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2015

**d.d.b. (Mother), Petitioner - Appellant, vs. j.l.c. (Father),
Respondent - Appellee.**

Utah Court of Appeals

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IN THE UTAH COURT OF APPEALS

D.D.B. (Mother) in the interests of
G.J.C. (Child),
A child under 18 years of age.

Reply Brief of Petitioner - Appellant

D.D.B. (Mother),
Petitioner - Appellant,
vs.
J.L.C. (Father),
Respondent - Appellee.

Juv. No. 1083532

App. No. 20150432-CA

Appeal from the final judgment of the Juvenile Court of the First Judicial District in and
for Box Elder County, State of Utah, The Honorable Angela Fannesbeck

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ARGUMENT

I. Having failed to file a cross-appeal, Respondent-Appellee cannot challenge the juvenile court's grounds findings.

At A.a. (page 5) of Respondent-Appellee's responsive brief, Father undertakes to challenge the juvenile court's grounds findings, asserting that there was no injury to the child and no prima facie evidence of unfitness. However, as Father did not file a cross-appeal, this court lacks jurisdiction to consider Father's argument.¹

II. Father's arguments are limited to conclusions and reflect Father's utter inability to understand the seriousness of his actions.

Father's arguments are all conclusions. Father fails to address the many facts cited in Petitioner-Appellant's brief on appeal that reveal that Father engaged in an escalating series of criminal and wrongful acts contrary to the best interests of G.J.C. and that Father thereafter did absolutely nothing to adjust his circumstances. See Petitioner's brief on appeal *generally* and at VI.B. at ¶¶ 3.-9., 14.-16.-19., at VI.C.1. at pages 43-45, and at VI.C.3. at pages 50-51.

A common element of many of Father's points and subpoints is an undeveloped argument that G.J.C. never suffered as the result of Father's actions. See, *inter alia*, Resp. br. at Aa., B. *generally*, C. *generally*, C.a. Father unreasonably restricts his view of his harms to G.J.C. to the morning when he left G.J.C. in the care of his paralegal sister,

¹ "Therefore, under rule 4(d) [of the Utah Rules of Appellate Procedure], the notice of cross-appeal was due no later than October 9, 2007. Accordingly, Intervenor's notice of cross-appeal was untimely. 'Failure to file a timely notice of appeal deprives this court of jurisdiction over the appeal.' *Save Beaver County v. Beaver County*, 2008 Utah App. 21 P2 (unreported decision) (aff'd in part and rev'd in part at 2009 UT 8, 203 P.3d 937) (quoting *Reisbeck v. HCA Health Servs.*, 2000 UT 48, P 5, 2 P.3d 447).

Cherie Monet Cronin,² as he (Father) undertook at gunpoint to assault and kidnap G.J.C.'s maternal grandparents, while demanding that they take him to similarly deal with Petitioner. First of all, this argument is specious as discussed at point VI.B.1.c. of Petitioner's brief on appeal at pages 32–33. Secondly, Father fails to address the many facts cited by Petitioner that show that G.J.C. has suffered both in and out of Father's possession as a result of Father's many other actions involving G.J.C., including, but not limited to, repeated criminal custodial interferences, repeated violations of divorce court orders, and criminal violations of Mother's protective order. These facts are cited and discussed in Petitioner's brief on appeal at VI.B. at ¶¶ 3.–9., 14.–16.–19., at VI.C.1. at pages 43–45, and at VI.C.3. at pages 50–51. What Father's arguments *do* confirm is Father's continuing inability to acknowledge his many wrongful actions, to understand the gravity of his actions, to take accountability for his actions, to understand that his actions *have* harmed G.J.C., and to put G.J.C.'s best interests before his own. *See* Resp. brief *generally*, and *specifically* at A.a. (limiting Father's *mea culpa* to only the kidnappings incident and stating, "The victims in the case were never *physically* harmed.") (emphasis added). *See* Petitioner's brief on appeal at note 6 on page 25, VI.B.2.b. and c. at pages 35–39.

² Although assisted by his sister Cheri Monet Cronin in preparing and serving his brief (*see* certificate of service signed by Ms. Cronin), Father does not in his brief contest Ms. Cronin's (or Father's mother's) abettings and enablings (discussed at VI.C.2. at pages 48–50) of Father's misbehaviors.

III. Petitioner-Appellant's brief on appeal addresses and rebuts Father's points.

Mother's discussion in point II also responds to Father's point B. and subpoint C.a. Father's subpoints C.b. and C.e. are merely allegations of law incompletely stated and stand alone without any reference to the facts in this case. They again reflect Father's inability to grasp the harms he has brought upon G.J.C. Father nowhere acknowledges that his actions have deprived G.J.C. of a biological father's presence for the nearly five years that Father has been incarcerated.

Mother's brief on appeal has already rebutted Father's subpoint C.c. at note 6 on page 25, at VI.B.1.a. at pages 30-31, at VI.B.2. at pages 34-39, and at VI.C.2. at pages 48-50. Mother's brief on appeal rebuts Father's subpoint C.d. at VI.B.2.d. at pages 39-41. Mother's brief on appeal rebuts Father's subpoints C.f., C.g. and C.h. at VI.C.2. at pages 48-50.

Mother respectfully reserves all of her issues on appeal. Father was and remains horribly unfit as a parent. *See* Mother's brief on appeal at II.B., pages 13-22; at note 6 on page 25; at VI.B.2.a. and c., pages 34 -35 and 37-39; and at VI.C.1 at pages 41-48. It was, and remains, in G.J.C.'s urgent best interests that Father's parental rights be immediately terminated.

CONCLUSION

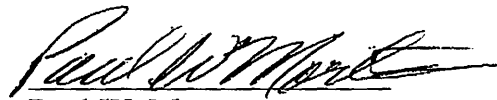
This case presents a horrifying miscarriage of justice that must be corrected. The child's interests were betrayed by the trial-level guardian ad litem and the juvenile court grievously misapplied the law contrary to G.J.C.'s best interests. Plaintiff should be granted the relief requested in her brief on appeal (which relief is also requested by the

appeal-level Guardian Ad Litem in her brief). The Court should reverse the juvenile court's best interests finding. The Court should remand with instructions for the juvenile court to enter a finding that G.J.C.'s best interests require that Father's parental rights be terminated and to enter a final order terminating Father's parental rights.

Certificate of compliance

This brief complies with the 7,000 word limit of URAP rule 24(f)(1)(A).

Dated this 4th day of December, 2015.



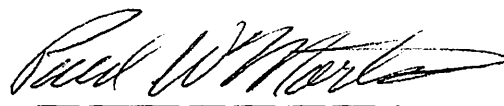
Paul W. Mortensen
Attorney for Petitioner -
Appellant

Certificate of Service

The undersigned certifies that on the 4th day of December, 2015, he caused a true and correct copy of the foregoing Reply Brief of Appellant to be served upon the following by United States mail first class, postage prepaid and otherwise as may be indicated.

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