

2016

**Craig Alan Jensen, Petitioner and Appellee, vs. Timothy Rufflin
(Ruflin), Respondent and Appellant**

Utah Court of Appeals

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APPELLATE COURTS
IN THE UTAH COURT OF APPEALS POSTMARKED

OCT 28 2016

CRAIG ALAN JENSEN,

Petitioner and Appellee,

vs.

TIMOTHY RUFLIN

Respondent and Appellant.

PUBLIC

Appellate Case No. 20160194

BRIEF OF APPELEE

Appeal from the Third District Court, Salt Lake County, from the denial of an objection to the recommendation of Commissioner T. Patrick Casey and entering a protective order, before the Honorable Judge Paul G. Maughan

Craig Alan Jensen
2887 East Westerling Way
Cottonwood Heights, UT 84121
Appellee, Pro Se

Timothy Ruffin
4594 Creek View Drive
Murray, UT 84107
Appellant, Pro Se

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STATEMENT OF JURISDICTION

The Utah Court of Appeals has jurisdiction to consider this appeal.

STATEMENT OF THE CASE

1. Nature of the Case

This appeal is from the final order of the Honorable Judge Paul G. Maughan, the Third District Court, Salt Lake County, denying Appellant's objection to the recommendation of Commissioner T. Patrick Casey entering a Protective Order against Appellant.

2. The Course of Proceedings

An altercation occurred on October 21, 2015 between Appellant and Appellee, further described below in Statement of Facts.

On October 22, 2015, Appellee filed a Request for Protective Order and a Temporary Protective Order was issued against Appellant; a hearing was set for November 5, 2015 with Commissioner T. Patrick Casey. Appellant avoided service and did not attend Hearing.

A second Temporary Protective Order was issued against Appellant on November 5, 2015 and another hearing was set for November 19, 2015. Again, Appellant avoided service and did not attend hearing.

A third Temporary Protective Order was issued against Appellant on November 19, 2015 and another hearing was set for December 3, 2015 with Commissioner T. Patrick Casey.

Appellant requested a Protective Order against Appellee on November 12, 2015 and a hearing was set for November 30, 2015 with Commissioner Michelle Blomquist. Appellant and Appellee both attended the hearing and Commissioner Blomquist granted the Protective Order against Appellee.

Appellant and Appellee both attended the hearing on December 3, 2015 and Commissioner T. Patrick Casey granted the Protective Order against Appellant.

Appellant filed an Objection to the Protective Order on December 17, 2015, amended it on December 22, 2015 and a hearing was scheduled for February 16, 2016 with Judge Paul G. Maughan. Appellant and Appellee both attended the hearing and Judge Maughan allowed the Protective Order against Appellant to remain in effect.

3. Statement of Facts

An altercation occurred on October 21, 2015 between Appellant and Appellee. As a result of the Incident, Appellant suffered minor injuries and Appellee suffered a stab wound. Prior to the hearing on February 16, 2016, Appellant submitted medical treatment records and Appellee submitted a picture of the stab wound.

Catherine Jensen, Appellee's wife and Appellant's sister, and her children are protected by Protective Order against Appellant. Catherine Jensen testified at the hearing on February 16, 2016 that she and her family are afraid of her brother because of his escalating threats and violence before and during the Incident.

SUMMARY OF THE ARGUMENTS

Arguments I and II

The Trial Court did not err in its ruling that Claim Preclusion and Res Judicata do not apply. Appellee requested the Protective Order first; Appellant avoided service, did not appear at the scheduled hearings then later requested his Protective Order.

Argument III

The Court did not err by not granting a continuance to Appellant's requested hearing scheduled on February 16, 2016. Appellee adequately prepared for and attended the hearing. Appellant had ample time and representation to prepare for the hearing.

Appellant was initially represented by Wall & Wall. Appellant retained the services of Ross C. Anderson on February 8, Mr. Anderson then withdrew on February 9, 2016, and on that same day James C. Lewis was retained. Wall & Wall withdrew on February 10, 2016. It is not the fault of Appellee or the Court that Appellant changed representation multiple times.

CONCLUSION

In conclusion, Appellee respectfully requests that this Court allow the Protective Order against Appellant previously entered by the Commissioner and the Court to remain in full force and effect.

Craig Jensen
10.28.2016

CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of October 2016, I filed the foregoing **BRIEF OF APPELLEE** with the Utah Court of Appeals, and served two copies upon Appellant Timothy Ruflin, *Pro Se*, by mailing them to him by first class U.S. Mail, with sufficient postage prepaid to the following address:

Timothy Ruflin
4594 Creek View Drive
Murray, UT 84107
Appellant, Pro Se

ADDENDUM

Request for Protective Order filed October 22, 2015

Temporary Protective Order issued October 22, 2015

Temporary Protective Order issued November 5, 2015

Temporary Protective Order issued November 19, 2015

FILED DISTRICT COURT
Third Judicial District

OCT 22 2015

Online Court Assistance Program

Request for Protective Order

Case Number: 154906899
Deputy District: Third
County: Salt Lake State: Utah
Judge: Maughan
Commissioner: John

1 Petitioner (person asking for protection):

Craig Alan Jensen

First Middle Last

Address and phone # (to keep private, leave blank):

2887 East Westerling Way

Street
Cottonwood Heights, UT 84121-

City State Zip

Mobile Phone: **(801) 608-0924**

This is a private record.

Other people protected by this order (relatives or people who live with you):

Name (Initials only if under 18)	Age	Relationship to Petitioner
HKJ	2	Daughter
JHJ	6 weeks	Son
Catherine Jensen	29	Other

2 Respondent (person you need to be protected from):

Tim. Iothy Rufflin

First Middle Last

Other names used:

Relationship to Petitioner: **brother in law**

Address: (street) **4594 south creekview drive**
murphy, UT 84107-

City State Zip

Describe Respondent:				
Sex	Race	DOB	Ht.	Wt.
Male	White (Not Hispanic)		5'10"	170
Eyes	Hair	Social Security # (only the last 4 numbers)		
	brown			
Distinguishing features (like tattoos, scars, limp. etc.): carries a cane				
Driver's license issued by (State): _____ Expires: _____				

Respondent's Employer (Name and address):

Other places to find Respondent (work, relatives, friend, hangouts, etc. include city/state/zip on each address, if possible)	Location type (work, relative, friend, etc.)	Best Time to find at this address	Phone number
His residence	home	8 a.m. to 5 p.m.	

ISSUED

Temporary Protective Order



Court: 3rd District Court Salt Lake
Case No: 154906899 District: THIRD
County: SALT LAKE State: Utah
Judge: ROBERT FAUST

Name of Petitioner

CRAIG ALAN JENSEN

Address: 2887 EAST WESTERLING WAY,
COTTONWOOD HEIGHTS, UT 84121

Phone #: 801-608-0924

Date of Birth: 04-19-1967

Petitioner's Attorney:

Attorney's Phone:

Other Person(s) Protected by this Order:

Name: H K J

Age:

Relationship to Respondent: Other

Name: J H J

Age:

Relationship to Respondent: Other

Name: CATHERINE JENSEN

Age:

Relationship to Respondent: Other

Name of Respondent

TIMOTHY RUFFLIN

Address: 4594 SOUTH CREEKVIEW DRIVE,
MURRAY, UT 84107

Phone #:

Date of Birth:

Respondent's Attorney:

Attorney's Phone:

Respondent Identifying Information:

Sex: M

Race: White

Height: 5 ft 10 in

Weight: 170 lbs

Eyes:

Hair: Brown

Date of Birth:

SSN:

Driver License #:

State:

Expiration:

Distinguishing Features (Scars, Marks, Tattoos, etc):

carry a cane

Other Names Used:

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety

The Court orders the Respondent to obey all orders specified on this document.

Warnings:

- This is a court order. No one except the court can change it. You can tell your side when you to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory, or tribal land to violate this order, a federal judge can send you to prison.
- No guns or firearms!
- It is a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this protective order is in effect.

1 **To: TIMOTHY RUFFLIN**

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

A hearing will be held on **NOVEMBER 5, 2015** with Judge **COMMISSIONER CASEY** at **10:00 AM** in room **W-38** at **450 South State Street PO Box 1860 Salt Lake City UT 84114-1860**.

This order lasts until the above hearing date; or later, if the court extends time for service.

- 2 Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on this order. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 3 Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner, either directly or indirectly.
- 4 Stay away from: The Petitioner's current or future vehicle, job, school, home, premises and property:
Home, Premises, and property: **2887 EAST WESTERLING WAY, COTTONWOOD HEIGHTS, UT 84121**
Work:
School:
Vehicle Description: **1999 WHITE CHEVY SILVERADO PICKUP TRUCK ALSO MAROON 2002**
- 5 The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm of any of these weapons: **GUNS**

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

- 6 If you violate orders below, you will be in contempt of court and may be punished.

Notice to Petitioner

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

Dated: October 22, 2015
01:25:08 PM

/s/ ROBERT FAUST
District Court Judge



Disability and Interpreter Services Assistive listening systems, sign language and oral language interpreter services are available at no charge in protective order proceedings. Contact the clerk's office at least 5 days before your hearing.

ISSUED

AD

Temporary Protective Order

Court: 3rd District Court Salt Lake
Case No: 154906899 District: THIRD
County: SALT LAKE State: Utah
Judge: ROBERT FAUST

Name of Petitioner CRAIG ALAN JENSEN Address: 2887 EAST WESTERLING WAY, COTTONWOOD HEIGHTS, UT 84121 Phone #: 801-608-0924 Date of Birth: 04-19-1967 Petitioner's Attorney: Attorney's Phone:	Name of Respondent TIMOTHY RUFFLIN Address: 4594 SOUTH CREEKVIEW DRIVE, MURRAY, UT 84107 Phone #: Date of Birth: Respondent's Attorney: Attorney's Phone:
Other Person(s) Protected by this Order: Name: H K J Age: Relationship to Respondent: Other Name: J H J Age: Relationship to Respondent: Other Name: CATHERINE JENSEN Age: Relationship to Respondent: Other	Respondent Identifying Information: Sex: M Race: White Height: 5 ft 10 in Weight: 170 lbs Eyes: Hair: Brown Date of Birth: SSN: Driver License #: State: Expiration: Distinguishing Features (Scars, Marks, Tattoos, etc): carry&#39;s a cane Other Names Used:

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety

The Court orders the Respondent to obey all orders specified on this document.

Warnings:

- This is a court order. No one except the court can change it. You can tell your side when you to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory, or tribal land to violate this order, a federal judge can send you to prison.
- No guns or firearms!
- It is a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this protective order is in effect.

1 **To: TIMOTHY RUFFLIN**

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

A hearing will be held on **NOVEMBER 19, 2015** with Judge **COMMISSIONER CASEY** at **10:00 AM** in room **W-38** at **450 South State Street PO Box 1860 Salt Lake City UT 84114-1860**.

This order lasts until the above hearing date; or later, if the court extends time for service.

- 2 Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on this order. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 3 Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner, either directly or indirectly.
- 4 Stay away from: The Petitioner's current or future vehicle, job, school, home, premises and property:
Home, Premises, and property: **2887 EAST WESTERLING WAY, COTTONWOOD HEIGHTS, UT 84121**
Work:
School:
Vehicle Description: **1999 WHITE CHEVY SILVERADO PICKUP TRUCK ALSO MAROON 2002**
- 5 The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm of any of these weapons: **GUNS**

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

- 6 **If you violate orders below, you will be in contempt of court and may be punished.**

Notice to Petitioner

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

Dated: November 05, 2015
10:33:45 AM

At the direction of:
ANDREW H. STONE
District Court Judge

by
/s/ MALINA TRIPP
Court Clerk

#3

ISSUED

Temporary Protective Order



Court: 3rd District Court Salt Lake
Case No: 154906899 District: THIRD
County: SALT LAKE State: Utah
Judge: ROBERT FAUST

Name of Petitioner CRAIG ALAN JENSEN Address: 2887 EAST WESTERLING WAY, COTTONWOOD HEIGHTS, UT 84121 Phone #: 801-608-0924 Date of Birth: 04-19-1967 Petitioner's Attorney: Attorney's Phone: Other Person(s) Protected by this Order: Name: <i>H K J</i> Age: Relationship to Respondent: <i>Other</i> Name: <i>J H J</i> Age: Relationship to Respondent: <i>Other</i> Name: <i>CATHERINE JENSEN</i> Age: Relationship to Respondent: <i>Other</i>	Name of Respondent TIMOTHY RUFFLIN Address: 4594 SOUTH CREEKVIEW DRIVE, MURRAY, UT 84107 Phone #: Date of Birth: Respondent's Attorney: Attorney's Phone: Respondent Identifying Information: Sex: <i>M</i> Race: <i>White</i> Height: <i>5 ft 10 in</i> Weight: <i>170 lbs</i> Eyes: Hair: <i>Brown</i> Date of Birth: SSN: Driver License #: State: Expiration: Distinguishing Features (Scars, Marks, Tattoos, etc): <i>carry's a cane</i> Other Names Used:
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Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety

The Court orders the Respondent to obey all orders specified on this document.

Warnings:

- This is a court order. No one except the court can change it. You can tell your side when you to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory, or tribal land to violate this order, a federal judge can send you to prison.
- No guns or firearms!
- It is a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this protective order is in effect.

1 **To: TIMOTHY RUFFLIN**

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

A hearing will be held on **DECEMBER 3, 2015** with Judge **COMMISSIONER CASEY** at **10:00 AM** in room **W-38** at **450 South State Street PO Box 1860 Salt Lake City UT 84114-1860**.

This order lasts until the above hearing date; or later, if the court extends time for service.

- 2 Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on this order. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 3 Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner, either directly or indirectly.
- 4 Stay away from: The Petitioner's current or future vehicle, job, school, home, premises and property:
Home, Premises, and property: **2887 EAST WESTERLING WAY, COTTONWOOD HEIGHTS, UT 84121**
Work:
School:
Vehicle Description: **1999 WHITE CHEVY SILVERADO PICKUP TRUCK ALSO MAROON 2002**
- 5 The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: **GUNS**

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.


- 6 If you violate orders below, you will be in contempt of court and may be punished.

Notice to Petitioner

The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

Dated: November 19, 2015
10:34:00 AM

by

At the direction of:
BARRY LAWRENCE
District Court Judge

/s/ **MALINA TRIPP**
Court Clerk