

1990

Krik T. Nielson v. Shelly H. Martin : Reply Brief

Utah Court of Appeals

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A.W. Lauritzen; Attorney for Respondent.

Shelly H. Martin.

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BRIEF

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900317-CA

IN THE UTAH COURT OF APPEALS

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Kirk T. Nielson,
Plaintiff/Respondent,

vs.

Shelly H. Martin,
Defendant/Appellant.

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APPELLANT'S REPLY BRIEF

Case No. 900317-CA

Priority #4

APPELLANT'S REPLY BRIEF

On Appeal from the First District Court,
State of Utah, County of Cache
Honorable John Whalquist

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Shelly H. Martin
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SLC, Utah 84108

FILED

MAY 23 1991

May 23 1991
Clerk of the Court

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STATEMENT

On or about March 28, 1991, Plaintiff's-Respondent's Spouse, Barbara Nielson, obtained a divorce from Plaintiff, Kirk T. Nielson, on the grounds of physical abuse. Barbara Nielson moved to Salt Lake with two of her natural children, Josh, age 1, and Dustin age 9, leaving her other two natural children, Brandon age 13, and Addraine age 14, in Logan with their friends, abandoning the Nielson Children, Brandy, Jake, and Kasey.

Plaintiff ex-wife, Barbara Nielson is now cohabitating with a man in Salt Lake City.

On or about April, 29, 1991, Appellant, Shelly H. Martin received a phone call from the Respondent, Kirk T. Nielson, indicating to her that he had been arrested and was in the Salt Lake City jail and needed her to bail him out and take him to his car which was impounded on 21st South. Appellant contacted the Salt Lake City Police Department who indicated to her that Respondent had been arrested on three felony charges, forcible sexual assault, assault, and reckless driving, victim, Barbara Nielson, his second ex-wife.

After Barbara Nielson, Respondent's ex-wife left Respondent parents, Tom and Donna Nielson, physically moved the minor children, Brandy, Jake, and Kasey, into their home as Plaintiff, Kirk T. Nielson, is unable to take care of the children. They refuse to let Plaintiff,

Kirk T. Nielson, take the children with him.

Tom and Donna Nielson are in there late 60's. Tom Nielson had a heart transplant in 1987, Doctors gave him five years to live. He currently has cancer and seeks continuing medical attention at the LDS Hospital in Salt Lake City, Utah.

SUMMARY

It is obvious by the actions of the Plaintiff, Respondent, Kirk T. Nielson, that he is unfit to have custody, care and control of the three minor children of the parties, Brandy, Jake, and Kasey. That the trial court made a big error in awarding him custody of the children in June, 1989. That the children deserve to be in a good, stable, loving home which the Appellant would be able to provide for them, free from the unstable, chaotic and destructive life of the Respondent, Kirk T. Nielson.

That the Respondent, currently does not have physical custody of the children and that his parents, Tom and Donna Nielson, because of their age and health status are unable to care for three young children.

CONCLUSION

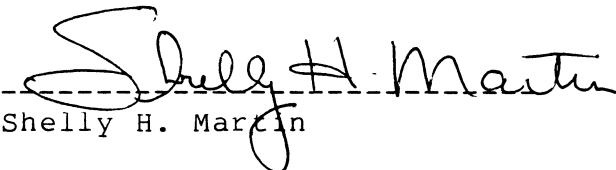
I, Shelly H. Martin, Appellant, pray that the

Utah Court of Appeals will reverse the trial courts decision and award her custody of her three children as they should have in June, 1989.

CERTIFICATE OF MAILING

I certify that on this 23rd day of May, 1991, a true and correct copy of the above-entitled Appellant Reply Brief was mailed to the person or entities listed below:

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Shelly H. Martin