

2008

Valerie J. Connell v. Harold G. Connell : Brief of Appellee

Utah Court of Appeals

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Harold G. Connell; pro se .

Recommended Citation

Brief of Appellee, *Connell v. Connell*, No. 20080619 (Utah Court of Appeals, 2008).

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IN THE UTAH COURT OF APPEALS

VALERIE J. CONNELL,

Brief of Appellee

Petitioner/Appellant,

Harold G. Connell

v.

Appellate Case No. 20080619-CA

HAROLD G. CONNELL,

Respondent/Appealtee,

District Court Case No. 024400765

Appeal from the Fourth Judicial District Court, Utah County, Utah

The Honorable Claudia Laycock, District Court Judge

Clark R. Nielsen

Harold G. Connell

Kathryn J. Steffey

1537 Nuttall Dr.

Smith Hartvigsen, PLLC

Lehi, Ut. 84043

Attornies for Petitioner/Appellant

Valerie J. Connell

FILED
UTAH APPELLATE COURTS
OCT 13 2009

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STATEMENT OF GROUNDS FOR SEEKING REVIEW OF ISSUE NOT PRESERVED IN TRIAL COURT

A certain number of crimes (perjury, bribery, obstruction of justice, witness tampering, and subornation of perjury included) constitute crimes against the judicial system. These crimes directly attack the system of justice at its roots by obstructing the process by which justice is carried through. For this reason, all are crimes of precedence. All of these crimes run the danger, if not properly dealt with, of setting a precedent of great damage to the judicial system itself. It is here we find the truth behind the argument that if a person is allowed to commit perjury without receiving punishment, such a precedent will be established in which perjury may no longer hold ground as a crime in court. Such a precedent would obviously be catastrophic to a system which relies on truthful testimony.

Constitutional Provisions

The 6 Amendment to the Constitution of the United States of America states:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

How can the 6th Amendment to the Constitution be upheld if the jury or the courts in this case have been manipulated by Valerie J. Connell’s perjured testimony. If Valerie J. Connell had indeed testified the truth to the court this case not having ended May 7th 2002.

Both the Federal and State government have enacted laws to protect all parties from these those who would commit perjury. The state of Utah takes perjury so seriously that it classifies perjury as a second degree felony, it is punishable by up to 15 years in prison and up to a \$ 10,000.00 fine.

STATEMENT OF FACTS

1) Valerie J. Connell is guilty of many counts of perjury in her opening Notarized and signed affidavit court dated May 6th 2002 Supplemental Affidavit in the Support Order to Show Cause (Exhibit 1)

a. (Exhibit 1, page 2, Section 3, 2nd line) "After accepting the position, Respondent refused to get a second job and claimed that I was my responsibility to make up the difference through obtaining a part-time job or through selling Cintas stock, which had been given to me by my uncle."

i. The decision to leave Novell was a joint decision that was made after careful consideration of the stability of Novell due to the ever increasing number of layoffs and the number of hours that I was working kept increasing. The decision to leave employment with Novell and go to work for the CPB hinged on four things, the CPB was stable, had never had a layoff, had retirement and a family friendly environment.

ii. The decision to sell the Cintas stock was her choice, and was made when the stock reached a very high level. It was sold, and Harold Connell did not ever touch the proceeds from the sale. Nor direct the spending of the funds. This will be proven true after this life is over.

2) (Exhibit 1, page 2, Section 4, line 7) “Respondent did not live with the family during the final two months of the year, and I did not have access to his income during those two months”

- i. There were at that time 3 UCCU accounts all tied together Valerie removed herself from the 517393 account on December 6th 2001 (see Exhibit 2) She had access to that account till December 6th.
- ii. Valerie had access to UCCU account 1066234 till March 4th 2002 which had a credit card with a \$5,000.00 limit and was tied to the initial account(see Exhibit 3).
- iii. Valerie Still has access to the third account there it was the business account. Valerie never removed her name from the account.
- iv. If Harold Connell had her to remove her name from the account as stated in the trial he would have had her remove her name from all of them at the same time. Valerie trying to make Harold look bad did this of her own accord and falsely stated that she did not have access to his income during those two months.
- v. Harold did stay at the house for a period of time in Late November due to his truck braking down (Exhibit 1, page6, line10) “I allowed

him to stay at the house (in the family room in the basement) on several occasions”

3) (Exhibit 1, page 2 and 3, Section 5) Deals with the tax refund Valerie claims the only reason that we filed together was for me wanting to avoid the tax liability from the sale of the Cintas stock.

a. We looked at the taxes and determined we could get the best refund from filing jointly so we did it was a joint decision and we did indeed split the tax refund as we did for 2002. The refund was split without the court order and it was so that both parties could be partakers in the refund even know Valerie did not work in 2002. 2003 tax return was a different story Valerie started working and claimed all of the exemptions. This then prompted the courts to inhibit us from filing taxes in 2004 till the courts determined the exemptions.

4) (Exhibit 1, page 5, Section 12, lines 1-5) There was only one incident that took place by Harold not multiple events. There was no “mutual masturbation” there was no fondling. Forgive me for subjecting you to this.

a. Valerie was away on a training trip, her daughter Heather, she was 4 at the time, and I where alone in our home and I went to put her to bed. Heather stated that she was scared and asked if she could sleep in my bed with me. This was not an unusual request; Heather often was scared and would ask

or just crawl into bed between me and Valerie. So I said sure. During the night after I had fallen asleep I thought I was dreaming or that Valerie was in bed with me. Someone was masturbating me, it wasn't till my testicles where squeezed a little hard that I realized I wasn't dreaming and that Valerie was on her trip. I grabbed Heather's hand, stopped her from continuing, squeezed her hand hard, told her she was never to do that again and she was never allowed into my bed again. I made her go out of my room and go back to her room. Valerie admitted to Harold about 4 to 5 years after that incident that a few months before Valerie and I had started to date. That Valerie had been investigated by Virginia's child protective services for sexually abusing Heather. Then it made sense how a 4 year old girl knew how to do what Heather did to Harold.

- b. Heather frequently wet the bed so Valerie told me that I was to take to the restroom before I retired for the night this I had been doing prior to this incident. After Valerie got back into town I told her of the incident and that I didn't want to take her to the restroom anymore. Valerie said something to the effect of "you are a father now and this is your responsibility to do this, be a man do it".
- c. There was an incident that took place some years later that I was involved with, even know it was a serious heinous offense, Heather was unaware

that it even took place till Valerie had informed her of it after October of 2001.

5) (Exhibit 1, page 6, section 12, line 8) "Respondent has not had unsupervised visitation since being asked to leave the home." See Exhibits 4-7

a. Is a blatant perjured statement, Valerie herself in the Protective hearing case number 064401019 at the record point 1:03, (I'm sorry I can't afford to have that proceeding converted into a certified document) when Harold brought up before the courts that Valerie had indeed allowed him to take the children to the movie Monsters Inc. and to other outings Valerie admitted to this fact by stating "well that was prior to the supervised visitation".

i. In fact Valerie through her actions has proven that there is no concern with the other children in this matter.

1. Valerie has allowed an unsupervised campout in the living room with the children, this within a month's time after she had been made aware of Harold's offense.
2. Valerie let Harold put the children to bed and stay in the bedroom of the second to youngest girl and hold her hand till she fell asleep unsupervised.

3. Valerie let Harold watch movies with the children
unattended in the basement of the home.
4. Valerie allowed Harold to take the second to youngest girl
unsupervised to Costco (from about 1600 north in Orem to
8th south in Orem) to purchase milk for the family in
December of 2001.
5. Valerie allowed Harold to take all of the children to Monsters
Inc in January of 2002.
6. After the Supervised visitation was in place Valerie let Harold
take Meaghan, Spencer, Cameron and Cassidy to the Home
Depot and Lowes in Orem.
7. Valerie was Harold's first supervisor and she would leave him
alone for hours while he played with the children.
8. Valerie had Spencer and Cameron come out unsupervised
and work with me under the RV while I worked on the
transmission.
9. When Spencer had an activity Valerie left Harold and
Meaghan and Cameron at the home alone for a period of
time while she took Spencer to his activity

SUMMARY OF ARGUMENT

Had Valerie J. Connell not perjured her May 6th 2002 Supplemental Affidavit in the Support Order to Show Cause, the entire proceeding would have been over May 7th 2002. Harold Connell would have Joint Custody and would have standard visitation under Utah Code Title 30, Chapter 3, Section 35. The District Court's ruling should be overturned.

ARGUMENT

Here again a certain number of crimes (perjury, bribery, obstruction of justice, witness tampering, and subornation of perjury included) constitute crimes against the judicial system. These crimes directly attack the system of justice at its roots by obstructing the process by which justice is carried through. For this reason, all are crimes of precedence. All of these crimes run the danger, if not properly dealt with, of setting a precedent of great damage to the judicial system itself. It is here we find the truth behind the argument that if a person is allowed to commit perjury without receiving punishment, such a precedent will be established in which perjury may no longer hold ground as a crime in court. Such a precedent would obviously be catastrophic to a system which relies on truthful testimony. Valerie J. Connell needs to be held accountable for her perjured testimony.

CONCLUTION

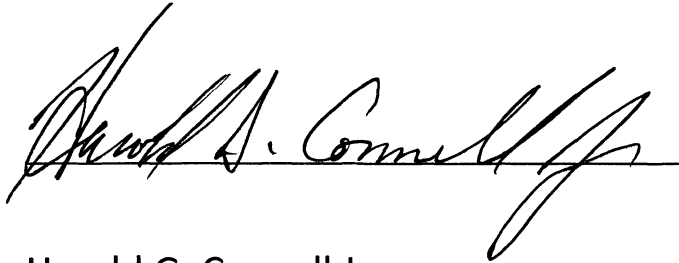
You now have the opportunity to enforce the Utah law concerning perjury and to send a message to others like Valerie J. Connell.

Perjury is a crime and as such, is grounds for overturning all of the District Court's ruling. Because of the hardships caused by this Valerie J. Connell should be fined and have the fine deemed Maintenance and Support of \$450,000.00. I leave to the courts to adjust this figure as they deem fit. I only ask that you take into consideration what your relationship with your children is worth, what Seven plus years of your life is worth, what your financial reputation is worth and your personal belongings and adjust it accordingly.

I also ask for sole custody of the children or at least joint custody, starting immediately and unsupervised. Please note (Exhibit 8 page 3 of 11 line 27 letter and Recommendation from Clinical Psychologist CY Roby PHD) On September 21, 2004 Dr. CY Roby recommended to the District Court's that Harold be allowed unsupervised visitation.

Thank you.

Dated this 13th day of October, 2009

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read "Harold G. Connell Jr.".

Harold G. Connell Jr.

CERTIFICATE OF SERVICE

I do hereby certify that on this 13th day of October, 2009, I caused to be served, via first-class U.S. mail, postage prepaid, a true and correct copy of Brief of Appellee Harold G. Connell Jr.. Addressed as follows:

Clark R. Nielsen

Kathryn J. Steffey

Smith Hartvigsen, PLLC

215 South State Street, Suit 600

Salt Lake City, Ut. 84111

A handwritten signature in black ink, reading "Harold G. Connell Jr.", is written over a horizontal line.

Utah Code

Title 30 Husband and Wife

Chapter 3 Divorce

Section 35 Minimum schedule for parent-time for children 5 to 18 years of age.

30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.

(1) The parent-time schedule in this section applies to children 5 to 18 years of age.

(2) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.

(a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;

(B) at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m., unless the court directs the application of Subsection (2)(a)(i); or

(C) at the election of the noncustodial parent, if school is not in session, one weekday from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m. if the noncustodial parent is available to be with the child, unless the court directs the application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).

(ii) Once the election of the weekday for the weekday evening parent-time is made, it may not be changed except by mutual written agreement or court order.

(b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;

(B) at the election of the noncustodial parent, from the time the child's school is regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of Subsection (2)(b)(i)(A); or

(C) at the election of the noncustodial parent, if school is not in session, on Friday from approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on Sunday, if the noncustodial parent is available to be with the child unless the court directs the application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).

(ii) A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

(iii) Elections should be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

(iv) Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.

(c) Holidays include any "snow" days, teacher development days, or other days when school is not scheduled, contiguous to the holiday period, and take precedence over the weekend parent-time. Changes may not be made to the regular rotation of the alternating weekend parent-time schedule; however, birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day; birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.

(d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.

(e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday period extends beyond that time so that the child is free from school and the parent is free from work, the noncustodial parent shall be entitled to this lengthier holiday period.

(ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend; or

(B) at the election of the noncustodial parent, if school is not in session, parent-time over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child unless the court directs the application of Subsection (2)(e)(ii)(A).

(iii) A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

(iv) Elections should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

(f) In years ending in an odd number, the noncustodial parent is entitled to the following holidays:

(i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for the birthday;

(ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iii) spring break beginning at 6 p.m. on the day school lets out for the holiday until 7 p.m. on the Sunday before school resumes;

(iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

(v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(vi) the fall school break, if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(vii) Veteran's Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday;
and

(viii) the first portion of the Christmas school vacation as defined in Subsection 30-3-32(3)(b) including Christmas Eve and Christmas Day until 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire holiday is equally divided.

(g) In years ending in an even number, the noncustodial parent is entitled to the following holidays:

(i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.; at the discretion of the noncustodial parent, he may take other siblings along for the birthday;

(ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

(v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday;

(vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the local community

from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

(vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

(viii) the second portion of the Christmas school vacation as defined in Subsection **30-3-32**(3)(b), beginning 1 p.m. on the day halfway through the holiday, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday is equally divided.

(h) The custodial parent is entitled to the odd year holidays in even years and the even year holidays in odd years.

(i) Father's Day shall be spent with the natural or adoptive father every year beginning at 9 a.m. until 7 p.m. on the holiday.

(j) Mother's Day shall be spent with the natural or adoptive mother every year beginning at 9 a.m. until 7 p.m. on the holiday.

(k) Extended parent-time with the noncustodial parent may be:

(i) up to four weeks consecutive at the option of the noncustodial parent, including weekends normally exercised by the noncustodial parent, but not holidays;

(ii) two weeks shall be uninterrupted time for the noncustodial parent; and

(iii) the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent.

(l) The custodial parent shall have an identical two-week period of uninterrupted time during the children's summer vacation from school for purposes of vacation.

(m) Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days in advance to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

(n) Telephone contact shall be at reasonable hours and for a reasonable duration.

(o) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

- (i) the best interests of the child;
- (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- (iii) any other factors the court considers material.

(3) Any elections required to be made in accordance with this section by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order.

(4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended beyond the hours designated in Subsection (2)(g)(vi).

Felonies

A felony is a major crime which can be punished with imprisonment and/or a fine. There are four categories of felonies.

- **Capital Offense:** Aggravated murder.
- **First Degree:** Murder, rape, child kidnapping, aggravated burglary, aggravated robbery or arson, and possession with intent to distribute controlled substances near a school.
- **Second Degree:** Manslaughter, robbery, residential burglary, kidnapping, perjury, auto theft, forgery of checks \$5,000 or more, theft of property \$5,000 or more, forcible sexual abuse, and intentional child abuse.
- **Third Degree:** Burglary of non-dwelling, theft more than \$1,000 but less than \$5,000, aggravated assault, forgery of checks more than \$1,000 but under \$5,000, third DUI in 10 years, joyriding (for more than 24 hours), possession with intent to distribute marijuana, and possession of other controlled substances, and false or forged prescriptions.

Degree	Possible Prison Term	Possible Fine
Capital	Life in prison, life in prison without parole, or death	
First Degree	Five years to life in prison	Up to \$10,000
Second Degree	One to 15 years in prison	Up to \$10,000
Third Degree	Zero to five years in prison	Up to \$5,000

Utah Code

Title 76 Utah Criminal Code

Chapter 3 Punishments

Section 203 Felony conviction -- Indeterminate term of imprisonment.

76-3-203. Felony conviction -- Indeterminate term of imprisonment.

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

(1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.

(2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.

(3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

Amended by Chapter 148, 2003 General Session

Utah Code

Title 76 Utah Criminal Code

Chapter 3 Punishments

Section 301 Fines of persons.

76-3-301. Fines of persons.

(1) A person convicted of an offense may be sentenced to pay a fine, not exceeding:

(a) \$10,000 for a felony conviction of the first degree or second degree;

(b) \$5,000 for a felony conviction of the third degree;

(c) \$2,500 for a class A misdemeanor conviction;

(d) \$1,000 for a class B misdemeanor conviction;

(e) \$750 for a class C misdemeanor conviction or infraction conviction; and

(f) any greater amounts specifically authorized by statute.

(2) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

Amended by Chapter 291, 1995 General Session

FILED IN
4th DISTRICT COURT
STATE OF UTAH
UTAH COUNTY

MAY 6 3 07 PM '02

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Attorney for Petitioner
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Provo, Utah 84604
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IN THE FOURTH JUDICIAL DISTRICT COURT OF UTAH COUNTY
STATE OF UTAH

VALERIE J. CONNELL, : **SUPPLEMENTAL AFFIDAVIT IN**
 : **SUPPORT OF ORDER TO SHOW**
Petitioner, : **CAUSE**

v. :

HERALD G. CONNELL, JR, : Civil No. 024400765
Respondent. : Division No.

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

VALERIE J. CONNELL, being first duly sworn, deposes and states as follows:

1. I am the Petitioner in the above-entitled matter.
2. Respondent and I are the parents of six minor children.
3. Respondent indicates that that he is earning a lower salary this year than last year, and that he left his job at Novell in order to avoid lay-offs and to have shorter working hours each day. When Respondent was in salary negotiations with the LDS Church for his current job, he was told that within one year he would be making the same salary as he was with Novell. He

EXHIBIT 1

promised me that he would obtain a second job for the first year to make up for the salary decrease. After accepting the position, Respondent refused to get a second job and claimed that it was my responsibility to make up the difference in salary, either through obtaining a part-time job or through selling Cintas stock, which had been given to me by my uncle. Respondent's salary was not enough to pay the monthly bills, and he did not get a second job as he promised to do.

4. Respondent alleges that I had \$31,814 in cash proceeds from the sale of the Cintas stock, and that it was available for me to use during the year. He also claims that I did not pay the estimated taxes on the gain from the stock. I sold the stock in July, 2001. The gross proceeds from the sale were \$31,784.98. From that amount, \$12,880.49 was immediately deducted for transaction fees and to cover the outstanding margin loan balance of \$12,816.44 (which was used previously to purchase Novell stock). The net proceeds from the sale of the stock were \$18,904.49 (See Charles Schwab statements in Exhibit 1). The proceeds from the sale of the Cintas stock, while a gift to me from my uncle, were used to support the family. Respondent did not live with the family during the final two months of the year, and I did not have access to his income during those two months. The stock was sold while Respondent and I were married. The tax liability from gains on the stock should be a joint liability.
5. Respondent suggests that filing jointly for 2001 (for which we were together ten months of the year) would decrease his tax refund, and that he would be paying taxes for income he was unable to enjoy. He desires the tax benefit of filing a joint tax return without the tax liability.

If the parties file jointly, the income and tax liability are joint issues. The only possibility for the removal of the stock liability is to file as "Married Filing Separately," in which all deductions (including exemptions for children) would need to be negotiated. I do not desire to negotiate for the child support amounts or timing. The children need Respondent to support them, and this should be handled according to statute.

6. Respondent alleges that the second mortgage on the home was used to purchase Novell and Twin Labs stock, and that we could sell the stock at a profit or break even. That is untrue. The market value of the stocks (as of 5/2/02) in question is only \$19,812.49, and the parties paid \$26,202.35 for them. The current balance on the second mortgage is \$21,789.40 (See bank statements) and, contrary to Respondent's claims, the loan was used for the following transactions:

- a. The purchase of Twin Labs stock (\$13,425 on 4/2/01),
- b. Refinance of the RV loan (\$8,375 on 5/23/01),
- c. Extra principal payment (\$11.13 on 7/13/01).

The Twin Labs stock was purchased from this loan, and the proceeds from the sale of the Twin Labs stock could go to reduce the debt, but this amount would still fall short of the stock debt by \$4,225. The RV loan is a joint debt, which needs to be divided between the parties. The Novell stock was purchased with the proceeds from the sale of the Cintas stock, and the Court should determine who is entitled to those funds. The proceeds from the sale of

these stocks (\$19,820 less transaction fees and capital gains taxes) would still not cover the \$21,789.40 debt.

7. Respondent believes that the stocks should be sold to pay off the mortgage, but the proceeds from the sale would still not pay off the entire amount of the debt.
8. Respondent indicates that I have earned \$70,000 a year in the computer industry. While I have been employed in the computer industry, my technical skills are four years out of date, and I am not being considered for these positions. Further, I am not being considered for legal positions I have applied for because I am over-qualified. I have sent out over 75 resumes in the last six months without being able to find a job.
9. Respondent suggests that I pay for half of the medical and dental insurance expenses, and I believe that is reasonable, and that the amount should be deducted from child support. However, Respondent should be required to pay for half of the un-reimbursed medical expenses for the past six months, including \$309.95 for medical, \$246.10 for dental, and \$311.67 for orthodontic (for a total of \$867.72.) He has paid \$117 toward this debt, leaving a debt of \$750.72.
10. Respondent claims that he has monthly expenses of \$2,284.00. Respondent has overstated several of his monthly expenses, and he has deliberately incurred several monthly expenses since the filing of the Order to Show Cause. He has falsely claimed other expenses. He has been out of the house for over six months, and in his apartment for nearly three months. He should be able to substantiate the monthly expenses with cancelled checks, bank records, or

receipts. He is also given a bus pass by his employer, and claims to take the bus to work most of the time, yet claims \$216 for gasoline expenses. Other questionable expenses include grooming supplies, cleaning supplies, and clothing. The new monthly expenses he has incurred since receiving notice of the Order to Show Cause is for phone service connected to his apartment (he has used his cell phone as his only means of communication for the past five months, yet has \$110 in monthly phone expenses). Concerning falsely claimed expenses, he claims that he pays \$169 a month for auto insurance, yet the insurance is deducted monthly from my bank account. I have verified with the insurance company that he is not being charged. He has not provided any documentation for his monthly expenses, whereas I have provided cash flow reports since January, 2000, to show that the family expenses are ongoing and necessary (See Cash Flow exhibits).

11. Respondent believes that he should only pay alimony until I am employed. I believe the Court should award alimony for the length of the marriage (15 years). Respondent has not verified his expenses, and therefore cannot verify that he cannot pay more than \$230 a month in alimony.
12. Respondent alleges that there was a single incident of fondling our daughter. This is untrue. He has admitted to molesting the oldest adopted daughter over a two year period of time, but not all of the details have been divulged. Some of the incidents he has admitted to include fondling and mutual masturbation. In addition, he has been involved in other sexually deviant behavior, including bestiality and pornography. He has since changed his story on

some of the incidents, and retracted others. Respondent has lied to me, to ecclesiastical leaders, to counselors, and to others. The extent of his molestation will probably never be known. At the suggestion of several counselors, I requested that he take the ISAT psychosexual profile test to determine what kind of problems we were dealing with. Respondent took the test in December, 2001, but refused to divulge the results of the tests until February, 2002. At that time, he admitted that he failed four of the ISAT tests. He also revealed that the ISAT recommended that he should be in their treatment program. He claimed that the tests were inaccurate, and he stated that he would not be entering the program. Respondent has not had unsupervised visitation with the children since being asked to leave the home. Prior to his taking the ISAT test, I allowed him to stay at the house (in the family room in the basement) on several occasions. I have allowed him to visit the children at the house frequently, and have invited him to every family activity, including birthday parties, celebrations, and school activities. On one occasion, while we were waiting for Respondent at a school activity, he took the opportunity to break into the house, which required police intervention and forced the family to seek shelter elsewhere. I request that a Guardian Ad Litem be assigned to protect the rights of the children. The children are in counseling, and I consult with their counselor often to determine what is best for the children emotionally. I would prefer to do the same with an independent legal counselor for the children, who could help to determine visitation.

13. Respondent desires one of the home's computers. He has purchased a large screen television, a DVD jukebox, a VCR, two expensive beds and other items for his apartment. I have furnished him with the remainder of the furniture in his apartment. He obviously has the resources to purchase his own computer. The computers in our home are in use, and he would be taking a computer from one of the children's bedrooms (the children use the computers quite frequently).

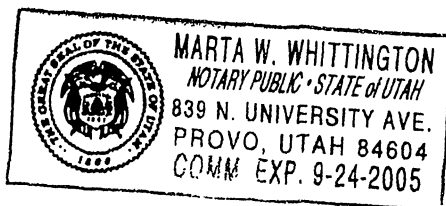
14. Respondent asks the court for his automotive tools. He had his automotive tools in his possession when he left the home. He placed his tool bag in the garage on one of his visits. He is welcome to take the tool bag for repairing his automobile. However, the carpentry and hand tools should remain with the home, as the house is not in good condition and needs repairs and remodeling, which I am currently working on. He does not need those tools in his apartment.

DATED this 3 day of May, 2002.

Valerie J. Connell
VALERIE J. CONNELL

SUBSCRIBED AND SWORN to before me this 3 day of May, 2002May,

2002.



Marta W Whittington
NOTARY PUBLIC

~~FACSIMILE~~
CERTIFICATE OF MAILING *faxed*

I hereby certify that on this 6 day of May, 2002, I ~~mailed~~ a true and correct copy of the foregoing Supplemental Affidavit in Support of Order to Show Cause, postage prepaid, to the following:

James H Faust
Attorney at Law
5806 S 900 E
Salt Lake City UT 84121

Charla W Whittington



Date 12-16-01

Main Owner Name Harold Gregory J. Connell
Account Number 517393

I, the undersigned, hereby acknowledge that I have authorized and instructed Utah Community Credit Union (UCCU) to remove my name as joint owner from the account number listed above and hereby agree to release, indemnify, and hold harmless UCCU from any claims by me, my agents, assigns, successors, personal representatives or any other party for damages arising out of UCCU's removing said name.

Valerie Connell
Print Name

Valerie Connell
Signature

Subscribed and sworn before me this 16 day of Dec., 2001.

SEAL

Susan F. Rasenlof
~~Notary Public~~ witness 6

Date 4 Mar 02

Main Owner Name Harold G. Connell, Jr.
Account Number 1066234

I, the undersigned, hereby acknowledge that I have authorized and instructed Utah Community Credit Union (UCCU) to remove my name as joint owner from the account number listed above and hereby agree to release, indemnify, and hold harmless UCCU from any claims by me, my agents, assigns, successors, personal representatives or any other party for damages arising out of UCCU's removing said name.

Valerie J. Connell
Print Name

Valerie Connell
Signature

Subscribed and sworn before me this 4 day of March 2002.

SEAL

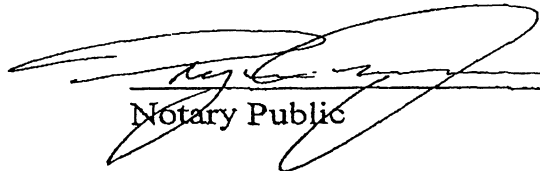

Notary Public

EXHIBIT 3

From: "Valerie Connell" <midget@itsnet.com>
To: "Harold Connell" <ConnellHG@ldschurch.org>
Date: Fri, Dec 28, 2001 12:49 PM
Subject: RE: AT&T Phone bill

The kids would like to go see Monsters, Inc. They have not gone this week because they were all sick. I'm thinking that you could go with them tomorrow to the 11:45am showing (they discount heavily for the first show of the day).

Does that fit into your schedule?

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

From: Harold Connell [mailto:ConnellHG@ldschurch.org]
Sent: Friday, December 28, 2001 6:47 AM
To: midget@itsnet.com
Subject: Re: AT&T Phone bill

Thank you, when would be a good time?

>>> "Valerie Connell" <midget@itsnet.com> 12/27/01 04:49PM >>>
I found your AT&T telephone bill. The total amount due is \$56.19. You can pick it up if you would like.

VJC

--

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.

=====

EXHIBIT 4

From: "Valerie Connell" <midget@itsnet.com>
To: "Harold Connell" <ConnellHG@ldschurch.org>
Date: Fri, Mar 1, 2002 1:57 PM
Subject: RE: Friday Evening

Sorry, this is the first chance I've had to respond. Why don't you come around 6pm for dinner and movie(s). I'll pick up a movie or two.

I don't think that this weekend is going to work very well. Spencer has a HUGE project that is due on Monday. He should have been working on it for the past few weeks, but he procrastinated and we were so busy that I did not pay enough attention to it. We have to put the whole thing together on Saturday. Meaghan's play is next week (she didn't realize that it was only 1 week away...she thought it was in "March"). She wants to practice the dances with the other girls in the play. With the younger ones sick, and with the weather turning frigid, that kind of wipes out this weekend.

Next Saturday (the 9th), Heather is going to try to come down for Meaghan's play. Meaghan and I have a conference at UVSC on Saturday morning, but the other children should be available all day. That seems to work better for us; would it work OK with you?

Thanks, VJC

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

From: Harold Connell [mailto:ConnellHG@ldschurch.org]
Sent: Thursday, February 28, 2002 11:12 AM
To: midget@itsnet.com
Subject: RE: Friday Evening

Valerie thanks for being willing to work with me. what would you like for dinner on Friday? Do you have any movies that you would like to see?

>>> "Valerie Connell" <midget@itsnet.com> 02/27/02 08:31AM >>>
Thank you for being willing to talk about this in a civil manner.

Cameron and Madison are having a school Olympic program on Thursday evening at 6pm at Canyon View Jr. High (the school next to their elementary school). I know that they would like to have you there.

I think that it would be too much trouble to move the big TV to your apartment for the evening. If you would like, come to the house and you can watch DVDs with the kids here.

Madison, Cassidy and Caitlyn are sick. They are on antibiotics, and have awful coughs. I don't think that they should be outside on Saturday. However, I believe that the older kids would love to go out and do some outdoor activities with you (Meaghan seems to be coming down with it, but she may not get sick). Let me check with them, and then you can plan your activities for Saturday. If it is warm, maybe you could take them on a bike ride or something like that.

I still have concerns about the unsupervised visitation, at least with the

EXHIBIT 5

younger 3 children. I know that this causes problems with you, but it is for the safety and protection of everyone involved. What time does your ward meet? The 3 older kids go to choir practice from 12:45-2:00 each Sunday. Meaghan sometimes has BYC or Mia Maid Presidency meetings on Sunday (I usually don't know about them until they are announced in church). I will have her check about meetings for this Sunday. Are you willing to work around their schedule? I could send some board games with them so that you could play games after church, if you would like.

Let's work as far as Sunday if that is OK. Once we get this thing working, then we can try other options. I don't have a problem with phone calls, whenever you would like, but you will probably not reach all of the kids at home at the same time.

Also, looking ahead, Meaghan's play will be on March 7, 8 & 9th. I don't know the times, or which evening we will be attending, but we will keep you posted on that.

Thank you again for trying to make this easier. I appreciate it, and I know that the kids will enjoy the contact.

VJC

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

From: Harold Connell [mailto:ConnellHG@ldschurch.org]
Sent: Tuesday, February 26, 2002 1:51 PM
To: midget@itsnet.com
Subject: RE: Friday Evening

Valerie,

I'm not trying to play games with you I want to be able to have time with our kids.

I know that you feel that I always make you out to be the bad guy. Since my prospective is skewed in my favor and yours is in your favor. I ask you to use some interspective.

If situations where reversed, would you have wanted to be treated in the fasion that you are currently (for the past four months) treated me? Would you have wanted to be informed of operations (no matter how small), reportcards, programs that the children where in science fair etc. Would you have wanted to be able to talk to the kids by phone often, to visit them and do things with them? Would you have accepted what I have had to accept?

Why don't we start being civil, why don't we start doing what is best for the kids and move forward.

Why don't you and the kids come over to my place this weekend (Friday night) and I'll cook dinner for you guys. If you don't want to come over that is fine. If possible, could I borrow that TV and DVD player we'll watch a movie and do scriptures and prayer. I'll come back up with you to the house and unload the TV and DVD player and put the kids to bed. If possible I would either like to stay the night or be able to come back in the morning to pick the kids up and go do some out door activities. If you want to come you can

EXHIBIT 6

From: "Valerie Connell" <midget@itsnet.com>
To: "Harold Connell" <ConnellHG@ldschurch.org>
Date: Fri, Mar 8, 2002 1:02 PM
Subject: This weekend

Concerning this weekend:

Would you like to take Heather, Spencer, Cameron & Madison to Meaghan's play tonight? It starts at 7:00, but you should probably be there by 6:45. If that works for you, please let me know.

Madison was selected as the "Star Student of the Week" for 1st class, so I need to help her make a poster on Saturday showing her interests, hobbies, etc. Cameron is on antibiotics now also (he has an awful cough). Meaghan has her play (closing night) on Saturday evening. Heather is going over to Joe's parents' house on Saturday afternoon, and then to a party and out with friends on Saturday evening.

If you would like to do something with the kids other than Friday night, it will probably need to be Saturday morning. Because of the weather and their illnesses, I would prefer that it be indoors. Let me know what you would like to do.

Thanks, VJC

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

From: Harold Connell [mailto:ConnellHG@ldschurch.org]
Sent: Monday, March 04, 2002 7:47 AM
To: midget@itsnet.com
Subject: Thanks

Hi ya Valerie,

THANK YOU VERY MUCH!!!!!! What a wonderful weekend.

Thanks again
Hal

--

This message may contain confidential information, and is intended only for the use of the individual(s) to whom it is addressed.

=====
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EXHIBIT 7

FILED
UTAH APPELLATE COURTS

APR 29 2009

CLERK OF DISTRICT COURT
STATE OF UTAH
UTAH COUNTY

2009 APR 27 P 3:47

4TH DISTRICT COURT - PROVO
STATE OF UTAH

VALERIE CONNELL
Petitioner

vs.

HAROLD CONNELL
Respondent

CLERK'S CERTIFICATE

1st Supplemental Index (thru 2265)

Case No: 024400765 DA

Appellate No:

20080619

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

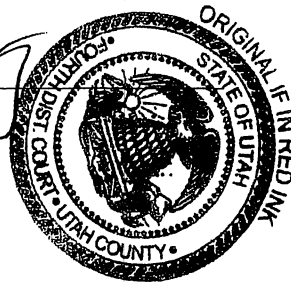
I, KRISTEN ROGERS, Deputy Clerk of the District Court of the 4TH DISTRICT COURT - PROVO, State of Utah, do hereby certify that the foregoing and hereunto attached papers and file constitute all of the original papers filed in the above-entitled Court and cause, including the Notice of Appeal and Minute Entries, and which attached papers constitute the Judgment Roll and other papers filed in the above action.

I further certify that the Judgment Roll and papers contained in said file or by me this day transmitted to the Appellate Court, of the State of Utah, pursuant to said Appeal.

WITNESS MY HAND AND SEAL of said District Court at my office in 4TH DISTRICT COURT - PROVO, STATE OF UTAH, this 27th day of April, 2009.

DISTRICT COURT CLERK

By *Kristen Rogers*
Deputy Clerk



I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
FOURTH JUDICIAL DISTRICT COURT, UTAH
COUNTY, STATE OF UTAH

DATE: 4/27/09

Kristen Rogers
DEPUTY COURT CLERK

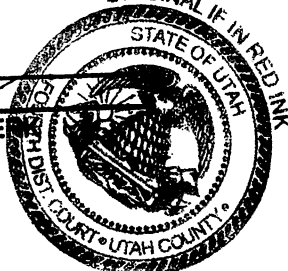


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1st Supplemental Index (Hru 2245)

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