

2000

Leisha M. Glines, nka Leisha M. Hunn v. Melvin E. Glines, aka Melvin E. Rogers : Brief of Appellant

Utah Court of Appeals

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Melvin E. Glines, Pro Se.

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Glines
v.
Glines

200005H- CA

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Respondent/ Appellant

IN THE UTAH COURT OF APPEALS

PETITION TO MODIFY DECREE OF DIVORCE

LEISHA M. GLINES, nka LEISHA M.)	
HUNN)	
)	
Petitioner (Appellee))	Case No. 974903445 DA
Vs.)	
)	
MELVIN E. GLINES, aka MELVIN E.)	
ROGERS)	Appellate Court No. 20000054 - CA
)	
Respondent (Appellant))	

BRIEF OF THE APPELLANT

1. Nature of the proceeding is an appeal.
2. Appeal from the Third Judicial District Court, Salt Lake County, Commissioner Bradford.
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Judicial error occurred because the written order was not received before the time to file my appeal was expired. This is a deprivation of constitutional / civil rights are substantive and procedural reasons for my appeal in this case because of deprivation of constitutional / civil rights as follows:

1. The lack of a written order from the Judge is at least judicial error and is therefore appealable. This is a deprivation of constitutional / civil rights
2. The verbal judgement and minute entry has the force of law from a Utah Court and therefore is appealable.
3. the Utah Court assumed the power to take custody of my children, but did not assume the responsibility to write an order, and I believe that is at least judicial error. This is a deprivation of constitutional / civil rights.
4. Judicial error will occur if this court affirms and enforces a judgement that is not appealable. This is a deprivation of constitutional / civil rights.
5. Judicial error occurred because the written order was not received before the time to file my appeal was expired. This is a deprivation of constitutional / civil rights.
6. The Judge erred because she did not put a limiting date on the temporary custody. This error results in a permanent custody. This is a deprivation of constitutional / civil rights.
7. Judicial error occurred when the Judge ruled on my case without even reading the motions in my case. This is a deprivation of constitutional / civil rights.
8. Judicial error occurred when the Judge allowed the petitioners attorney to write the order for the Judge. This is obvious favoritism. This order was returned by the court to the petitioners counsel because of lack of certificate of service. The court docket does not show that a corrected copy was filed with the court or a corrected copy was sent to me. The order the petitioners attorney wrote was expanded from the Judges minute entry and verbal order. This is a deprivation of constitutional / civil rights.
9. Judicial error occurred because the verbal order of the commissioner cannot be enforced by the court without the written approval of the District Court Judge. This is a deprivation of constitutional / civil rights.
10. Judicial error occurred because the Judge did not rule on the risk of sexual child molestation, of my children. This is a deprivation of constitutional /civil rights.
11. Judicial error occurred because the Judge did not do anything to protect the children from the risk of child molestation. This is a deprivation of constitutional / civil rights.
12. Judicial error occurred because the Judge did not order the appellee to produce information about child molestation issues under rules of discovery. This is a deprivation of constitutional / civil rights.
13. Judicial error occurred because the Judge did not rule on the 14 pages, and 32 paragraphs of individual arguments I submitted in my defense, "ANSWER TO PETITION TO MODIFY DECREE OF DIVORCE," filed with the court on December 28, 1999. This is a deprivation of constitutional / civil rights.

14. Judicial error occurred because the Judge did not rule on deprivation of my civil rights.
15. Judicial error occurred because the Judge did not rule on substantive issues in this case. This is a deprivation of constitutional / civil rights.
16. Judicial error occurred because the Judge did not rule on the inaccurate information presented by the appellee and her attorney. This is a deprivation of constitutional / civil rights.
17. Judicial error occurred because the Judge did not rule on the deprivation of civil rights of the children.
18. Judicial error occurred because the Judge did not protect the civil rights of the children under Judicial code 78-3b-1 through 78-3b-16. This is a deprivation of constitutional / civil rights.
19. Judicial error occurred because the Judge did not rule on procedural issues in this case. This is a deprivation of constitutional / civil rights.
20. Judicial error occurred because the Judge did not rule on motion number 1, MOTION OF RULING ON DEPRIVATION OF CIVIL RIGHTS (SUBSTANTIVE AND PROCEDURAL). This is a deprivation of constitutional / civil rights.
21. Judicial error occurred because the Judge did not rule on motion number 2, MOTION FOR DISCOVERY RELATING TO SEXUAL CHILD MOLESTATION. This is a deprivation of constitutional / civil rights.
22. Judicial error occurred because the Judge did not rule on motion number 3, MOTION FOR RESTRAINING ORDER AGAINST THE PETITIONER. This is a deprivation of constitutional / civil rights.
23. Judicial error occurred because the Judge did not rule on motion number 4, MOTION FOR MANDAMUS UNDER JUDICIAL CODE 78-3B-3, NEGLECTED OR ABUSED CHILD- DUTY TO NOTIFY. This is a deprivation of constitutional / civil rights.
24. Judicial error occurred because the Judge did not allow my witness to talk. This is a deprivation of constitutional / civil rights.
25. Judicial error occurred because the Judge did not allow me time to get a second medical opinion to determine whether Ritalin treatment was the last resort treatment intervention for my son. The doctor reduced the dosage by half because it was not improving his schoolwork. The doctor stated that he, "may" have over medicated the child. This is a second attempt at modifying the dosage of Ritalin.
26. Judicial error occurred because the lower court of the commissioner cannot overrule the District Court's original jurisdiction in my divorce. Without the approval of the District Court Judge. This is a deprivation constitutional / civil rights.
27. Judicial error will occur the Judge does not rule on motion number 6, MOTION FOR RESTRAINING ORDER FOR ALCOHOL OR DRUGS AGAINST THE PETITIONER. This would be a deprivation of constitutional / civil rights.
28. Judicial error will occur if the Judge does not rule on motion number 7, MOTION TO STAY THE DECISION OF JUDGE/COMMISSIONER

SUSANBRADFORD, DATED JANUARY 5, 2000. IN THIS CASE. CASE No. 974903445-DA. This would be a deprivation of constitutional / civil rights.

29. Judicial error will occur if the Judge does not rule on motion number 8, MOTION FOR MANDAMUS: PROTECTIVE ORDER FOR MY WITNESSES IN THIS CASE AGAINST THE PETITIONER. This would be a deprivation of constitutional / civil rights.
30. Judicial error will occur if the Judge does not rule on motion number 9, MOTION FOR MANDAMUS: COMPLAINT AGAINST THE PETITIONER FOR WITNESS TAMPERING. This would be a deprivation of constitutional / civil rights.
31. The judicial errors made by the Judge / Commissioner Susan Bradford are beyond harmless error, and require judicial review, because of the deprivation of constitutional / civil rights.

The nature of the case is as follows:

The Petitioner was having trouble with our oldest son, he was not performing well in school, he was talking back, and arguing constantly with her. This went on for some time. The mother put up with it as long as she could, then a teacher or school counselor suggested that he might have Attention Deficit Disorder, and that it might be helped with medication. The mother then scheduled an appointment to have him tested for A.D.D.. After having been tested and diagnosed with A.D.D. he was put on a Ritalin treatment. I was notified about the treatment after our son had already been taking his medication. Not knowing anything about Ritalin, I started reading and talking to other people about Ritalin. What I was hearing and reading about scared me. I then called to talk to the mother about looking into other treatment methods. She was very hard headed about keeping our son on his Ritalin treatment, so I then started giving her literature that I had been reading about A.D.D., and the risks of Ritalin. This did not seem to get her attention either, she was still set on keeping him taking Ritalin. I tried to explain to her that the medication was making our son a lethargic zombie, he was not the smiling, joking, carefree child that I and other people were accustomed to being around.

Then I sought some advice as to what I could do to help get my son off of Ritalin. What I then did is sent a cease and desist order to the doctor who prescribed the medication. and to the school who administered the drug for his afternoon dose. After hearing about the cease and desist orders, the mother became very upset with me and informed me that she had retained an attorney, and that she was going to take me to court and fight me for full custody of our two children, of which I have been granted joint legal and physical custody of the children and should share the rights, privileges, duties and powers of parents.

Course of proceedings:

On Wednesday, January 5, 2000., we went to court for a hearing on the Temporary Custody of the children. During the hearing the mothers attorney gave false information to the court and lied to the court. I was not allowed to read my prepared answers to the case at hand, nor was my witness allowed to speak on my behalf. The mother was awarded temporary custody of the children.

Relevant facts with citation to the record:

After awarding Temporary Custody to the Petitioner, the commissioner failed to set a limiting time to the order, therefore making it a permanent order.

After two months of having the children all of the time, except for when I would come and pick them up for my visitation, the Petitioner then wanted to go back to having the children every other week at my house and every other week at her house. She also took our oldest son off of his Ritalin medication.

Conclusion containing a statement of the relief sought:

The relief sought in this case is that the original DECREE OF DIVORCE stands as is, with the exception of striking paragraph numbers 14, and 17, from the DECREE OF DIVORCE.

Paragraph number 14. Defendant should not consume alcohol or use drugs during visitation or in the presence of the minor children, and it is reasonable that the Plaintiff may deny or limit visitation at Plaintiff's discretion if Plaintiff reasonably believes the Defendant to be under the influence of alcohol or drugs.

Paragraph number 17. The Defendant should be ordered to have any firearms and/or weapons locked up while the children are present for visitation.

Dated this 1st day of August, 2000

Melvin E. Glines

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