogatory comment to S1/Niel to which S1/Niel responded by hitting V1/Michael in the left side of his neck. V1/Michael stated that the blow was painful, that he believes he was hit with a closed fist, but the motion by S1/Niel was not like a punch. It was more like a slap.

S1/Niel, W2/Kirsteen Blocker and W1/Isabel all state that there was no assault that took place.

## POLICE ACTION:

After obtaining the verbal statements of every body present, I examined V1/Michael's neck. I was unable to see any type of red mark on his neck. I did obtain written statements from all parties. Once everyone had completed their written statement I advised V1/Michael that he would have to leave for the day, that I did not feel comfortable with him staying in the home after the allegation of assault.

One week later I again met with V1/Michael at the police department. At that time I again reviewed V1/Michael's testimony about how the assault occurred. I again examined V1/Michael's neck and could not observe any visible marks. I asked V1/Michael if his neck had ever bruised. He stated that it had not. At that time V1/Blocker provided me with a doctor's note that showed that he had been to visit his physician the same day the report was made. I obtained a copy of that for this report.

I advised V1/Michael that I would meet with the City Attorney and find out if charge could be filed. I explained to V1/Michael

# Provo Police Department Crime Report

Case No. 200300673  
Report No. 200300673.1  
Report Date: 1/20/03

Provo Police Department  
P O Box 1848  
Provo Utah 84603  
801 852-6200

3

Page 3 of 2

Home Phone 420-3383  
Work Phone

Altire  
Injury N - None  
Circumstances

WT  
Eye Color  
Hair Color Brown  
Facial Hair  
Skin

Employer/School  
Res. Country  
Res. Country  
Resident Status Nonresident  
Teetly

Law Enforcement Officer Killed or Assaulted Information	Type Assignment Activity
--	--------------------------------

Justifiable Homicide Circumstances
---------------------------------------

Victim Offender Relationship  
Offender Relationship  
81 - Morker, Neil Peter AQ - Victim Was Acquaintance

Victim Notes

## Witness W1: Morkel, Isabel Marie

Witness Code W1  
Name Morkel, Isabel Marie  
AKA  
Alert(s)  
Address  
CSZ Provo, UT 84604

Home Phone  
Work Phone

Altire

Witness Notes

DOB  
Age 58  
Sex Female  
Race White  
Ethnicity Not of Hispanic Origin  
Ht.  
WT  
Eye Color  
Hair Color Brown  
Facial Hair  
Skin

Place of Birth  
SSN  
DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. Country  
Res. Country  
Resident Status Resident

## Witness W2: Blocker, Kirsteen D

Witness Code W2  
Name Blocker, Kirsteen D  
AKA  
Alert(s)  
Address  
CSZ Provo, UT 84604

Home Phone  
Work Phone

Altire

Witness Notes

DOB  
Age 28  
Sex Female  
Race White  
Ethnicity Not of Hispanic Origin  
Ht.  
WT  
Eye Color  
Hair Color  
Facial Hair  
Skin

Place of Birth  
SSN  
DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. Country  
Res. Country  
Resident Status Resident

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#	
Case #	
DEPT. USE ONLY	

DATE OF INCIDENT 20<sup>th</sup> JAN TIME 4 P.M. LOCATION OF INCIDENT [REDACTED]

FULL NAME ISABEL MARIE HORREL DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS AS ABOVE HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER [REDACTED] WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

MICHAEL BLOCKER MY DAUGHTER'S ESTRANGED  
HUSBAND FORCE FED THE BABY  
YESTERDAY WHICH MADE HIM VOMIT.  
TODAY WHEN HE ARRIVED HE BROUGHT  
MORE FOOD WITH HIM TO FEED THE  
CHILD. MY DAUGHTER ASKED HIM TO  
TAKE IT TO THE CAR AND HE BECAME  
HOSTILE. I CALLED MY HUSBAND  
UP AND HE STOOD THERE. MICHAEL

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1953 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

[Signature]  
SIGNATURE

20 JAN 4 P.M.  
DATE TIME

OFFICER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID# \_\_\_\_\_  
Case # \_\_\_\_\_  
DEPT. USE ONLY

DATE OF INCIDENT 1/20/03 TIME 3:45 LOCATION OF INCIDENT B15N. 1450E

FULL NAME KIRSTEEN D. Blocker DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS [REDACTED] UT 84604 HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER \_\_\_\_\_ WORK PHONE # \_\_\_\_\_

EMPLOYER ADDRESS \_\_\_\_\_  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

Michael Blocker came to my home for visitation to see  
[REDACTED]. I asked him to leave his bag + coat in the  
car he would not do so. my mother came out + spoke to  
him she thought that I mi thot my Michael was  
bullying me. I told Michael to leave his bag in the car because  
it contained baby oatmeal, he had brought food previously on a visit  
which made [REDACTED] our son ill, + which he had vomitted up.  
[REDACTED] is not taking solids + he did not tell me he was trying  
or attempting to feed [REDACTED]. my father came upstairs as he was  
concerned p.to  
(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1653 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

[Signature]  
SIGNATURE

7/01/74 4:33 pm  
DATE TIME

OFFICER \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#

Case #

DEPT. USE ONLY

DATE OF INCIDENT 1-20-03 TIME 1555 LOCATION OF INCIDENT 1815 N. 1450 E

FULL NAME NEIL PETER MORKE DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS [REDACTED] PROVO UT HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP) 84604

EMPLOYER SELF WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

THERE WAS A DISCUSSION GOING ON  
IN THE UPPER PART OF MY HOME.  
MY WIFE CALLED ME UP STAIRS. I OBSERVED  
THE WHAT WAS BEING DISCUSSED. NO  
ASSULT ON MR MICHAEL TOOK PLACE.  
BLOCKER.

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1953 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

SIGNATURE

OFFICER

DATE

TIME

DATE

TIME



PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#	
Case #	<del>1815 N 1450 E Provo</del>
DEPT. USE ONLY	

DATE OF INCIDENT 1-20-03 TIME 3:55 LOCATION OF INCIDENT 1815 N 1450 E Provo

FULL NAME Michael Blocker DATE OF BIRTH 5-7-64  
(PLEASE PRINT)

HOME ADDRESS 503 Robin Rd Orem UT 84097 HOME PHONE # 224-8270  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER Self Employed WORK PHONE # 420-3363

EMPLOYER ADDRESS \_\_\_\_\_  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

I came to visit my son [REDACTED], Kirsten and her Mom were  
started up set with me for giving [REDACTED] baby Food yesterday.  
they wanted me to leave my things out side, I said no. \* They called  
Neil in an argument ensued, and Neil struck me on the left  
back side of the neck. things calmed down some and a few minutes  
later I called the police to make a report.  
Neil said that he did not touch me.  
This happened in front of [REDACTED] my son, Kirsten and her mother.

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1653 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

Michael Blocker  
SIGNATURE

1-20-03 4:35 pm  
DATE TIME

OFFICER \_\_\_\_\_

DATE TIME

07/18/07  
09:25

Sandy Police Department  
Sandy Police Officer Report

4362  
Page: 1

Incident Number: 07E007502  
Nature: DOMESTIC

Case Numbers:

Addr: 2272 E GAMBEL OAK DR; 11755 S Area: 4B11R Sandy PD Area 4B11R  
City: SANDY St: UT Zip: 84092

Reported:  
Observed: DMSA Domestic Violent, Sim  
Offense  
Codes: DMSA Domestic Violent, Sim

Circumstances: LT20 Residence/Home

Responding Officers: MARTIN, KIMBERL 4362  
Rspnsbl Officer: MARTIN, KIMBERL Agency: SPD  
Received By: RICHMAN, M Last RadLog: 12:59:50 07/13/07 24  
How Received: P In Person Clearance:

When Reported: 11:43:38 07/13/07 Disposition: LF Disp Date: 07/13/07

Occurrd between: 05:30:00 07/10/07 Judicial Sts:  
and: 11:43:16 07/13/07 Misc Entry:

INVOLVEMENTS:

Date	Description	Relationship
------	-------------	--------------

7/18/07	362	PA
---------	-----	----

Responsible LEO

Reviewed by:

Date

RECEIVED  
JUL 19 2007

Actual  
Send to City Attorney  
for Screening

220 EV • PA 7/19/07

DocCode=LAW CASES

\$yr

DocType=LPTEXT

Index1=Incident\_number,1,1,1,31,07E007502

\]

07/19/07

Sandy Police Department

4220

09:56

Imaging Incident Report Only

Page: 2

Supplemental Incident Report

Last Modified: 09:50:14 07/18/07

Officer Name & Id: KMartin-362

Unit Number: 180

Date/Time: Fri Jul 13 15:56:30 MDT 2007

Case Number: 07E007502

Initial Case Narrative

CLASSIFICATION: Domestic/Simple Assault

SYNOPSIS: Complainant, Michael Blocker, (43), reported his ex-father-in-law, Neil Morkel slapped his hand and pushed him. This case is active for screening by the City Attorney's office. Refer to Case 07E007397.

NARRATIVE: Complainant, Michael Blocker, who resides at 1456 North 350 East, Orem, UT, reported his ex-father-in-law, Neil Morkel, (61), who resides at 2272 Gamble Oak Drive, Sandy, UT, slapped his hand and pushed him.

Michael stated he went to pick up his son, Mackay Blocker, (5), at Neil's home on the evening of July 10, 2007. Michael stated he is divorced and his ex-wife and son live with Neil.

Michael stated when he arrived, Mackay was not ready to leave. Michael stated he went and waited in his car for ten to twelve minutes. Michael then exited his vehicle and met his son and Neil at the back of his car. Michael stated Mackay was upset and didn't want to go with Michael. Michael stated he reached out to take his son and Neil turned away and said, "Look at what you are doing to your son."

Michael stated he reached into his pocket to get his camera and video what was happening. Michael stated at this point, Neil slapped his hand and it knocked the camera to the ground. Michael stated he bent down to pick up his camera and Neil pushed him back with his arm and then grabbed him by the shirt around the chest area and they were looking face to face. Michael stated he then told Michael, "This is the second time you've assaulted me." Michael said Neil stepped back and Michael picked up his camera and put his son in the car.

I asked Michael when he was assaulted the first time and Michael stated two to three years ago in Provo and Neil was not cited. I asked Michael why he did not report this incident sooner and he stated he didn't want his son to see the police show up. Michael stated no weapons or threats were involved in the argument. Michael was given a domestic violence pamphlet.

ELEMENTS: Neil pushed Michael with his arm.

CASE DISPOSITION: This case is active to be screened by the City Attorney's office.

\[  
DocCode=LAW CASES  
\$yr  
DocType=LPTEXT  
Index1=Incident\_number,1,1,1,31,07E007502  
\]

07/19/07  
09 56

Sandy Police Department  
Imaging Incident Report Only

4220  
Page. 3

\*\*\*\*\*please send a copy of this case and case 07E007397\*\*\*\*\*

\[  
DocCode=LAW CASES

\$yr

DocType=LPTEXT

Index1=Incident\_number,1,1,1,31,07E007502

\]

08/14/07

Sandy Police Department

4212

09:22

Imaging Incident Report Only

Page: 2

.11: Supplemental Incident Report

Last Modified: 14:32:57 08/10/07

Officer Name & Id: KMartin-362

Unit Number: 180

Date/Time: Fri Aug 10 13:45.22 MDT 2007

Case Number: 07E007502

Case Follow-up

The City Attorney's office declined to press charges on Michael Blocker,  
case number 07E007397.

Neil Morker had Mackay Blocker in his arms and Michael approached Neil  
intentionally bumping into him with his shoulder. Neil pushed Michael back not  
intending to hurt Michael but to defend himself from being pushed further.  
Neil's wife Isabelle and daughter Kirsteen, confirm Neil's story. No charges  
will be filed in this case.

This case cleared by exception.

\*\*\*\*\*Please forward a copy of this report to the City Attorney's office\*\*\*\*\*

----- Original Message -----

From: neil morkel

To: mbutah@comcast.net

Sent: Thursday, September 06, 2007 9:52 PM

Subject: None

No temple, that would amaze many bettys

---

Choose the right car based on your needs. Check out Yahoo! Autos new Car Finder tool.

----- Original Message -----

From: onaroc 1@comcast.net

To: mbutah@comcast.net

Sent: Sunday, September 16, 2007 11:46 PM

Subject: Please show this to the court

Michael Blocker,

I cannot believe that you can disrespect a woman (Trudy Nichols /Southwick / Kelly/ Blocker), so much that you have your reception in the same building and same room. You even had the horse and carriage. Didn't your family think it was weird?

In order to make your fantasies real, you repeat this episode. Does your wife know? If she does, she must be very compatible and odd herself.

Last time we had to provide the dinner, plus everything else. This time it was crackers, cheese and sandwiches. We were the real suckers weren't we?

Bankruptcies are open public documents. The reason Kirsteen stated that you had a bankruptcy issue was to show how dishonest you were with her and that you had told her nothing about it. This applied to other actions in your life. If you had a problem with business dealings, it must have been that they must have checked you out. She would have no interest in doing so and would not know who you deal with. Mackay has always been her only reason to stand up to your malicious and warped behavior. You did it by using Mackay, and in your words to the court "to teach her a lesson".

May you gather what you sow!

Isabel Morkel

Tab 3



## IHC HEALTH CENTER - NORTH OREM

TAX I.D. 94-2854057

\*\*\*\*\*  
 Date: 01/20/03 Time: 05:50PM Day: MON Visit#: 13302305 Arrived: 05:50PM Provider: WEEKS, JONATHAN A MRN: 3061405  
 Patient Name: BLOCKER, MICHAEL PHILLIPS DOB: 05/07/64 Age: 38 Sex: M SSN: 553-37-2069 MMI: 136316416  
 Address: 503 ROBIN RD City: OREM, UT Zip: 84097 Work#: 801-420-3363 Home#: 801-420-3363  
 Guarantor: Primary Insurance: SELF PAY Secondary: \_\_\_\_\_  
 Complaint: HIT IN BACK OF NECK Return Pt: N Ref Phys: \_\_\_\_\_ PCP: NONE  
 ALLERGIES: NKA  
 CURRENT MEDICATIONS: None  
 \*\*\*\*\*

Tetanus Date \_\_\_\_\_ LMP 11/3/96 P B5 LYING SITTING STANDING VISUAL ACUITY OD \_\_\_\_\_  
 Peak Flow \_\_\_\_\_ BP 114/67 P/BP P/BP P/BP P/BP [ ] Corrected OS \_\_\_\_\_  
 Oximetry \_\_\_\_\_ WT. 171 R BP 114/67 [ ] Uncorrected OU \_\_\_\_\_

TIME: [ 10:00 ] ROOM NO. 13 [ ] SMOKER [ ] NON-SMOKER BCP [ ] YES [ ] NO

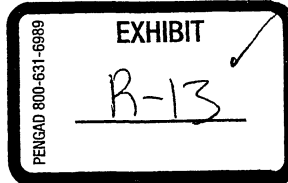
Hit in back of neck today (with someone's hand). Filled out police report. Needs this visit for evidence of assault. M. Christensen

MD ASSESSMENT TIME: [ ] : [ ] N = NORMAL/NEGATIVE A = ABNORMAL/PRESENT

S: Hit to front lateral/post L neck behind ear by person in front of him. LOC 60 sec.

Tender No swelling, of parasternal muscles/tingling

O: Appearance NAD Other Skin  
 EAC: R L  
 TM Appearance R: Bulging Retracted Color Light Reflex Light  
 L: Bulging Retracted Color Light Reflex Light  
 Throat: Red Edema PND UV Midline Sinuses Tender UV  
 Tonsils: Exudate Rapid Strep: Negative Positive  
 Neck: Supple Thyroid Glands Tender Size UV  
 Lungs Wheeze Crackles Rhonchi  
 CV: RRR Pulses Murmur Extremities  
 Abdomen: BS Soft Distension HSM Rebound UV  
 Guarding CVA Tenderness Suprapubic tenderness UV  
 Cranial N/A Reflexes Strength Sensory UV



Detail: Murmured tenderness post to mastoid, swelling or ecchymosis.  
CN's II-III intact.  
of pain to compression, ROM good all directions  
of spinous process tenderness cervical.

dictated [ ] YES [ ] NO

DIAGNOSIS:

Assault - Bruised Head

ICD9 CODE

PLAN:

Ice & Motrin/Allev. Reassurance

-RADIOLOGY-

[ ] \_\_\_\_\_ V  
 [ ] \_\_\_\_\_ V  
 [ ] Films with Patient  
 [ ] Shielded [ ] Films Sent  
 [ ] Pregnant [ ] Yes [ ] No  
 Signature \_\_\_\_\_

Physician [Signature] I have received and understand the above instructions. [ ] See Discharge  
 Signature X [Signature] PT/BO Signature X \_\_\_\_\_ Instructions Sheet

INSTACARE RECORD

Tab 4

RON D. WILKINSON (5558)  
Attorney at Law  
*The Heritage Building*  
815 East 800 South, Suite 101  
Orem, Utah 84097  
(801) 225-6040.Fax (801) 225-6041

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

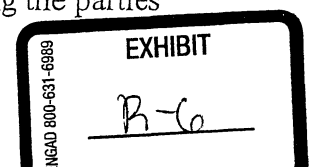
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KIRSTEEN BLOCKER,	:	
	:	
Petitioner,	:	
	:	
vs.	:	<b>PETITION TO MODIFY</b>
	:	<b>DECREE OF DIVORCE</b>
	:	
MICHAEL BLOCKER,	:	Civil No.: 024402553
	:	
Respondent.	:	Commissioner Thomas Patton

---

COMES NOW Respondent, Michael Blocker, by and through his attorney, Ron D. Wilkinson, and alleges and petitions the Court for an order of modification of the Decree of Divorce in the above titled action as follows:

1. This Court entered a Decree of Divorce on July 8, 2004, and issued subsequent orders that modified the Decree. For the Court's convenience, a history of the decree and orders is set forth in the Affidavit of Respondent in Support of Motion for Order to Show Cause and Supplemental Affidavit of Respondent in Support of Motion for Order to Show Cause, attached hereto without attachments and incorporated by this reference as Exhibit 1.
2. The Decree and subsequent orders set forth the custody law regarding the parties'



minor child, Mackay Phillip Blocker, born July 20, 2002.

3. The Decree and subsequent orders were based on the circumstances that existed at the time of the Decree and subsequent orders.
4. Since the Decree and orders were made, the conditions and circumstances upon which they were based have materially changed. The majority of these material changes are set forth in the Affidavit of Respondent In Support Of Motion For Order To Show Cause and Supplemental Affidavit of Respondent in Support of Motion for Order to Show Cause, attached hereto without attachments and incorporated by this reference as Exhibit 1. These changes include, but are not limited to the following:
  - A. The Decree is unworkable because it requires that the parties cooperate and Petitioner refuses to do so.
  - B. The Petitioner and her parents have actively sought to disrupt the child's relationship with his father and have, otherwise, failed to encourage the child's relationship with his father, the Respondent.
  - C. The Petitioner has failed to comply with and act in good faith with the recommendations and directions of the many experts that have been involved in this case, making cooperative parenting impossible.
  - D. Petitioner has repeated made false allegations of physical and sexual abuse against the Respondent that have required the child to undergo numerous traumatizing physical and psychological evaluations.

- E. Petitioner obtained an Ex Parte Protective Order against Respondent based on her false allegations of abuse, which prevented Respondent from almost two months of meaningful parent time and that has resulted in increased stress and anxiety for the child.
- F. Other circumstances have prevented the Respondent from being actively involved in the child's life in a manner which serves the best interests of the child.
- G. The Petitioner has repeatedly acted in contempt of this Court's orders to the detriment of the child.
- H. The child is in need of a greater involvement of his father in his life than is currently offered by the current court orders.
- I. The current orders of the court do not properly protect the parent time of Respondent. Because of this, the Petitioner has actively interfered with the parent time provisions in the Court's orders.
- J. The Respondent has remarried and has established a stable home with his new wife and two stepsons.
- K. The Respondent is in need of further relief as stated in the Respondent's Affidavit in Support of His Motion for Order to Show Cause and Respondent's Supplemental Affidavit in Support of His Order to Show Cause.
- L. The Petitioner has alienated the child from the Respondent.

4. Additionally, the orders contemplated a liberalization of the parenting time between the minor child and the Respondent that has not occurred and which failure is directly adverse to the best interests of the parties' minor child.
2. There is a need for the Court to order a Custody Evaluation, to properly assess the appropriate parenting plan for the child, thereby, allowing the Court to receive the expertise of an expert who can evaluate the best interests of the child regarding parenting time and make appropriate changes or improvements as needed.
3. Respondent has been required to retain legal counsel in bringing this matter before the Court and should be awarded his costs and attorney fees.

WHEREFORE, the Respondent respectfully requests the Court modify the above-mentioned decree and subsequent orders as follows:

1. Find a substantial and material change of circumstances exists that warrants this Court's review and modification.
2. In light of Petitioner's efforts to undermine and severely limit his relationship with Mackay, change primary custody to award Respondent primary physical custody of Mackay and award Petitioner reasonable parent time.
3. In the alternative, order joint physical custody of the parties' child.
4. Award the Respondent his attorney's fees and costs herein due to Petitioner's repeated interference with Respondent's relationship with their son and because of her repeated false allegations of abuse.

5. For such other and further relief as this Court may deem just proper.

DATED this 5<sup>th</sup> day of October 2007.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a long, sweeping tail that extends to the right.

Ron D. Wilkinson  
Attorney for Respondent

**Certificate of Service**

I certify that on this 26 day of October, 2007, I have ~~mailed first-class postage prepaid~~ <sup>Personally served</sup> a copy of this Petition to Modify Decree of Divorce to:

Mary Corporon  
Attorney for Petitioner  
Corporon and Williams  
405 S. Main St., Suite 700  
Salt Lake City, UT 84102

**and**

Mr. Kelly Peterson  
Office of the Guardian ad Litem  
32 W. Center Street, Suite 205  
Provo, UT 84601

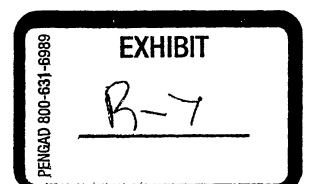
CHR



Tab 5

**IMPORTANT TIMELINE OF EVENTS**  
**Blocker v. Morkel**

- Provo Police Department Incident Report: January 20, 2003.
- Provo Police Department Incident Report: January 30, 2003.
- Decree of Divorce entered between Michael Blocker and Kirsteen Blocker: On or about June 23, 2004.
- DCFS investigation regarding allegations of child abuse regarding Mackay: March 15, 2006 – June 20, 2006.
- Sandy Police Department Incident Report: July 13, 2007 and July 18, 2007.
- Ex Parte Child Protective Order filed by Kirsteen Blocker regarding child, Mackay: July 24, 2007.
- Petitioner was served with the Ex Parte Child Protective Order: July 25, 2007.
- Hearing regarding Ex Parte Child Protective Order regarding child, Mackay: August 13, 2007.
- Michael Blocker's parent-time became supervised by the Divorce Court: August 13, 2007.
- Michael Blocker files Ex Parte Temporary Civil Stalking Injunction: September 18, 2007.
- Michael Blocker files Petition for Modification of Decree of Divorce requesting change of physical custody regarding child, Mackay: On or about October 1, 2007.
- Review Hearing held regarding supervised parent-time regarding Ex Parte Child Protective Order: October 31, 2007.



Tab 6

07/18/07  
09:25

Sandy Police Department  
Sandy Police Officer Report

4362  
Page: 1

Incident Number: 07E007502  
Nature: DOMESTIC

Case Numbers:

Addr: 2272 E GAMBEL OAK DR; 11755 S Area: 4B11R Sandy PD Area 4B11R  
City: SANDY St: UT Zip: 84092

Reported:  
Observed: DMSA Domestic Violent, Sim  
Offense  
Codes: DMSA Domestic Violent, Sim

Circumstances: LT20 Residence/Home

Responding Officers: MARTIN, KIMBERL 4362  
Rspnsbl Officer: MARTIN, KIMBERL Agency: SPD  
Received By: RICHMAN, M Last RadLog: 12:59:50 07/13/07 24  
How Received: P In Person Clearance:

When Reported: 11:43:38 07/13/07 Disposition: LF Disp Date: 07/13/07

Occurrd between: 05:30:00 07/10/07 Judicial Sts:  
and: 11:43:16 07/13/07 Misc Entry:

INVOLVEMENTS:

Date	Description	Relationship
------	-------------	--------------

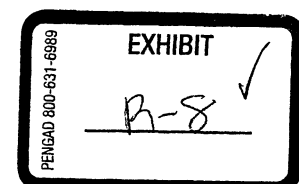
*Martin 362*  
Responsible LEO

*[Signature]*  
Reviewed by:

*7/18/07*  
Date

*Actual*  
*Send to City Attorney*  
*for screening*

RECEIVED  
JUL 19 2007



220 EV • PA 7/19/07

\\  
DocCode=LAW CASES  
\$yr  
DocType=LPTEXT  
Index1=Incident\_number,1,1,1,31,07E007502  
\\

07/19/07

Sandy Police Department

4220

09:56

Imaging Incident Report Only

Page 2

# III. Supplemental Incident Report

Last Modified: 09:50:14 07/18/07

Officer Name & Id. KMartin-362  
Unit Number. 180  
Date/Time. Fri Jul 13 15:56:30 MDT 2007  
Case Number. 07E007502

## Initial Case Narrative

CLASSIFICATION: Domestic/Simple Assault

SYNOPSIS: Complainant, Michael Blocker, (43), reported his ex-father-in-law, Neil Morkel slapped his hand and pushed him. This case is active for screening by the City Attorney's office. Refer to Case 07E007397.

NARRATIVE: Complainant, Michael Blocker, who resides at 1456 North 350 East, Orem, UT, reported his ex-father-in-law, Neil Morkel, (61), who resides at 2272 Gamble Oak Drive, Sandy, UT, slapped his hand and pushed him.

Michael stated he went to pick up his son, Mackay Blocker, (5), at Neil's home on the evening of July 10, 2007. Michael stated he is divorced and his ex-wife and son live with Neil.

Michael stated when he arrived, Mackay was not ready to leave. Michael stated he went and waited in his car for ten to twelve minutes. Michael then exited his vehicle and met his son and Neil at the back of his car. Michael stated Mackay was upset and didn't want to go with Michael. Michael stated he reached out to take his son and Neil turned away and said, "Look at what you are doing to your son."

Michael stated he reached into his pocket to get his camera and video what was happening. Michael stated at this point, Neil slapped his hand and it knocked the camera to the ground. Michael stated he bent down to pick up his camera and Neil pushed him back with his arm and then grabbed him by the shirt around the chest area and they were looking face to face. Michael stated he then told Michael, "This is the second time you've assaulted me." Michael said Neil stepped back and Michael picked up his camera and put his son in the car.

I asked Michael when he was assaulted the first time and Michael stated two to three years ago in Provo and Neil was not cited. I asked Michael why he did not report this incident sooner and he stated he didn't want his son to see the police show up. Michael stated no weapons or threats were involved in the argument. Michael was given a domestic violence pamphlet.

ELEMENTS. Neil pushed Michael with his arm.

CASE DISPOSITION: This case is active to be screened by the City Attorney's office

\(  
DocCode=LAW CASES  
\$yr  
DocType=LPTEXT  
Index1=Incident\_number,1,1,1,31,07E007502  
\)

07/19/07  
09:56

Sandy Police Department  
Imaging Incident Report Only

4220  
Page: 3

\*\*\*\*\*Please send a copy of this case and case 07E007397\*\*\*\*\*

\(  
DocCode=LAW CASES  
\$yr  
DocType=LPTEXT  
Index1=Incident\_number,1,1 1,31,07E007502  
\)

08/14/07                      Sandy Police Department                      4212  
09 22                      Imaging Incident Report Only                      Page                      2

Supplemental Incident Report

Last Modified 14 32 57 08/10/07

Officer Name & Id      KMartin-362  
Unit Number          180  
Date/Time          Fri Aug 10 13 45 22 MDT 2007  
Case Number          07E007502  
Case Follow-up

The City Attorney's office declined to press charges on Michael Blocker,  
case number 07E007397

Neil Morker had Mackay Blocker in his arms and Michael approached Neil  
intentionally bumping into him with his shoulder Neil pushed Michael back not  
intending to hurt Michael but to defend himself from being pushed further  
Neil's wife Isabelle and daughter Kirsteen, confirm Neil's story No charges  
will be filed in this case

This case cleared by exception

\*\*\*\*\*Please forward a copy of this report to the City Attorney's office\*\*\*\*\*

# Call For Service

CFS Number 1495943

Date 10/03/2005

## Call For Service

---

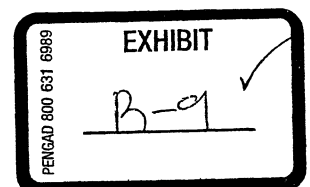
CFS Number	1495943	Complainant	MORKEL, ISABEL
Date	10/03/2005	Address	48 S 300 W
Dispatcher	D118 - PETERSEN, STEPHANIE	City, State, Zip	
Call Source	P - Phone	Phone	801 420-8644
Received	15:36:21	Call type	
Dispatched	15:53:45	Reported Offense	8101 - Citizen Requested Assistance
Arrived		Verified Offense	8101 - Citizen Requested Assistance
Cleared	16:19:50	Tow Company	
Location	48 S 300 W	Vehicle	
City, State, Zip		Vehicle License	
Jurisdiction	02 - District 2	Disposition	5 - Inactive
Grid	21 - Central Business District	Priority	
Sector		Classification	
Map			
X Coordinate		Agency	P - Provo Police Department
Coordinate		Case	

### Officers

P216 - BASCOM, KRESTON

Notes [3216 / CLOSED CFS / 16 19 50]

[CFS CREATED AT 15 36 21]\*\*10-21\*\* RP HAS QUESTIONS ABOUT PEOPLE USING RECORDING DEVICES TO LISTEN TO HER WHILE SHE IS AT HOME





# Call For Service

CFS Number: 1234533

Date: 02/22/2003

## Call For Service

---

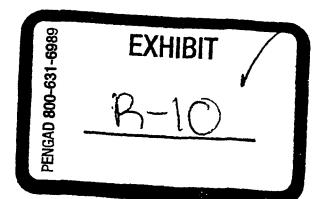
CFS Number	1234533	Complainant	BLOCKER, CHRISTINE
Date	02/22/2003	Address	1815 N 1450 E
Dispatcher	D096 - SMALLCANYON, DENISE	City, State, Zip	
Call Source		Phone	375-6950
Received	10:08:25 AM	Call type	
Dispatched	10:11:54 AM	Reported Offense	5805 - Keep the peace
Arrived	10:17:29 AM	Verified Offense	5805 - Keep the peace
Cleared	10:34:04 AM		
Location	1815 N 1450 E	Tow Company	
City, State, Zip		Vehicle	
Jurisdiction	01 - District 1	Vehicle License	
Grid	09 - Oak Hills	Disposition	5 - Inactive
Sector		Priority	
Map		Classification	
X Coordinate		Agency	P - Provo Police Department
Coordinate		Case	

### Officers

P164 - BEEBE, TROY

P175 - EDWARDS, ROY

Notes HE BROUGHT IN A VIDEO CAMARA, THE RP DIDN'T WANT HIM TO, SHE ASKED HIM TO TAKE IT OUTSIDE OR LEAVE, AND HE LEFT 3175 INFO 10:33  
HER HUSBAND IS VISITING CHILD WILL BE THERE FOR A COUPLE HOURS, HIS NAME IS MICHAEL BLOCKER, AS BROUGHT A CAMERA AND SHE DOESN'T WANT HIM TO TAKE PICTURES, VERBALLY ARGUING, NO ALC, NO WEAPONS



# Provo Police Department Crime Report

Provo Police Department  
48 S 300 W  
Provo Utah 84601  
801 852-6200

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Case No. 200301043  
Report No. 200301043.1  
Report Date: 1/30/2003 22:30:00

Subject 5320 - Disorderly Conduct

Case Report Status	A - Approved
Occurred On (and Between)	1/30/2003 22:25:00
Location	1815 N 1450 E
Census/Geo Grid	09 - Oak Hills
Call Source	Phone

Date Entered 2/5/2003 20:33:20  
Entered By C195 - PURDON, MARGARET  
Date Verified 3/14/2003 2:24:58  
Verified By C008 - FERGUSON, BOBBIE  
Date Approved 3/14/2003 2:25:03  
Approved By C008 - FERGUSON, BOBBIE  
Connecting Cases  
Disposition Inactive  
Clearance Reason  
Date of Clearance  
Reporting Agency Provo Police Department  
Division PATROL  
Nollified

Reporting Officer  
P190 - PAYNE, ROBERT

Vehicle Activity  
Vehicle Traveling  
@ Cross Street

Date/Time Submitted  
Assisted By  
P085 - ROBINSON, MARK  
P163 - BUNDERSON, RICH

Means 26 - Between 1800 and 0600 hours  
Other Means  
Motive 12 - Acts against the Victim in retaliation  
Other Motives

## Report Narrative

On 1/31/03, I responded to 1815 N. 1450 E. on a disorderly conduct in progress.

When I arrived, I met with V1/Kirsteen Blocker and W1/Isabel Morkel. S1/Mike Blocker had left at that time. Upon my arrival, I spoke with V1/Kirsteen and W1/Morkel. They stated S1/Mike was at the residence pounding on the front door, wanting to enter. S1/Mike and V1/Kirsteen are in the process of getting a divorce and have a child together. Apparently, S1/Mike wanted to enter the residence and be with the child and feed the child. V1/Kirsteen and W1/Morkel stated there are visitation rights, but it was not the appropriate time for that when S1/Mike arrived.

They also stated they were in fear due to S1/Mike's actions and were alarmed at him pounding on the doors. S1/Mike left the residence after finding he was unable to enter, and that the residents would not let him in. V1/Kirsteen stated she did not want to press charges at this time but wanted to file a report so it would be on record that this incident happened so that she can take it to court and make changes with the visitation rights with the child.

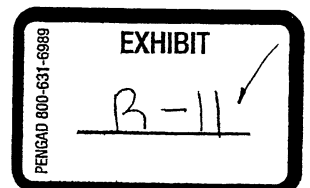
I have nothing further for this case. Dispo. 5. /mp

## Offense Detail: 5320 - Disorderly Conduct

Offense Description	5320 - Disorderly Conduct	Location	Residence/Home	No. Prem Entered
IBR Code	Disorderly Conduct	Offense Completed?	Yes	Entry Method
IBR Group	B	Hate/Bias	None (No Bias)	Type Security
Crime Against	SO	Hate/Affiliation		Tools Used
Using		Domestic Violence	No	
Criminal Activity				
Weapons/Force				

## Suspect S1: BLOCKER, MIKE

Suspect Number	S1	DOB	[REDACTED]	Place of Birth
Name	BLOCKER, MIKE	Age	38	SSN
AKA		Sex	Male	DLN
Alert(s)		Race	White	DLN State
		Ethnicity	Not of Hispanic Origin	DLN Country
Address	503 Robin Rd	HL		Occupation/Grade
CSZ	OREM, UT	WI		Employer/School
		Eye Color		Employer Address
Home Phone		Hair Color		Employer CSZ
Work Phone		Hair Style		Res County
Cell Address		Hair Length		Res Country
		Facial Hair		Resident Status
		Skin		Nonresident
		Build		
		Teeth		



# Call For Service

CFS Number: 1227113

Date: 01/30/2003

## Call For Service

---

CFS Number	1227113	Complainant	MOULKER, SHAVON
Date	01/30/2003	Address	1815 N 1450 E
Dispatcher	D097 - EYRE, LAFIETA	City, State, Zip	
Call Source		Phone	623-2888
Received	21:51:33	Call type	
Dispatched	21:53:27	Reported Offense	5710 - Criminal Trespass
Arrived		Verified Offense	5320 - Disorderly Conduct
Cleared	22:26:04	Tow Company	
Location	1815 N 1450 E	Vehicle	
City, State, Zip		Vehicle License	
Jurisdiction	01 - District 1	Disposition	5 - Inactive
Grid	09 - Oak Hills	Priority	
Sector		Classification	
Map			
X Coordinate		Agency	P - Provo Police Department
Y Coordinate		Case	200301043

### Officers

P190 - PAYNE, ROBERT

P085 - ROBINSON, MARK

P163 - BUNDERSON, RICH

Notes REQ CASE # 3190 INFO 22:21  
23 RESIDENCE 3190 INFO 22:07  
ARRIVED 385 10-23 22:02  
NCIC NEG ON PLATE, PLATE DOESN'T RETURN ON STATE 385 INFO 22:00  
KIRSTEEN BLOCKEER 385 INFO 21:59  
LKU221 LIVES WITH HIS PARENTS IN OREM ADDRESS 503 ROBIN RD 385 INFO 21:58  
HE KEEPS TRYING TO CALL THOUGH 385 INFO 21:56  
WHITE DODGE STRATUS  
DOT HEADED WEST ON TEMPLE DRIVE BY THE TEMPLE 385 INFO 21:56  
SUS GOT BACK INTO CAR 385 INFO 21:56  
SUS HAS TRIED CALLING THEIR HOUSE 4 TIMES IN THE LAST 5 MIN 385 INFO 21:55  
RP'S SISTER IS IN THE PROCESS OF A DIVORCE WITH THE SUS 385 INFO 21:55  
OFC DEWEY HAS RESPONDED OUT THERE BEFORE 385 INFO 21:54  
UNK WEAPONS, NO ALCOHOL 385 INFO 21:54  
USUALLY DRIVES A WHITE DODGE STRATUS 385 INFO 21:54  
6'3 200 LBS UNK CLOTHING TOO DARK 385 INFO 21:53  
MICHAEL BLOCKEER 385 INFO 21:53  
SISTER'S EX-HUSBAND IS AT THERE HOUSE AND IS HARASSING

Provo City Police Department  
Incident Report 1223566  
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Received 15:58 Dispatched 16:00 Arrived 16:10 Cleared 18:01

---

Date 01-20-03	Dispatcher D089	Jur. 01	Grid 10	Sector	Map
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---

Location 1815 N 1450 E  
Complainant BLOCKER, MICHAEL  
Address  
Phone 801 420-3363

Veh. Lic.  
Tow Company

NCIC Rep. 5801 Family Fights

-Notes/Other Information

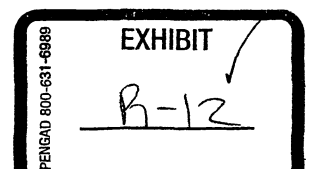
3699373.3113 INFO 17:48  
CHRIS BOYACK 3113 INFO 17:47  
CASE # 3113 INFO 16:23  
CODE 4 3120 INFO 16:16  
CODE 4 HASN'T ARRIVED YET 3113 INFO 16:09  
VERBAL ARGUMENT, ONE HIT, OTHERWISE NOT PHYSICAL, NO ALCOHOL, NO  
WEAPONS, CALMED DOWN NOW, ALL SEPARATED, NO MORE VIOLENCE EXPECTED

Units/Officers

---

P113 3113 DEWEY, RICHARD W.  
P120 3120 KENKEL, CHRISTOPHER T.

NCIC Ver. 5806 Domestic Violence  
Disposition 4 ACTIVE  
AI P  
Case Number 200300673



# Provo Police Department Crime Report

Provo Police Department  
48 S 300 W  
Provo Utah 84601  
801 852-6200

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Case No. 200300673  
Report No. 200300673.1  
Report Date: 1/20/2003

Subject: 5806 - Domestic Violence

Case Report Status	A - Approved
Occurred On (and Between)	1/20/2003 15:55:00
Location	1815 N 1450 E
Census/Geo	
Gnd	10 - Grandview North
Call Source	Phone

Vehicle Actively  
Vehicle Traveling  
@ Cross Street

Means 25 - Between 0600 and 1800 hours  
Other Means  
Motive 11 - Forms of domestic viol not mentioned above  
Other Motives

Date Entered 2/4/2003 20:15:04  
Entered By C170 - BRIGGS, C.  
Date Verified 3/5/2003 7:13:11  
Verified By C008 - FERGUSON, BOBBIE  
Date Approved 3/5/2003 7:13:17  
Approved By C008 - FERGUSON, BOBBIE  
Connecting Cases witness statements  
Disposition Exception  
Clearance Reason B - Prosecution Declined  
Date of Clearance 1/28/2003  
Reporting Agency Provo Police Department  
Division PATROL  
Notified

Reporting Officer  
P113 - DEWEY, RICHARD

Date/Time Submitted  
Assisted By  
P120 - KENKEL, CHRISTOPHER

Report Narrative On 01-20-03 shortly before 1600 hrs., I was dispatched to 1815 N. 1450 E. regarding a domestic disturbance. I responded and met with S1/Neil Peter Morkel, V1/Michael Blocker, W1/Isabel Marie Morkel, and W2/Kirsteen D. Blocker.

## BACKGROUND INFORMATION:

V1/Michael is currently separated from his wife, W2/Kirsteen. They have a very young son in common. That son and W2/Kirsteen live with W2/Kirsteen's parents at 1850 N. 450 E. Her parents are S1/Niel and W1/Isabel.

V1/Michael is allowed visitation and he responds to the Morkel residence to exercise those visitation rights.

## ARGUMENT:

On 01-20-03 when V1/Michael arrived for his visitation of his son he was greeted at the door by W2/Kirsteen and W1/Isabel and advised S1/Michael that he was not to bring his bags into the residence during the visitation. W2/Kirsteen and W1/Isabel were concerned because the day before, V1/Michael had attempted to feed the baby, baby food that he had brought into the house. W2/Kirsteen and W1/Isabel stated that the baby is currently being breast fed by W2/Kirsteen and the baby's stomach cannot yet handle the baby food that V1/Michael was attempting to feed it. They requested that V1/Michael leave his items outside that residence so that they would not have to be concerned about the baby being fed some type of solid baby food by V1/Michael.

V1/Michael felt that it was his right to keep his property with him and an argument ensued. S1/Neil had been down stairs when the argument started and came upstairs.

## ALLEGED ASSAULT:

V1/Michael stated that during the heated argument he, V1/Michael, made a derogatory comment to S1/Niel to which S1/Niel responded by hitting V1/Michael in the left side of his neck. V1/Michael stated that the blow was painful, that he believes he was hit with a closed fist, but the motion by S1/Niel was not like a punch. It was more like a slap.

S1/Niel, W2/Kirsteen Blocker and W1/Isabel all state that there was no assault that took place.

## POLICE ACTION:

After obtaining the verbal statements of every body present, I examined V1/Michael's neck. I was unable to see any type of red mark on his neck. I did obtain written statements from all parties. Once everyone had completed their written statements I advised V1/Michael that he would have to leave for the day, that I did not feel comfortable with him staying in the home after the allegation of assault.

One week later I again met with V1/Michael at the police department. At that time I again reviewed V1/Michael's testimony about how the assault occurred. I again examined V1/Michael's neck and could not observe any visible marks. I asked V1/Michael if his neck had ever bruised. He stated that it had not. At that time V1/Blocker provided me with a doctor's note that showed that he had been to visit his physician the same day the report was made. I obtained a copy of that for this report.

# Provo Police Department Crime Report

Case No. 200300673  
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I advised V1/Michael that I would meet with the City Attorney and find out if charge could be filed. I explained to V1/Michael that I did not believe that charges could be filed in this particular case because of the conflicting stories and no physical evidence.

In meeting with the City Attorney, Rick Romney on 01-28-03, I was advised that the city would not proceed with charges against S1/Niel Morkel in this case due to the lack of physical evidence or corroborating witnesses.

No further leads at this time. Dispo. 5 /jb

## Offense Detail: 1313 - Simple Assault

Offense Description	1313 - Simple Assault	Location	Residence/Home	No. Prem Entered
IBR Code	Simple Assault	Offense Completed?	Yes	Entry Method
IBR Group	A	Hate/Bias	None (No Bias)	Type Security
Crime Against	PE	Hate/Affiliation		Tools Used
Using		Domestic Violence	Yes	
Criminal Activity	N - None/Unknown			
Weapons/Force	40 - Personal Weapons (Hands, Feet, Teeth, etc.)			

## Offense Detail: 5806 - Domestic Violence

Offense Description	5806 - Domestic Violence	Location	Residence/Home	No. Prem Entered
IBR Code	All Other Offenses	Offense Completed?	Yes	Entry Method
IBR Group	B	Hate/Bias	None (No Bias)	Type Security
Crime Against		Hate/Affiliation		Tools Used
Using		Domestic Violence	Yes	
Criminal Activity				
Weapons/Force				

## Suspect S1: Morker, Neil Peter

Suspect Number	S1	DOB	[REDACTED]	Place of Birth	[REDACTED]
Name	Morker, Neil Peter	Age	57	SSN	[REDACTED]
AKA		Sex	Male	DLN	[REDACTED]
Alert(s)		Race	White	DLN State	Utah
Address	1815 N 1450 E	Ethnicity	Not of Hispanic Origin	DLN Country	
CSZ	Provo, UT 84604	HI		Occupation/Grade	
Home Phone	375-6450	WI		Employer/School	
Work Phone	[REDACTED]	Eye Color	[REDACTED]	Employer Address	
Email Address		Hair Color		Employer CSZ	
		Hair Style		Res. Country	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	Resident
		Skin			
		Build			
		Teeth			

Scars/Marks/Tattoos

Suspect MO

Other MO

Attire

Habitual Offender

Status

Suspect Notes

## Victim V1: Blocker, Michael

Victim Code	V1	Victim Of	1313 - Simple Assault
Victim Type	Individual		
Name	Blocker, Michael	DOB	[REDACTED]
AKA		Age	38
Alert(s)		Sex	Male
Address	503 Robin Rd	Race	White
CSZ	Orem, UT 84097	Ethnicity	Not of Hispanic Origin

Place of Birth

SSN

DLN

DLN State

DLN Country

# Provo Police Department Crime Report

Case No. 200300673  
Report No. 200300673.1  
Report Date: 1/20/2003

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Provo Utah 84601  
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Home Phone	420-3363	HI	Occupation/Grade
Work Phone		WI	Employer/School
Email Address		Eye Color	Employer Address
		Hair Color	Employer CSZ
		Facial Hair	Res County
		Skin	Res Country
Allire			Resident Status
Injury	N - None		Testify
Circumstances			Nonresident

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	

## Victim Offender Relationships

Offender	Relationship
S1 - Morker, Neil Peter	AQ - Victim Was Acquaintance

Victim Notes

## Witness W1: Morkel, Isabel Marie

Witness Code	W1	DOB	[REDACTED]	Place of Birth	
Name	Morkel, Isabel Marie	Age	56	SSN	
AKA		Sex	Female	DLN	
Alert(s)		Race	White	DLN State	
Address	1815 N 1450 E	Ethnicity	Not of Hispanic Origin	DLN Country	
CSZ	Provo, UT 84604	HI		Occupation/Grade	
		WI		Employer/School	
Home Phone	375-6950	Eye Color		Employer Address	
Work Phone		Hair Color	[REDACTED]	Employer CSZ	
Email Address		Facial Hair		Res County	
		Skin		Res Country	
Allire				Resident Status	Resident

Witness Notes

## Witness W2: Blocker, Kirsteen D

Witness Code	W2	DOB	[REDACTED]	Place of Birth	
Name	Blocker, Kirsteen D	Age	28	SSN	
AKA		Sex	Female	DLN	
Alert(s)		Race	White	DLN State	
Address	1815 N 1450 E	Ethnicity	Not of Hispanic Origin	DLN Country	
CSZ	Provo, UT 84604	HI		Occupation/Grade	
		WI		Employer/School	
Home Phone	375-6950	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res County	
		Skin		Res Country	
Allire				Resident Status	Resident

Witness Notes

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#

Case # 20050673  
DEPT. USE ONLY

DATE OF INCIDENT 20<sup>th</sup> JAN TIME 4 P.M. LOCATION OF INCIDENT [REDACTED]

FULL NAME ISABEL MARIE MORKE DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS AS ABOVE HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER [REDACTED] WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

MICHAEL BLOCKER MY DAUGHTER'S ESTRANGED  
HUSBAND FORCE FED THE BABY  
YESTERDAY WHICH MADE HIM VOMIT.  
TODAY WHEN HE ARRIVED HE BROUGHT  
MORE FOOD WITH HIM TO FEED THE  
CHILD. MY DAUGHTER ASKED HIM TO  
TAKE IT TO THE CAR AND HE BECAME  
HOSTILE. I CALLED MY HUSBAND  
UP AND HE STOOD THERE. MICHAEL

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1653 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

SIGNATURE [Signature]

20 JAN  
DATE

4 P.M.  
TIME

DATE

TIME



CLAIMED HE HAD BEEN ASSAULTED  
THE OFFICER DEWEY SAID HE  
SAW NO MARK,  
MICHAEL HAS A HISTORY  
OF CONTROLLING ABUSIVE  
BEHAVIOR AND THAT IS  
WHY SHE LEFT HIM  
HE HAS THREATENED BOTH  
HIS WIFE, MY OTHER  
DAUGHTER [REDACTED]  
AND HUSBAND ON OTHER  
OCCASSIONS

THE REASON FOR THIS IS  
TO GAIN OUTSIDE VISITATIONS

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#

Case #

DEPT. USE ONLY

DATE OF INCIDENT 7/20/03 TIME 3:45 LOCATION OF INCIDENT [REDACTED]

FULL NAME KIRSTEEN D. Blocker DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS [REDACTED] HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER [REDACTED] WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

Michael Blocker came to my home on visitation to see  
[REDACTED] I asked him to leave his bag + coat in the  
car he would not do so. my mother came out + spoke to  
him she thought that I thought micah was  
bullying me. I told Michael to leave his bag in the car because  
it contained baby oatmeal, he had brought food previously on a visit  
which made [REDACTED] son ill, + which he had vomitted up.  
[REDACTED] is not taking solids + he did not tell me he was trying  
or attempting to feed [REDACTED]. My father came upstairs as he was  
concerned p.to  
(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1953 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

[Signature]  
SIGNATURE

7/01/79 4:33 pm  
DATE TIME

DATE

TIME

that a problem was going on. An argument took place over Michael insisting he demanded to feed [REDACTED] + bring food. When I told Michael [REDACTED] was not ready to eat the cereal + fruit mix he had attempted to feed him the other day. He insisted that he could feed him + would not put his bag would not \* Michael accused my father of striking him on the neck.

(actio)

\* leave his bags in the car. The other day he had snuck the food in here without breastmilk as is introduced typically introduced.

I was present during the whole argument. No one struck him.

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#  
Case # 200300673  
DEPT. USE ONLY

DATE OF INCIDENT 1-20-03 TIME 1555 LOCATION OF INCIDENT [REDACTED]

FULL NAME NEIL PETER MORKE DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS [REDACTED] HOME PHONE # [REDACTED]  
(STREET # APT. # CITY, STATE, ZIP)

EMPLOYER SELF WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

THERE WAS A DISCUSSION GOING ON  
IN THE UPPER PART OF MY HOME  
MY WIFE CALLED ME UP STAIRS. I OBSERVED  
THE WHAT WAS BEING DISCUSSED. NO  
ASSULT ON MR MICHAEL TOOK PLACE.  
BLOCKER.

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE. Pursuant to Section 76-8-504.5 Utah Code annotated, 1653 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

SIGNATURE

[Signature] APB

DATE

01/20/2003

TIME

11/20/2003

1630

PROVO POLICE DEPARTMENT  
STATEMENT FORM

ID#

Case # 200300673

DEPT. USE ONLY

DATE OF INCIDENT 1-20-03 TIME 3:55 LOCATION OF INCIDENT [REDACTED]

FULL NAME Michael Blocher DATE OF BIRTH [REDACTED]  
(PLEASE PRINT)

HOME ADDRESS [REDACTED] HOME PHONE # [REDACTED]  
(STREET # APT # CITY, STATE, ZIP)

EMPLOYER Self Employed WORK PHONE # [REDACTED]

EMPLOYER ADDRESS [REDACTED]  
(STREET # CITY, STATE, ZIP)

IN DETAIL, DESCRIBE WHAT OCCURRED:

I came to visit my son [REDACTED], Kirsteen and her Mom were  
upset with me for giving [REDACTED] baby Food yesterday.  
they wanted me to leave my things outside, I said no. They called  
Neil in an argument ensued, and Neil struck me on the left  
back side of the neck. Things calmed down some and a few minutes  
later I called the police to make a report.  
Neil said that he did not touch me.  
This happened in front of [REDACTED] my son, Kirsteen and her mother.

(MORE LINES ON BACK)

THIS STATEMENT IS GIVEN WILLINGLY AND ACCURATELY TO THE BEST OF MY KNOWLEDGE. NO PROMISES, THREATS OR COERCION OF ANY KIND HAVE BEEN MADE TO ME BY ANY PROVO CITY POLICE OFFICER.

NOTICE: Pursuant to Section 76-8-504.5 Utah Code annotated, 1653 as amended, you are notified that statements you are about to make may be presented to a magistrate or judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a Class A Misdemeanor.

Michael Blocher  
SIGNATURE

1-20-03  
DATE

4:35 pm  
TIME

Tab 7

## **Text of Constitutional Provisions, Statutes, and Rules**

### **Utah Code Ann. § 76-5-106.5. Stalking -- Definitions -- Injunction -- Penalties.**

(1) As used in this section:

(a) "Conviction" means:

- (i) a verdict or conviction;
- (ii) a plea of guilty or guilty and mentally ill;
- (iii) a plea of no contest; or
- (iv) the acceptance by the court of a plea in abeyance.

(b) "Course of conduct" means two or more acts directed at or toward a specific person, including:

(i) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or about a person, or interferes with a person's property:

(A) directly, indirectly, or through any third party; and

(B) by any action, method, device, or means; or

(ii) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:

(A) approaches or confronts a person;

(B) appears at the person's workplace or contacts the person's employer or coworkers;

(C) appears at a person's residence or contacts a person's neighbors, or enters property owned, leased, or occupied by a person;

(D) sends material by any means to the person or for the purpose of obtaining or disseminating information about or communicating with the person to a member of the person's family or household, employer, coworker, friend, or associate of the person;

(E) places an object on or delivers an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person; or

(F) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that is a part of the course of conduct.

(c) "Immediate family" means a spouse, parent, child, sibling, or any other person who regularly resides in the household or who regularly resided in the household within the prior six months.

(d) "Emotional distress" means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required.

(e) "Reasonable person" means a reasonable person in the victim's circumstances.

(f) "Stalking" means an offense as described in Subsection (2) or (3).

(g) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

(2) A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of

conduct would cause a reasonable person:

- (a) to fear for the person's own safety or the safety of a third person; or
- (b) to suffer other emotional distress.
- (3) A person is guilty of stalking who intentionally or knowingly violates:
  - (a) a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions; or
  - (b) a permanent criminal stalking injunction issued pursuant to this section.
- (4) In any prosecution under this section, it is not a defense that the actor:
  - (a) was not given actual notice that the course of conduct was unwanted; or
  - (b) did not intend to cause the victim fear or other emotional distress.
- (5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more of the acts that is part of the course of conduct was initiated or caused an effect on the victim.
- (6) Stalking is a class A misdemeanor:
  - (a) upon the offender's first violation of Subsection (2); or
  - (b) if the offender violated a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions.
- (7) Stalking is a third degree felony if the offender:
  - (a) has been previously convicted of an offense of stalking;
  - (b) has been previously convicted in another jurisdiction of an offense that is substantially similar to the offense of stalking;
  - (c) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction which if committed in Utah would be a felony, in which the victim of the stalking offense or a member of the victim's immediate family was also a victim of the previous felony offense;
  - (d) violated a permanent criminal stalking injunction issued pursuant to Subsection (9); or
  - (e) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7-102, of the victim.
- (8) Stalking is a second degree felony if the offender:
  - (a) used a dangerous weapon as defined in Section 76-1-601 or used other means or force likely to produce death or serious bodily injury, in the commission of the crime of stalking;
  - (b) has been previously convicted two or more times of the offense of stalking;
  - (c) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are substantially similar to the offense of stalking;
  - (d) has been convicted two or more times, in any combination, of offenses under Subsection (7)(a), (b), or (c);
  - (e) has been previously convicted two or more times of felony offenses in Utah or of crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of the stalking was also a victim of the previous felony offenses; or
  - (f) has been previously convicted of an offense under Subsection (7)(d), (e), or (f).
- (9) (a) A conviction for stalking or a plea accepted by the court and held in abeyance for a period of time serves as an application for a permanent criminal stalking injunction



limiting the contact between the defendant and the victim.

(b) A permanent criminal stalking injunction shall be issued by the court without a hearing unless the defendant requests a hearing at the time of the conviction. The court shall give the defendant notice of the right to request a hearing.

(c) If the defendant requests a hearing under Subsection (9)(b), it shall be held at the time of the conviction unless the victim requests otherwise, or for good cause.

(d) If the conviction was entered in a justice court, a certified copy of the judgment and conviction or a certified copy of the court's order holding the plea in abeyance must be filed by the victim in the district court as an application and request for a hearing for a permanent criminal stalking injunction.

(10) A permanent criminal stalking injunction may grant the following relief:

(a) an order:

(i) restraining the defendant from entering the residence, property, school, or place of employment of the victim; and

(ii) requiring the defendant to stay away from the victim and members of the victim's immediate family or household and to stay away from any specified place that is named in the order and is frequented regularly by the victim; and

(b) an order restraining the defendant from making contact with or regarding the victim, including an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm to the victim, including personal, written, or telephone contact with or regarding the victim, with the victim's employers, employees, coworkers, friends, associates, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(11) A permanent criminal stalking injunction may be dissolved or dismissed only upon application of the victim to the court which granted the injunction.

(12) Notice of permanent criminal stalking injunctions issued pursuant to this section shall be sent by the court to the statewide warrants network or similar system.

(13) A permanent criminal stalking injunction issued pursuant to this section has effect statewide.

(14) (a) Violation of an injunction issued pursuant to this section constitutes a third degree felony offense of stalking under Subsection (7).

(b) Violations may be enforced in a civil action initiated by the stalking victim, a criminal action initiated by a prosecuting attorney, or both.

(15) This section does not preclude the filing of a criminal information for stalking based on the same act which is the basis for the violation of the stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions, or a permanent criminal stalking injunction.

**Utah Code Ann. § 77-3a-101. Civil stalking injunction -- Petition -- Ex parte injunction.**

(1) As used in this chapter, "stalking" means the crime of stalking as defined in Section 76-5-106.5. Stalking injunctions may not be obtained against law enforcement officers, governmental investigators, or licensed private investigators, acting in their official capacity.

(2) Any person who believes that he or she is the victim of stalking may file a verified written petition for a civil stalking injunction against the alleged stalker with the district court in the district in which the petitioner or respondent resides or in which any of the events occurred. A minor with his or her parent or guardian may file a petition on his or her own behalf, or a parent, guardian, or custodian may file a petition on the minor's behalf.

(3) The Administrative Office of the Courts shall develop and adopt uniform forms for petitions, ex parte civil stalking injunctions, civil stalking injunctions, service and any other necessary forms in accordance with the provisions of this chapter on or before July 1, 2001. The office shall provide the forms to the clerk of each district court.

(a) All petitions, injunctions, ex parte injunctions, and any other necessary forms shall be issued in the form adopted by the Administrative Office of the Courts.

(b) The offices of the court clerk shall provide the forms to persons seeking to proceed under this chapter.

(4) The petition for a civil stalking injunction shall include:

(a) the name of the petitioner; however, the petitioner's address shall be disclosed to the court for purposes of service, but, on request of the petitioner, the address may not be listed on the petition, and shall be protected and maintained in a separate document or automated database, not subject to release, disclosure, or any form of public access except as ordered by the court for good cause shown;

(b) the name and address, if known, of the respondent;

(c) specific events and dates of the actions constituting the alleged stalking;

(d) if there is a prior court order concerning the same conduct, the name of the court in which the order was rendered; and

(e) corroborating evidence of stalking, which may be in the form of a police report, affidavit, record, statement, item, letter, or any other evidence which tends to prove the allegation of stalking.

(5) If the court determines that there is reason to believe that an offense of stalking has occurred, an ex parte civil stalking injunction may be issued by the court that includes any of the following:

(a) respondent may be enjoined from committing stalking;

(b) respondent may be restrained from coming near the residence, place of employment, or school of the other party or specifically designated locations or persons;

(c) respondent may be restrained from contacting, directly or indirectly, the other party, including personal, written or telephone contact with the other party, the other party's employers, employees, fellow workers or others with whom communication would be

likely to cause annoyance or alarm to the other party; or

(d) any other relief necessary or convenient for the protection of the petitioner and other specifically designated persons under the circumstances.

(6) Within ten days of service of the ex parte civil stalking injunction, the respondent is entitled to request, in writing, an evidentiary hearing on the civil stalking injunction.

(a) A hearing requested by the respondent shall be held within ten days from the date the request is filed with the court unless the court finds compelling reasons to continue the hearing. The hearing shall then be held at the earliest possible time. The burden is on the petitioner to show by a preponderance of the evidence that stalking of the petitioner by the respondent has occurred.

(b) An ex parte civil stalking injunction issued under this section shall state on its face:

(i) that the respondent is entitled to a hearing, upon written request within ten days of the service of the order;

(ii) the name and address of the district court where the request may be filed;

(iii) that if the respondent fails to request a hearing within ten days of service, the ex parte civil stalking injunction is automatically modified to a civil stalking injunction without further notice to the respondent and that the civil stalking injunction expires three years after service of the ex parte civil stalking injunction; and

(iv) that if the respondent requests, in writing, a hearing after the ten-day period after service, the court shall set a hearing within a reasonable time from the date requested.

(7) At the hearing, the court may modify, revoke, or continue the injunction. The burden is on the petitioner to show by a preponderance of the evidence that stalking of the petitioner by the respondent has occurred.

(8) The ex parte civil stalking injunction and civil stalking injunction shall include the following statement: "Attention. This is an official court order. If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order."

(9) The ex parte civil stalking injunction shall be served on the respondent within 90 days from the date it is signed. An ex parte civil stalking injunction is effective upon service. If no hearing is requested in writing by the respondent within ten days of service of the ex parte civil stalking injunction, the ex parte civil stalking injunction automatically becomes a civil stalking injunction without further notice to the respondent and expires three years from the date of service of the ex parte civil stalking injunction.

(10) If the respondent requests a hearing after the ten-day period after service, the court shall set a hearing within a reasonable time from the date requested. At the hearing, the burden is on the respondent to show good cause why the civil stalking injunction should be dissolved or modified.

(11) Within 24 hours after the affidavit or acceptance of service has been returned, excluding weekends and holidays, the clerk of the court from which the ex parte civil stalking injunction was issued shall enter a copy of the ex parte civil stalking injunction and proof of service or acceptance of service in the statewide network for warrants or a similar system.

(a) The effectiveness of an ex parte civil stalking injunction or civil stalking injunction

shall not depend upon its entry in the statewide system and, for enforcement purposes, a certified copy of an ex parte civil stalking injunction or civil stalking injunction is presumed to be a valid existing order of the court for a period of three years from the date of service of the ex parte civil stalking injunction on the respondent.

(b) Any changes or modifications of the ex parte civil stalking injunction are effective upon service on the respondent. The original ex parte civil stalking injunction continues in effect until service of the changed or modified civil stalking injunction on the respondent.

(12) Within 24 hours after the affidavit or acceptance of service has been returned, excluding weekends and holidays, the clerk of the court shall enter a copy of the changed or modified civil stalking injunction and proof of service or acceptance of service in the statewide network for warrants or a similar system.

(13) The ex parte civil stalking injunction or civil stalking injunction may be dissolved at any time upon application of the petitioner to the court which granted it.

(14) The court clerk shall provide, without charge, to the petitioner one certified copy of the injunction issued by the court and one certified copy of the proof of service of the injunction on the respondent. Charges may be imposed by the clerk's office for any additional copies, certified or not certified in accordance with Rule 4-202.08 of the Code of Judicial Administration.

(15) The remedies provided in this chapter for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The district court shall hear and decide all matters arising pursuant to this section.

(16) After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees.

(17) This chapter does not apply to protective orders or ex parte protective orders issued pursuant to Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act, or to preliminary injunctions issued pursuant to an action for dissolution of marriage or legal separation.

**Utah Code Ann. § 78A-4-103. Court of Appeals jurisdiction.**

- (1) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:
  - (a) to carry into effect its judgments, orders, and decrees; or
  - (b) in aid of its jurisdiction.
- (2) The Court of Appeals has appellate jurisdiction, including jurisdiction of interlocutory appeals, over:
  - (a) the final orders and decrees resulting from formal adjudicative proceedings of state agencies or appeals from the district court review of informal adjudicative proceedings of the agencies, except the Public Service Commission, State Tax Commission, School and Institutional Trust Lands Board of Trustees, Division of Forestry, Fire and State Lands actions reviewed by the executive director of the Department of Natural Resources, Board of Oil, Gas, and Mining, and the state engineer;
  - (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 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.
- (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.
- (4) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its review of agency adjudicative proceedings.

## **Utah Rule of Civil Procedure 15. Amended and supplemental pleadings.**

(a) Amendments. A party may amend his pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, he may so amend it at any time within 20 days after it is served. Otherwise a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

(b) Amendments to conform to the evidence. When issues not raised by the pleading are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits. The court shall grant a continuance, if necessary, to enable the objecting party to meet such evidence.

(c) Relation back of amendments. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.

(d) Supplemental pleadings. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the pleading sought to be supplemented. Permission may be granted even though the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead to the supplemental pleading, it shall so order, specifying the time therefore.

## **Rule 52. Findings by the court.**

(a) Effect. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon, and judgment shall be entered pursuant to Rule 58A; in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of the evidence or appear in an opinion or memorandum of decision filed by the court. The trial court need not enter findings of fact and conclusions of law in rulings on motions, except as provided in Rule 41(b). The court shall, however, issue a brief written statement of the ground for its decision on all motions granted under Rules 12(b), 50(a) and (b), 56, and 59 when the motion is based on more than one ground.

(b) Amendment. Upon motion of a party made not later than 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised whether or not the party raising the question has made in the district court an objection to such findings or has made either a motion to amend them, a motion for judgment, or a motion for a new trial.

(c) Waiver of findings of fact and conclusions of law. Except in actions for divorce, findings of fact and conclusions of law may be waived by the parties to an issue of fact:

(c)(1) by default or by failing to appear at the trial;

(c)(2) by consent in writing, filed in the cause;

(c)(3) by oral consent in open court, entered in the minutes.

**Utah Rule of Appellate Procedure 33. Damages for delay or frivolous appeal; recovery of attorney's fees.**

(a) Damages for delay or frivolous appeal. Except in a first appeal of right in a criminal case, if the court determines that a motion made or appeal taken under these rules is either frivolous or for delay, it shall award just damages, which may include single or double costs, as defined in Rule 34, and/or reasonable attorney fees, to the prevailing party. The court may order that the damages be paid by the party or by the party's attorney.

(b) Definitions. For the purposes of these rules, a frivolous appeal, motion, brief, or other paper is one that is not grounded in fact, not warranted by existing law, or not based on a good faith argument to extend, modify, or reverse existing law. An appeal, motion, brief, or other paper interposed for the purpose of delay is one interposed for any improper purpose such as to harass, cause needless increase in the cost of litigation, or gain time that will benefit only the party filing the appeal, motion, brief, or other paper.

(c) Procedures.

(1) The court may award damages upon request of any party or upon its own motion. A party may request damages under this rule only as part of the appellee's motion for summary disposition under Rule 10, as part of the appellee's brief, or as part of a party's response to a motion or other paper.

(2) If the award of damages is upon the motion of the court, the court shall issue to the party or the party's attorney or both an order to show cause why such damages should not be awarded. The order to show cause shall set forth the allegations which form the basis of the damages and permit at least ten days in which to respond unless otherwise ordered for good cause shown. The order to show cause may be part of the notice of oral argument.

(3) If requested by a party against whom damages may be awarded, the court shall grant a hearing.



### **Utah Rule of Appellate Procedure 34. Award of costs.**

(a) To whom allowed. Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant unless otherwise agreed by the parties or ordered by the court; if a judgment or order is affirmed, costs shall be taxed against appellant unless otherwise ordered; if a judgment or order is reversed, costs shall be taxed against the appellee unless otherwise ordered; if a judgment or order is affirmed or reversed in part, or is vacated, costs shall be allowed as ordered by the court. Costs shall not be allowed or taxed in a criminal case.

(b) Costs for and against the state of Utah. In cases involving the state of Utah or an agency or officer thereof, an award of costs for or against the state shall be at the discretion of the court unless specifically required or prohibited by law.

(c) Costs of briefs and attachments, record, bonds and other expenses on appeal. The following may be taxed as costs in favor of the prevailing party in the appeal: the actual costs of a printed or typewritten brief or memoranda and attachments not to exceed \$3.00 for each page; actual costs incurred in the preparation and transmission of the record, including costs of the reporter's transcript unless otherwise ordered by the court; premiums paid for supersedeas or cost bonds to preserve rights pending appeal; and the fees for filing and docketing the appeal.

(d) Bill of costs taxed after remittitur. A party claiming costs shall, within 15 days after the remittitur is filed with the clerk of the trial court, serve upon the adverse party and file with the clerk of the trial court an itemized and verified bill of costs. The adverse party may, within 5 days of service of the bill of costs, serve and file a notice of objection, together with a motion to have the costs taxed by the trial court. If there is no objection to the cost bill within the allotted time, the clerk of the trial court shall tax the costs as filed and enter judgment for the party entitled thereto, which judgment shall be entered in the judgment docket with the same force and effect as in the case of other judgments of record. If the cost bill of the prevailing party is timely opposed, the clerk, upon reasonable notice and hearing, shall tax the costs and enter a final determination and judgment which shall thereupon be entered in the judgment docket with the same force and effect as in the case of other judgments of record. The determination of the clerk shall be reviewable by the trial court upon the request of either party made within 5 days of the entry of the judgment.

(e) Costs in other proceedings and agency appeals. In all other matters before the court, including appeals from an agency, costs may be allowed as in cases on appeal from a trial court. Within 15 days after the expiration of the time in which a petition for rehearing may be filed or within 15 days after an order denying such a petition, the party to whom costs have been awarded may file with the clerk of the appellate court and serve upon the adverse party an itemized and verified bill of costs. The adverse party may, within 5 days after the service of the bill of costs file a notice of objection and a motion to have the costs taxed by the clerk. If no objection to the cost bill is filed within the allotted time, the

clerk shall thereupon tax the costs and enter judgment against the adverse party. If the adverse party timely objects to the cost bill, the clerk, upon reasonable notice and hearing, shall determine and settle the costs, tax the same, and a judgment shall be entered thereon against the adverse party. The determination by the clerk shall be reviewable by the court upon the request of either party made within 5 days of the entry of judgment; unless otherwise ordered, oral argument shall not be permitted. A judgment under this section may be filed with the clerk of any district court in the state, who shall docket a certified copy of the same in the manner and with the same force and effect as judgments of the district court.