

2006

# Michael Strand, Cari Allen v. Diana Telfer : Reply Brief

Utah Court of Appeals

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Reha Deal; Barry Lawrence; Assistant Attorney General.

Michael Strand; Cari Allen; Pro Se.

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IN THE UTAH COURT OF APPEALS

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MICHAEL STRAND and CARI ALLEN,

Plaintiffs/ Appellants,

v.

DIANA TELFER, et al

Defendants/ Appellees.

20060853-CA

Appeal from the Third District Court,  
Salt Lake County,  
Judge Fratto, Case No. 060910816

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In reply to the Brief of Appellee (Telfer), the Appellant's (Strand and Allen) submit the following Reply Brief.

This Court should weigh heavily the facts, arguments and issues in this case before rendering its decision to ensure that enormous harm is avoided.

This case demonstrates the important need for this Court to resolve the issues raised in this case which are: the preservation of Utah Code Ann §62A-4a-403, §62A-4a-409, §62A-4a-410, § 62A-4a-411, §62A-4a-412, § 76-8-502, § 76-8-506, §30-3-5.2, and the laws against slander and libel.

### ARGUMENT

#### **POINT I. THE DISTRICT COURT'S HOLDING THAT TELFER IS ENTITLED TO ABSOLUTE IMMUNITY CREATES AN UNTENABLE PRECEDENT AND EXPOSES CHILDREN AND THE PUBLIC TO ENORMOUS HARM AND DANGER**

The unique circumstances of this case are that the appointed guardian ad litem in Rex and Renee Strand's divorce proceeding ignored and violated and encouraged others to ignore and violate; Utah Code Ann §62A-4a-403, §62A-4a-409, §62A-4a-410, § 62A-4a-411, §62A-4a-412, §30-3-5.2, § 76-8-502, §76-8-506 and the intent of the Legislature to separate the specialized licensed roles of the different and proper agencies who protect the interests of children.

The wisdom of the legislature in separating and defining responsibilities when accusations of child abuse are present, has separated the role of the guardian

ad litem from that of a DFS agent, and enacted legislation to establish and maintain this separation.

As a matter of law, Utah's child abuse reporting statutes requires all citizens, including licensed professionals, to report suspected child abuse immediately to DFS, designates, that DFS is the entity to conduct the investigation, and demands, that the reports and information will remain private, protected and controlled. Prior to the commencement of this action, Telfer consciously and maliciously ignored, violated, and encouraged others to ignore and violate, these three mandates. It was these illegal acts that exposed the children to enormous harm and danger and led to the libelous and slanderous statements.

A brief review of the facts, document's and time line leading to this appeal and the content of Telfer's "filed papers" explains why Telfer's arguments and the district courts holding are erroneous in fact and law and presents enormous danger to children and the public interests.

1. On 02/14/2006, in violation of Utah Code 62A-4a-403, Diane Dimeo sent a letter to Telfer, reporting serious allegations of child abuse against the Appellants. [R. 30-31]
2. On 02/28/2006, in violation of Utah Code 62A-4a-403, Danielle Ferrari sent a letter to Telfer, reporting serious allegations of child abuse against the Appellants. [R. 36-38]

3. On 03/18/2006, 32 days after Dimeo's letter, (the first report of child abuse that was sent to Telfer), Olivia Phelps the guardian ad litem's investigator came to the Appellant's home to do a pre-arranged walk through of the Appellant's home, consistent with her responsibilities with the guardian ad litem's office and similar to the one conducted by appointment at Renee Strand's home. The purpose of Olivia Phelps visit was not to inquire or investigate Dimeo's and Ferrari's charges against the Appellant's.

4. On 03/23/2006, 5 days after Olivia Phelps visit to the Appellant's home; On behalf of and for Renee Strands benefit, Telfer, acting outside the scope of her duties and ignoring the requirements of the child abuse reporting statutes, prepared on her own letterhead, affidavits against the Appellants for Ferrari and Dimeo to sign, based upon and incorporating the allegations set forth in Ferrari's and Dimeo's February 2006 letters. [R. 27-28, 33-34]

5. On 03/24/2006 in violation of Utah Code 62A-4a-403, Renee Strand sent an affidavit to Telfer, reporting serious allegations of child abuse against the Appellants. Renee Strand incorporated in said affidavit, Dimeo's and Ferrari's February 2006 charges against the Appellants' as well. [R. 47-54]

6. On 03/27/2006, 41 days after Dimeo's letter, (the first report of child abuse sent to Telfer), 9 days after Olivia Phelps visit to the

Appellant's home, 4 days after Telfer prepared affidavits for Dimeo and Ferrari to sign, and 3 days after Telfer was sent Renee Strand's (03/24/2006 ) affidavit; in violation of 62A-4a-412, which designates that reports and information about child abuse are to remain private protected and controlled, Telfer filed in Renee Strand's divorce proceeding, on behalf of and for Renee Strand's benefit; Diane Dimeo's 02/14/2006 letter and 03/23/2006 affidavit, Danielle Ferrari's 02/28/2006 letter and 03/23/2006 affidavit, and Renee Strand's 03/24/2006 affidavit, claiming that she (Telfer) and her office had investigated and substantiated their allegations.<sup>1</sup> [R. 3/12, R. 3/17, R.19/8]

Through Telfer's "filed papers" she incorporated and attached all the allegations of child abuse written by Ferrari, Dimeo and Renee Strand, and Telfer also leveled her own allegations of child abuse against the Appellants and claims to have substantiated them though said investigation(s) as well [R 19/8, R 21/9], but Telfer excluded Olivia Phelps report which as far as all the accusations regarding the living conditions/

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<sup>1</sup> [R 4/24] "Ms. Telfer's investigation was limited to discussions with the Petitioner (Renee Strand) and the affiants, Diane Dimeo and Danielle Ferrari who have no personal knowledge of the statements they attested to." [R/ 7/33] "Ms. Telfer would rather quote from third party affidavits of individuals who have no personal knowledge of the living conditions in the plaintiffs home than her own Chief investigator Olivia Phelps." [R 8/34] "the...statements were...without independent collaboration and the defendant (Telfer) should have known them to be false..."

It should also be noted that the charges (case no. 051907027) brought against Rex Strand, referred to in Telfer's memo and Renee Strand's affidavit [R.17-18/1 and 20/C, R 49/b] ] were dismissed on 02/21/07.



arrangements inside the Appellant's home and the Appellant's character, would have been exculpatory.<sup>2</sup>

7. On March 28<sup>th</sup> 2007, a hearing was held in Renee Strand's divorce proceeding on Appellants very guilt or innocence ( Telfer's motion, memorandum and exhibits/ Telfer's, Dimeo's, Ferraris and Renee Strands, writings, reporting and purportedly substantiating child abuse). Although the allegations, reports and information against the Appellant's were in a proceeding they did not receive notice of, when the Appellant's became aware of the hearing and the information, they supplied an affidavit refuting the allegations, reports and information, which, Telfer denied personal service of. At Telfer's request the hearing was held in camera and the Appellant's were excluded, further, the Appellant's affidavit was stricken from the record for lack of standing.

The above time line demonstrates that in violation of the law, Telfer received against the Appellants (and non parties to the divorce proceeding): two (2) letters reporting child abuse that were never sent to DFS, and without any notification to DFS, 32 days later Telfer received exculpatory information from her investigator, Olivia Phelps.

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<sup>2</sup> To infer otherwise, places Olivia Phelps in a position where she also broke the law and left children in a dangerous, hazardous environment, which obviously she did not.

The time line further demonstrates that in violation of her role as an unbiased, impartial advocate for the children<sup>3</sup>, ignoring said exculpatory information, Telfer chose rather to mold the two letters reporting child abuse into affidavits containing her own pre-conceived ideas which were devoid of merit.<sup>4</sup>, thereby soliciting and participating in the production of false material statements made under oath; a third degree felony, pursuant to Utah Code § 76-8-508(1)(a) and (b)

Further, the time line demonstrates that Telfer gratuitously assisted Renee Strand in preparing at least one affidavit, that incorporated Dimeo's and Ferrari's letters and affidavits. *See* Utah Code §76-8-502 [Addendum at 2].

Lastly, the time line demonstrates that without ever referring the complaining parties to DFS and or immediately notifying DFS herself, so that DFS could investigate the allegations and interview the parties ( a prescribed DFS duty), 41 days after Telfer received the first letter; she produced, filed and circulated a motion and memo, based on and incorporating the two letters and three affidavits, filing them all into Renee Strand's divorce proceeding to assist Renee Strand, all the while claiming that based upon her investigation, she found the appellants to be guilty of all the allegations of child abuse.

Telfer's proposition that her investigation is not at issue, fails as a matter of fact and law. Her arguments that: (1.) the Appellants were not prosecuted, (2) that the Appellants claims against her do not relate to any investigation she

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<sup>3</sup> Telfer never interviewed the children, the children's father, nor the Appellants, limiting herself and her purported investigation to discussions with Renee Strand, Dimeo and Ferrari who have no personal knowledge of the statements they attested to. [See R 5/24 and R. 10/43].

<sup>4</sup> *See* [R.3/12], [R 3/13], [R4/15], [R 4/16], [R. 5/24], [R.6/25] and [R8/34].

performed, and (3) that the Appellant's claims for libel and slander relate solely to the motion that she filed with the court and the discussions she had with her affiants while preparing their affidavits, should be rejected by this Court.

First, as a matter of law, pursuant to § 62A-4a-403, Telfer does not have the **authority** to receive complaints of child abuse, conduct an investigation into those reports, interview the complaining parties while excluding those complained of, and further prepare and or direct perjurious affidavits to be prepared that report child abuse, and claim that her (Telfer's) investigation<sup>5</sup> made it all true and lawful. Telfer's position that Appellant's claims do not relate to any investigation Telfer performed lacks merit.

Pursuant to § 62A-4a-412, as a matter of law, Telfer does not have the authority to file and distribute "reports and information" and has no lawful claim to have done so legally based on the results of "her" investigation. The situation is beyond comprehension, and should not be covered up or protected by immunity, from being heard in open Court.

By her actions or inaction's a determination on the very innocence or guilt of the Appellant's was presented by Telfer for decision in a proceeding that the Appellants lacked standing in to receive notice, refute the charges and defend themselves. These unconstitutional consequence's, Telfer claims are lawful in her

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<sup>5</sup> See R. 19/8, R. 21/9, where Telfer claims her investigation was independent whereas at R. 4/18, R. R. 5/24, R. 6/25, R. 7/33, R. 8/34, R. 10/43, R. 10/45 R 10/46, R. 11/46 R. 13/49, wherein she admits that her investigation was not independent and further that it was limited to discussions with the accusers, completely biased, malicious, and in bad faith and unjustifiable.

motion and memo, because of her investigation, in an ends justify the means mentality.

Further, while omitting any reference to this court regarding Dimeo's, Ferrari's and Renee Strands reports of child abuse that she unlawfully filed on 03/27/2007 as "exhibits" to her motion & memo, that she circulated to known and unknown parties, Telfer argues that Appellants did not allege that she disclosed the motion and supporting memo to anyone outside the divorce proceedings; and on that basis, Telfer argues that the Appellants have waived the right to argue on appeal that Telfer published the allegedly false statements more broadly than necessary.

This argument fails as a matter of fact and law. The Appellants did in fact allege that Telfer published reports and information of and regarding allegations of child abuse more broadly than necessary. Notwithstanding that Utah Law prohibits Telfer from receiving, garnering, controlling, and publishing said complete reports and information, the Appellants alleged in their Complaint at ¶ 46 that : "These falsehoods were published by Telfer as fact and filed into court and distributed to known and unknown persons to be named after discovery..." ; Appellants alleged in ¶ 50 that: "... The known misstatements are now of public record and have been circulated to known and unknown parties.." and ; Appellant's allege in answer to Telfer's 12(b)(6) motion, (pg. 9, last paragraph) that: " .. the defendants TRO Memo in the divorce proceeding was sent to persons other than those mentioned in section 503 (403)...." **And** based on the

content and subject matter, Telfer's motion, memorandum and "exhibits" are strictly prohibited by Utah Law from being published or distributed. Such information could only be released pursuant to Utah Code § 62A-4a-412, to specific persons for specific purpose, and only after they DFS investigated and expunged them of conclusions and unverifiable information.

Because Telfer's motion, memo and exhibits are in fact, reports and information of allegations, investigations and unverifiable conclusions about and regarding child abuse, disclosing the complete reports and information to those in the divorce proceeding (or any other proceeding for that matter ) constitutes publication more broadly than necessary, without authority, without subject matter jurisdiction, and in violation of the law.

Telfer offer's no credible argument why she should be allowed under the color of authority to take such illegal actions: receive, act on, investigate and further generate more allegations of child abuse without ever notifying DFS, and offers no credible grounds why she should be able to prepare, file and distribute a motion and supporting memorandum based on and containing said information (which should be private, protected and controlled by DFS) in a divorce proceeding, simply because she was seeking a change of custody. Quite the contrary, pursuant to § 30-3-5.2 when, in any divorce proceeding or upon a request for modification of a divorce decree, an allegation of child abuse or child sexual

abuse is made, implicating either party<sup>6</sup>, the court, after making an inquiry, may order that an investigation be conducted by the Division of Child and Family Services within the Department of Human Services in accordance with Title 62A, chapter 4a. and a final award of custody or parent-time may not be rendered until a report on that investigation, consistent with Section 62A-4a-412, is received by the court. According to Telfer, regardless of whether the accused are parties to a divorce proceeding, she and other guardian ad litem would be unduly limited in their roles if they were not allowed to ignore and violate those limits as well as Utah Code Section 62A-4a-403 and Utah Code Section 62A-4a-412. Telfer simply does not understand, no matter how well intentioned she may or may not be<sup>7</sup>, she can't circumvent the law.

There is NO credible basis to state that guardian ad litem would be unduly limited in their roles if they were not allowed to render moot; the safe guards that have been enacted to keep reports and information confidential, private, protected and controlled and the legal safeguards enacted to protect the accused. DFS is the only entity that is allowed to release reports and information of allegations and investigations, and only objective or undisputed facts that were verified at the time of the (DFS) investigation and devoid of conclusions, to parties governed by Utah Code § 62A-4a-412 can be released.

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<sup>6</sup> The Appellants were not parties.

<sup>7</sup> In this case, the intentions were conspiratorial, malicious and in bad faith.

Telfer offers no credible arguments on why she, other guardian ad litem's and or accusers should be able to ignore these requirements and release their's and other's reports , allegations and information, completely libeling and slandering innocent third parties in a proceeding, they ( in this case the Appellants) are not parties to and further had and have no standing in to refute such serious charges.

Telfer offers no credible argument why she and other guardian ad litem's should be able to ignore the requirements of § 62A-4a-403 and withhold information of child abuse from DFS and or law enforcement.

Telfer offers no credible argument why she and other guardian ad litem's should be able to take on the mantle of a DFS investigator or law enforcement agencies, and at the same time be allowed to ignore the requirements of the child abuse reporting , investigating, and protecting all parties statues; the role of DFS as defined under the child abuse reporting statues; and the dictates of § 62A-4a-412, that keeps reports and information private, confidential protected and controlled.

Likewise, Telfer offers no credible argument why she and other guardian ad litem's, should be able to only speak with the accusers, have no contact what so ever with the accused, or their clients (the children), then be allowed to proceed and file and circulate their contrived conclusions on the ultimate issue of whether a person's "purported" acts or omissions constitutes any level of abuse or neglect.

This libel, slander, and violations of the public at large's rights constitutes enormous harm and injury.

Telfer offers no credible argument, why (if she believed the allegations to be true) would it take 32 days to send one of her investigators to our home, why the visit would be pre-arranged, and why 9 day's later she ignored her investigator's exculpatory report in favor of the statements of the accusers.

If the allegations had been true, which they were not, but if they had been true, as an advocate for children, Telfer did not report the allegations to DFS. Herein lies the problem. Whether or not the allegations against the Appellants were true or not, under no circumstances should Telfer or other guardians ever withhold or encourage other's to withhold information of and regarding allegations of child abuse involving her/their clients, or any other child, from DFS, especially when (and if) the accused are not parties to *the* or *a* divorce proceeding.

Telfer treats these conflicts as irrelevant to the merits of this case but offers no credible basis or explanation on why accusers and guardian ad litem should be allowed to ignore and violate Utah's child abuse reporting statutes, why they should be entitled to render moot, the safe guards that have been enacted to protect children and the accused, and why they should be absolutely immune for such unlawful acts in such an unlawful manner which has caused irreparable damage to the Appellant's personal reputation and have caused known and unknown damage to them[ R 13/49]



Telfer argues that she was not acting outside the scope of her duties as guardian ad litem when she filed the motion, but does not address any of the grounds as to why she was acting outside the scope of her duties. Telfer's suggestion ignores the fact that when she (Telfer) became aware of purported allegations of criminal acts of child abuse she did not direct the accusers Diane Dimeo, Danielle Ferrari or Renee Strand to make a report to DFS and or the appropriate law enforcement agencies and chose to withhold such for an indefensible period of time (41 days) , allowing three little girls to purportedly be in danger and at risk, while Telfer was preparing for an unauthorized, libelous and slanderous filing in a divorce proceeding [R. 8/35, 36, 37, R. 12/46, R.14/49, R. 13/49], and gathering perjurious affidavits [R. 3/13, 5/24, 6/25, 7/33, 8/34].

Telfer treats not only the purported risk and danger to children but also her's and others violation's of the child abuse reporting statutes and their liability under Utah Code § 62A-4a-410 as irrelevant, arguing that those conflicts do not implicate the issues in this case.

To further trivialize her violations of Utah Law and the purported risk and danger to children, Telfer's statements that :“this case illustrates well the importance of the privilege” and that “the trial court's application of the judicial proceeding privilege was unquestionable correct in this case”, are flawed and should be rejected by this Court.

There is no secret mantle bestowed on Telfer that gives her the authority to withhold such information from DFS, while waiting 41 days to disclose said

information, just to bolster one parents case against the other (also a violation of law and her scope).

Rex and Renee Strand's divorce proceeding does not give Telfer immunity from or authority to ignore the child abuse reporting statutes and represent an interest against the Appellant's, in three unauthorized area's: legal, investigative and accuser.

The principal of Judicial Privilege works under a theory that the court has subject matter jurisdiction<sup>8</sup>, that the parties being infringed upon are parties to the proceeding and that the integrity of the people infringed upon will be protected by that proceeding. In this case, neither of the Appellant's were parties to the divorce proceeding and instead of being protected the Appellant's were excluded and exploited for unlawful purpose, by unlawful means.

The District Court, erred in finding that the Appellant's had "no cause of action" against Telfer, and erred when it did not determine the parameters of the privilege and simply based it's finding on Telfer's counsel's assertion that one can say and do anything in the course of a judicial proceeding [Tr. Pg. 15 lines 7-21]

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<sup>8</sup> Because as a matter of law, Telfer's, Dimeo's, Ferrari's and Renee Strands reports, allegations and information could not be filed, circulated or used lawfully in an manner, without being investigated, controlled and released by DFS pursuant to 62A-4a-403 and 62A-4a-412, they were not lawfully before the divorce court.

## CONCLUSION

None of Telfer's defenses preclude a finding of liability, nor do they demonstrate why it would be important for guardian ad litem to not be governed and or held liable by Utah Code Ann §30-3-5.2, §62A-4a-403, §62A-4a-409, §62A-4a-410, § 62A-4a-411, §62A-4a-412 §78-8-502, §78-8-506 § 76-8-508(1)(a)(b) § 45-2-2 nor do they demonstrate why the violations U.S. Constitution Amendment 6 and 14 are irrelevant.

This Appeal is made necessary so that this Court can provide clear guidance to the public and the bar on proper application of common law judicial proceeding privilege in order to resolve the conflict it presents to Utah's child abuse reporting statutes so that citizen's are protected from being unduly libeled and slandered in proceedings they are not parties to. To do otherwise will continue to endanger children and the public and engender confusion.

The seriousness of the issue's (what the Appellant's were accused of and how they were accused) and the impact that such has on the judicial system, child abuse reporting statutes, the roles of DFS versus guardian ad litem and personal rights, must not be trivialized or camouflaged by those who seek to shortcut well settled law and the need for integrity, fairness and equality.

The rational that a guardian ad litem, under the color of authority, can; falsely accuse, illegally investigate with preconceived results, suborn perjury,

charge and adjudicate as guilty, any one, and distribute all the information to a number or untold parties, simply by filing unauthorized papers in a divorce proceeding, carried to its obvious conclusion, as a matter of law cannot be tolerated. This circumvents the bulk if not all of Utah's child abuse reporting statutes and the state licensing areas of expertise; and encourages and invites guardian ad litem to accuse, investigate, document, analyze, charge, prosecute, adjudicate and distribute charges of child abuse etc., and do so, under the radar, without notification to the accused, without DFS review and without being governed by rules or regulations.

This violates a myriad of constitutional rights and turns the judicial system into an anarchy with no presumption of innocence, without the hair shirt of the sworn oath or the threat of perjury. This cannot be allowed.

When pitting common law judicial privilege against the constitution, child abuse reporting statutes and false statements under oaths statutes (Utah Code §76-8-502, §76-8-506), the Constitution and statutes must prevail and the parameters of judicial privilege must be determined in harmony.


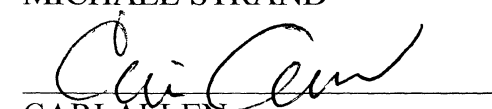
An irony of this case as per an article published in the Salt Lake Tribune on February 23, 2007, enclosed as [Addendum 1] indicates that the Attorney General's office, rather than defending Telfer, should be prosecuting her. The hijacking of legal responsibilities and parameters, on a personal whim must not be condoned.

In that Telfer is a guardian ad litem does not validate her violations of well established law, nor does it render them moot (although the allegations were false, Telfer stated to the divorce court, that she believed them to be true and offers no explanation why she left three young girls at risk, with no report to DFS ).

Telfer and guardian ad litem do not have an absolute license to defame innocent third parties, any where, any place, any time, any how, and at their whim; and should be prosecuted for not reporting child abuse

Wherefore, the Appellants respectfully requests this Court to preserve and protect Utah's Child abuse reporting statutes from those who seek to ignore, violate and render them moot, whether it be from misfeasance, malfeasance, intent or reckless disregard for the truth; requests that this case be remanded for a trial on the merits, and; requests determination of the boundaries/parameters within the scope of absolute immunity on the grounds of judicial privilege and under what color or authority when measured against the safety of children<sup>9</sup>. This case demands such.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of March, 2007.

  
MICHAEL STRAND  
  
CARI ALLEN

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<sup>9</sup> Related Appeals: Cari Allen v. Diane Dimeo case no. 20060906 –CA, Cari Allen v. Danielle Ferrari case no. 20060907-CA, Michael Strand and Cari Allen v. Renee Strand, case no. 20061048-CA.

CERTIFICATE OF SERVICE

I hereby certify that on this 23<sup>rd</sup> day of March, 2007 I caused to be served  
by U.S. Mail, postage prepaid, two true and correct copy of the foregoing  
Appellant's Reply Brief, to the following:

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3/23/07  
DATED

## **ADDENDUM**

Salt Lake Tribune Article.....	1
Utah Code § 76-8-502, §76-8-506, §76-8-508(1)(a) and (b) & § 45-2-2.....	2

## Former Duchesne County attorney pleads 'no contest' for failing to report child abuse

By Stephen Hunt  
The Salt Lake Tribune  
Salt Lake Tribune

Article Last Updated: 02/22/2007 06:39:51 AM MST

Posted: 6:41 AM- The case against a former deputy Duchesne County attorney charged with failing to report information about the sexual abuse of a child has been resolved with a plea in abeyance.

Roland Uresk pleaded "no contest" this week in Salt Lake County Justice Court to one count of class B misdemeanor failure to report child abuse.

Judge Shauna Graves-Robertson imposed a \$200 fee and said the charge, along with an identical count, will be dismissed in 12 months if Uresk commits no other crimes.

In September 2005 and May 2006, Uresk received information over the telephone that Brad Gale - part-owner of Gale's Office Supply & Books in Roosevelt and Vernal - was molesting a 14-year-old boy.

Although the caller mentioned Gale by name, Uresk told The Tribune he took no action because the caller had heard of the abuse from someone else.

Uresk said he advised the caller to have that other person contact him, or for the caller to contact the Utah Division of Child and Family Services.

Prosecutors said that other person finally did contact police.

\* - Utah law requires citizens to report suspected child abuse to the division or police. The case was filed in Salt Lake County because the person who called Uresk made the call from Salt Lake County, said Assistant Utah General Michael Wims.

Gale was subsequently charged with sexually abusing the boy in Duchesne and Utah counties, in July and September, respectively.

Earlier this month, Gale was sentenced to 15 years in federal prison for photographing the boy engaging in sexual acts.

Gale is to be sentenced March 29 in Roosevelt's 8th District Court, where he has pleaded guilty to four first-degree felonies.

Another man, 76-year-old John West, pleaded guilty to a misdemeanor count of sexual battery for watching Gale sexually abuse the boy in Utah County. West was sentenced to two weeks in jail.

On Wednesday, Wims called the settlement of Uresk's case "a fair and just resolution of the matter."

Uresk was a part-time civil attorney for Duchesne County until December, when his contract expired and the county commission declined to renew it.

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**Utah Code § 76-8-502. False or inconsistent material statements.**

A person is guilty of a felony of the second degree if in any official proceeding:

(1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or

(2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true.

**Utah Code § 76-8-506. Providing false information to law enforcement officers, government agencies, or specified professionals.**

A person is guilty of a class B misdemeanor if he:

(1) knowingly gives or causes to be given false information to any peace officer or any state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another has committed an offense;

(2) knowingly gives or causes to be given to any peace officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology, or marriage and family therapy, information concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger; or

(3) knowingly gives or causes to be given false information to any state or local government agency or personnel with a purpose of inducing a change in the person's licensing or certification status or the licensing or certification status of another.

**Utah Code § 76-8-508 (1) (a) and (b). Tampering with witness**

(1) A person is guilty of the third degree felony of tampering with a witness if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation, he attempts to induce or otherwise cause another person to:

(a) testify or inform falsely;

(b) withhold any testimony, information, document, or item;

**Utah Code § 45-2-2. Libel and slander defined.**

As used in this chapter:

(1) "Libel" means a malicious defamation, expressed either by printing or by signs or pictures or the like, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or publish the natural defects of one who is alive, and thereby to expose him to public hatred, contempt or ridicule.

(2) "Slander" means any libel communicated by spoken words.