

Mark Allen
Address: (Protected) Whistleblower Protection Invoked

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
137 N Freedom Blvd.
Provo Utah 84601

JUDGE GRAF

V.

MARK STEWART ALLEN, hereafter reference as
M.S.A or “Respondent”

*(Relating Solely to Rule 83 Vexatious Motion and
Double Jeopardy Proceedings)*

RESPONDENT’S RESPONSE TO RULE 83
MOTION; REQUEST FOR CERTIFIED WEBEX,
AND CERTIFIED TRANSCRIPTS

MOTION TO STRIKE; AND REQUEST FOR
REFERRAL TO DOJ/OIG,

MOTION TO DISQUALIFY/RECUSE.

REFERENCED EXHIBITS A-G

PROPOSED ORDER Proposed Order Enforcing
Non-Discretionary Administrative Duties: Certified
Record, WebEx Recordings & Referral

Notice to Submit for Decision backlog exhibit

Case No. 211401656

Judge: Graf

INTRODUCTION

COMES NOW Respondent, M.S.A, appearing pro se,

FINDINGS & JURISDICTIONAL CLARIFICATION

This matter was dismissed **with prejudice** on **September 20, 2024**, terminating all adversarial jurisdiction. Once dismissal entered, the State of Utah and all prosecutorial actors lost standing. Judicial invitation cannot create standing where none exists. *Ex parte Lange*, 85 U.S. 163 (1874); *Gregory v. Shurtleff*, 2013 UT 18.

The Court has **no authority to act as a movant**. By initiating a Rule 83 motion sua sponte, the Court improperly positioned itself as both **complainant and adjudicator**, violating fundamental principles of neutrality and due process. A judge may not litigate against a party. *Tumey v. Ohio*, 273 U.S. 510 (1927).

There is no victim in these proceedings other than Respondent himself, his career, his reputation, his family, the judicial system and the taxpayers of the State of Utah and United States (VOCA)

All prosecutions having been dismissed, and no adverse party remaining, any continuation of Rule 83 proceedings amounts to retaliation against Respondent for exercising his right to petition for certified records, preservation of evidence, and reporting of judicial misconduct.

This case was dismissed **with prejudice** on **September 20, 2024**, ending all adversarial jurisdiction. The State's admission of the 211401656 case being an exact duplicate of case 191400132 should be of grave concern to all prosecutors under Rule 3.8, 8.3, 8.4. No victim remains, and the State has no standing.

The Court's sua sponte Rule 83 motion is procedurally void because it fails to:

- Identify any allegedly “vexatious” filings **with specificity** (date, docket number, and title), as required by *Tripati v. Beaman*, 878 F.2d 351 (10th Cir. 1989) and *DeLong v. Hennessey*, 912 F.2d 1144 (9th Cir. 1990);
- Provide a certified, chronological ledger of docket entries free from alteration, backdating, or omission.

The Court is on notice that:

- The docket has been backdated and contains non-chronological numbering;
- Respondent has received **0 of 29 certified transcripts or WebEx recordings** despite repeated requests;
- VOCA federal funds were drawn down contemporaneously with duplicative prosecutions later admitted to be double jeopardy.

Unless the Rule 83 motion is vacated and these **ministerial obligations** are fulfilled, the Court is in violation of its own rules and procedures (URCP 52(d), URCP 60(a), UCJA 4-201, 4-202.02; Utah Code § 78A-2-208).

The Court may not cure its lack of jurisdiction by inviting or influencing the State to appear as a party when no adversary or victim remains.

Proceeding without certified records in these circumstances would compound the misconduct of prior prosecutors, distort the record, and violate Respondent's constitutional rights to due process, equal protection, and the right to petition.

The only live controversy is the Court's unfulfilled **ministerial obligations**:

- Correcting and certifying the docket;
- Producing certified transcripts and WebEx/Zoom recordings;
- Executing prior stipulated orders.

Until these obligations are completed, further adversarial posturing — particularly punitive measures such as a vexatious designation — is procedurally void, jurisdictionally defective, and constitutionally impermissible.

1. The Court and Clerk have failed to provide any certified records (hearing recordings, transcripts, or a certified ledger) despite Respondent’s repeated, formal requests over **nearly six years** across these two connected double jeopardy proceedings 191400132 and 211401656 initiated by former Utah County Attorney Leavitt and his subordinates under Color of Law.
2. The Court’s “vexatious” inference is an **inversion of facts**: it appears calculated to mask the Court’s **ministerial deficiencies** in recordkeeping and certification, shifting the burden to Respondent for the very filings he was forced to make to preserve a record the Court was duty-bound to maintain. See URCP 52(d), 60(a); UCJA 4-201, 4-202.02.
3. This motion is accompanied by **Exhibit A: Chronological Record of Court Failures (2016–2025)**—a somewhat lengthy and yet necessary detailed chronology **necessitated by the Court’s refusal to certify WebEx/Zoom hearings, transcripts, or an accurate, attested docket**. The length of Exhibit A is compelled by the Court’s omissions, not by advocacy excess.
4. The **docket itself is contradictory and unstable**: it simultaneously reflects “dismissed without prejudice,” “dismissed with prejudice,” and “case closed.” The September 20, 2024 hearing states dismissal **with prejudice**, yet a later docket comment now asserts dismissal **on September 9, 2022** with prejudice. Until the Court furnishes a **certified, attested ledger with metadata** and corrects these contradictions, Respondent cannot be required to “guess” which entries the Court deems vexatious.

BACKGROUND

5. On September 20, 2024, this Court dismissed Respondent’s prosecution with prejudice after the State admitted it was an exact duplicate of a prior matter.
6. **The State stipulated it was “out” and no longer had standing.**
7. Despite dismissal, a Rule 83 vexatious motion appeared after Respondent requested Certified Records and Webex Hearings and Certified Transcripts in preparation for Federal Filings. Evidence suggests former Judge Lunnen may have co-authored the Rule 83 Motion as retaliation against M.S.A. for reporting the double jeopardy prosecution to the JCC and OPC after Judge Lunnen had disclaimed jurisdiction, with Judge Graf now advancing it without context for the judicial errors, omissions, co-missions and prosecutorial conduct.
8. Respondent has expended over 100 hours opposing a motion that is procedurally void, seemingly retaliatory, and jurisdictionally defective.

JUDICIAL INSIGHT & INVERSION OF FACTS

9. Judge Graf has publicly recognized the danger of fragmentary justice, stating (as a prosecutor):

“I was the prosecutor on that trial, and it was frustrating not to be able to bring in that evidence to the jury... that’s not justice — not to present the full picture. ... The balance has to be even.”

JUDGE GRAF has likewise acknowledged systemic failures:

“And the question that’s heartbreaking is, why didn’t the system protect me? What happened? And that is a wake-up call. ... This creates a brake system ... that holds them responsible.”

House Judiciary Committee - March 03, 2025

Utah State Legislature - 2025-03-03



10. Those principles apply now. Proceeding against Respondent **without certified records** contradicts Judge Graf’s own stated standard that “the full picture” must be presented and “the balance has to be even.” Labeling Respondent “vexatious” **while withholding certification** of the docket, hearings, and transcripts is the very **inversion** of facts warned against in those remarks.
11. The Court’s ministerial duties to **preserve, certify, and correct** the record are not discretionary and predate any Rule 83 proceeding. Until those duties are fulfilled, a “vexatious” accusation is procedurally defective and substantively unfair.

ARGUMENT

I. The State Has No Standing

12. Once dismissal with prejudice entered, the State’s participation terminated. Judicial invitation cannot create standing. Any filing made post-dismissal is void.

II. Judicial Authority Has Been Exceeded

13. A judge disclaiming jurisdiction cannot draft motions. A successor judge cannot cure a void act. Graf’s initiation of Rule 83 makes him both movant and adjudicator, contrary to due process and Canon 2 of the Utah Code of Judicial Conduct.

III. Contradictory and Altered Docket Entries

14. The docket contains irreconcilable entries reflecting dismissal “without prejudice,” “with prejudice,” and “case closed.”
15. At the September 20, 2024 hearing, this Court stated the dismissal was **with prejudice**. Yet the docket now includes a comment suggesting dismissal without prejudice occurred on **September 9, 2022, that a**

dismissal with prejudice also happened the same day and....

.....**DOWNSTREAM on September 24th 2024 the case was also and again dismissed with Prejudice and Respondents “Expungement” would be tolled or "stayed" pending Respondents Motion.....**

The record incongruity requires an audit of metadata to see who has been “altering or amending” the docket entries, the timeline and prosecutorial events.

16. These contradictions cannot coexist. Until the Court provides a **certified ledger**, Respondent cannot be expected to guess what version of the docket controls or which filings the Court suggests are vexatious.

IV. Record Preservation Failures

17. Utah law imposes non-discretionary duties to preserve records:

- URCP 52(d) (correction of omitted or misstated records);
- URCP 60(a) (clerical mistakes);
- UCJA 4-201 & 4-202.02 (recording and preservation requirements);
- Utah Code § 78A-2-208 (duty to provide transcripts).

18. By refusing to provide certified ledgers and transcripts, the Court has obstructed preservation. Respondent’s filings seeking compliance cannot be deemed vexatious.

V. VOCA Funding Draw-Downs & Federal Audits

19. Exhibits D1-D6 (VOCA ledgers) show federal grant **draw-downs** aligned in time with duplicative prosecutions and extended proceedings later admitted to be **double jeopardy**.

20. Misuse or misallocation of VOCA funds, if confirmed, implicates:

- 18 U.S.C. § 666 (federal program fraud);
- 18 U.S.C. § 1519 (falsification/concealment of records);
- 18 U.S.C. § 242 (deprivation of rights under color of law);
- 42 U.S.C. § 1983 (civil rights violations).

21. Given the contradictory docket, the absence of certified records, and the VOCA draw-down evidence, the Court should **refer** this matter for independent review to the **U.S. DOJ Office of Inspector General (OIG)**, the **FBI**, and the **IRS** for forensic auditing and clawback determinations as appropriate.

VI. Reservation of Fees & Sanctions

22. Respondent does not seek an award of sanctions or fees in this proceeding but expressly reserves all rights to pursue reimbursement and sanctions in subsequent proceedings, including federal court, under *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), 42 U.S.C. § 1983, and other applicable law. Respondent’s present requests are limited to administrative compliance: certification, correction, and preservation of the judicial record.

RELIEF REQUESTED (Certifications Within 14 Days)

Respondent requests an Order requiring sworn certifications **before** any Rule 83 adjudication:

1. **Certified Docket Ledger:** Produce an attested ledger (with metadata/audit trail) confirming the controlling dismissal entry and date, and certifying that no backdating, alteration, or deletion has occurred.
2. **Specificity of Alleged Vexatious Filings:** Identify each challenged filing by docket entry number and date, with a short statement of why it is allegedly vexatious.
3. **Certified Hearing Records:** Produce certified WebEx/Zoom recordings and certified transcripts for all relevant hearings.
4. **Authorship Certification:** Identify whether former Judge Lunnen or his staff authored or co-authored the Rule 83 motion; produce responsive metadata/e-discovery.
5. **VOCA Certifications:** Certify VOCA draw-downs by date and amount during these proceedings; confirm record-retention compliance.
6. **Referral Certification:** Acknowledge that irregularities require referral to DOJ-OIG, FBI, and IRS for oversight and clawback review.
7. **Exhibits and Record Integrity**
Respondent emphasizes that the attached exhibits A-G — including VOCA funding ledgers (Exhibits D1–D6) — are not optional or surplusage.

They are necessary to establish accurate and certified records for DOJ, OIG, IRS, and State Auditor oversight.

The ledgers Exhibits (D1-D6) show federal draw-downs exceeding \$500,000 during prosecutions later admitted to be duplicative and jurisdictionally void. Three additional years of ledgers remain withheld by UOVC, meaning the figures are conservative.

These records raise unavoidable questions as to whether VOCA, VAWA, STOP, CARES, or COVID funds were used to subsidize prosecutions and payroll. The exhibits must therefore be incorporated in the docket to preserve the record for federal audit and clawback review.

8. Under **Utah Code § 63G-2-603** (GRAMA), governmental entities are obligated to correct inaccurate or incomplete records; under URCP 60(a) and 52(d), courts must correct clerical mistakes and omissions so the record “speaks the truth.”

Failure to preserve, certify, and provide these materials may also implicate **18 U.S.C. § 1519** (spoliation), **18 U.S.C. § 242** (deprivation of rights under color of law), and **42 U.S.C. § 1983**.

Respondent requests clarification whether the page-limit objection was issued under judicial authority or by an AOC staff attorney, as Rule 7 contemplates a ruling of the Court, not the clerk or counsel.

In the alternative, Respondent will, if ordered, divide this filing into multiple 15-page submissions so long as all exhibits are formally received and entered into the record to preserve constitutional and

statutory compliance, if the latter Respondent requests a 7 day extension of time to provide multiple Exhibits and an overlength Memorandum.

The Respondent has consolidated materials for the benefit of the Court.

All certifications must be notarized or executed under penalty of perjury pursuant to 28 U.S.C. § 1746.

NOTICE RE: FEDERAL PRESERVATION & JURY DEMAND

Respondent, proceeding pro se, gives notice that certified records are required for forthcoming federal filings under **42 U.S.C. § 1983** and related statutes. Should any adjudication be attempted on disputed facts, Respondent demands a **jury trial** on the federal civil-rights issues to the extent preserved and permitted.

Exhibit A – 2016-2025 DOCKET LEDGERS OF PROSECUTION WITHOUT JURISDICTION. Exhibit A is a chronology of systemic failures in this prosecution and its related matters. It demonstrates that the pending Rule 83 “vexatious litigant” motion is an inversion of facts, attempting to blame Respondent for deficiencies that belong to the Court and the State. **Exhibit A shows that record failures, not Respondent’s filings, have multiplied proceedings.**

1. Zero Certified Records (6+ Years)

- No certified WebEx recordings, transcripts, or accurate docket entries have been produced despite nearly four years of requests and GRAMA appeals.
- Record certification is a ministerial, non-discretionary duty of the Court.

2. Contradictory Judicial Statements

- Judge Lunnan (Sept. 20, 2024): *“I know nothing about your case.”*
- In the same hearing: dismissed the case **with prejudice** and stayed expungement.
- This contradiction shows either deliberate misrepresentation or concealment of record failures.

3. Improper “Vexatious” Label

- Filings 143–215 were lawful requests for certified records, preservation of WebEx/transcripts, and memorialization of double jeopardy.
- The vexatious designation is retaliatory, punishing constitutionally protected petitioning.

4. Backdating & Docket Tampering

- Entries state both “dismissed without prejudice” and “dismissed with prejudice.”
- A dismissal date of **Sept. 9, 2022** conflicts with the Sept. 20, 2024 oral ruling.
- Forensic metadata audit is required to determine authenticity.

5. Oral Contract Inversion

- **On Sept. 20, 2024, Judge Lunnan agreed orally to sign Respondent’s dismissal order and toll expungement. On May 1, 2025, he denied ever making this agreement, contradicting the transcript/audio record. This constitutes contract law violations, obstruction, and acts outside judicial immunity.**

6. Prosecutorial Failures & VOCA Misuse

- Exculpatory evidence was withheld for 11 months (Brady violation).
- Prosecutors and clerks failed to report misconduct.
- VOCA federal grant funds continued to be drawn down to subsidize prosecutions even after double jeopardy was admitted.

7. Federal Statutes Implicated

- 18 U.S.C. § 1519 – falsification of records
- 18 U.S.C. § 242 – deprivation of rights under color of law
- 18 U.S.C. § 666 – federal program fraud (VOCA misuse)
- 42 U.S.C. §§ 1983, 1985, 1986 – civil rights, conspiracy, neglect to prevent

Relief Sought

- Strike the Rule 83 vexatious motion as void.
- Compel certification of **all WebEx recordings, transcripts, dockets, and metadata.**
- Sanction responsible officials.
- Audit and claw back misused federal funds.
- The vexatious motion seems to be a retaliatory inversion of facts.
- Refer to DOJ, OIG, FBI, IRS for investigation of **double jeopardy, record tampering, and VOCA misuse**

Exhibit B – Judicial Oath of Hon. Tony Graf

This exhibit contains Judge Tony Graf’s signed oath of office dated **May 18, 2011**, pledging to uphold the Constitution of the United States and the Constitution of Utah, and to discharge his duties with honesty, fidelity, professionalism, and civility.

Without certified records, this Court lacks the insight and context necessary to proceed. Federal oversight is now required.

Purpose of Exhibit

Exhibit B is submitted to remind this Court that the judicial oath binds Judge Graf to the **Constitution, not the institution**. That oath requires:

1. Obedience to the U.S. and Utah Constitutions;
2. Discharge of judicial duties with honesty, fidelity, and civility;
3. Faithful observance of the Rules of Professional Conduct and the Standards of Professionalism and Civility.

This oath requires that due process be honored, that certified records be produced, and that the Rule 83 “vexatious” motion not be used to mask ministerial failures in docketkeeping or record certification.

Exhibit C – History of Post-Settlement Entries Without Jurisdiction

This exhibit contains the **chronological history of all docket entries after August 4, 2016**, the date of the Xchange entry “*Trial Cancelled: Case Settled*” in Case No. 160400655.

Purpose of Exhibit

1. Jurisdictional Defect:

- All entries after **August 4, 2016** were filed **without jurisdiction**, as the case had already been settled.
- Subsequent prosecutions—including Cases 171402280, 191400132, and 211401656—rest on this defective foundation.

2. Exculpatory Brady Evidence Withheld:

- The chronology shows how Brady-protected materials were repeatedly withheld and delayed.
- These failures deprived Respondent of fair process, while courts and prosecutors continued to pursue charges void for lack of jurisdiction.

3. Kennard Analysis (Jan. 2019):

- Utah County Prosecutor Randy Kennard’s review confirmed the case had settled.
- His analysis mistakenly cites the year **2018** instead of **2016**, but the controlling date is August 4, 2016.
- This discrepancy underscores the importance of accurate certified records, which remain absent.

This Exhibit establishes that every proceeding after **August 4, 2016** was outside jurisdiction, compounded by Brady violations and prosecutorial misconduct **WHICH demonstrates that the Rule 83 “vexatious” motion is an inversion of responsibility, as Respondent’s filings were necessary to expose errors and preserve the record.**

EXHIBIT D – VOCA SUBGRANTEE FUNDING LEDGERS (2018–2025)

Exhibits **D-1 through D-6** contain VOCA billing ledgers from the Utah Crime Victims Legal Clinic (UCVLC), Utah County Attorney’s Office, and CCJJ. They show that federal VOCA funds were repeatedly drawn down for payroll and benefits while Respondent was prosecuted in **Case Nos. 171402280, 191400132, and 211401656** — all proceedings later revealed to be **void for lack of jurisdiction** after the August 4, 2016 settlement.

Payroll Totals – Key Personnel

- **Lorie Hobbs (Exhibits D1 to D4):** \$106,930.94 (2018–2021)
- **Bethany Warr (Exhibits D1 to D4):** \$244,625.30 (2018–2021)
- **Katie Fox (D5 to D6):** \$148,673.80 (2021 & 2024)

Grand Total (Known): \$500,230.04

(Excludes missing 2022–2023 data)

Purpose

- Confirms **federal VOCA funds subsidized prosecutions potentially all three criminal cases** (171402280, 191400132, 211401656) all of which were jurisdictionally void.
- Documents that **exculpatory Brady evidence was withheld** while payroll reimbursements continued.
- Absent years do not erase the clear pattern of federal funding misuse.
- The scale of VOCA reimbursements tied to unlawful prosecutions should trigger **IRS, DOJ, and OIG audit and clawback review.**

EXHIBIT E – MOTION TO ENTER & [PROPOSED] ORDER REQUIRING CERTIFICATION OF RECORDS & ADMINISTRATIVE COMPLIANCE

This Proposed Order requires that the Court, the Utah County Attorney’s Office, the Utah Attorney General’s Office, and the Administrative Office of the Courts satisfy non-discretionary administrative obligations by providing sworn certifications on the following matters:

1. Accuracy of the Docket
Certify that the court’s docket ledger is complete and correct, that audit logs and metadata are preserved and unaltered.
2. Preservation of Brady & Prosecutorial Records
Certify that all obligations under Brady and other prosecutorial disclosure duties have been met, that no required evidence has been suppressed, destroyed, or altered.
3. Authorship & Procedural Origins of Key Motions & Orders
Identify who authored (and when) the Rule 83 motion; clarify the origin and authorship of any trespass order; disclose who prepared and approved procedural documents.
4. VOCA Funding & Reimbursement Records
Produce certified statements showing VOCA (Victims of Crime Act) draw-downs or reimbursements tied to the respondents’ prosecutions, including payroll or other line-items that could reflect duplicative or improper claims.
5. Mandated Follow-through Before Rule 83 Motion Proceeds
Require that the Court does not act on the Rule 83 motion until all administrative, record-keeping, and certification duties are fulfilled as a condition precedent.

Purpose of This Proposed Order (Administrative Emphasis)

- **To ensure record integrity: that all relevant records (dockets, audit logs, metadata) are properly preserved and certified.**

- To protect due process: by affirmatively confirming no evidence required to be disclosed has been lost, destroyed, or otherwise withheld.
- To promote financial and procedural accountability: especially regarding use of public funds (VOCA) and adherence to statutory, regulatory, and internal obligations.
- To enable oversight and remedy: with provisions for referral to oversight bodies (DOJ, OIG, IRS, etc.) if discrepancies, destruction, or non-compliance are identified.
- To make compliance mandatory, not optional: treating these as binding administrative duties rather than discretionary acts of good faith.

EXHIBIT F – MOTION FOR CONSOLIDATED NOTICE TO SUBMIT FOR DECISION and [PROPOSED ORDER] ON CONSOLIDATED NOTICE TO SUBMIT

This [PROPOSED ORDER] consolidates all pending motions, petitions, and proposed orders that remain unresolved despite prior Notices to Submit filed between September 24, 2024 and August 13, 2025 pursuant to Utah R. Civ. P. 7(d).

It further demands immediate production of certified records, including WebEx/Zoom recordings, transcripts, docket histories, and clerk indices, and requires the Court to correct clerical errors and sign prior proposed orders, including the September 24, 2024 stipulation order of dismissal with prejudice.

Purpose

- Preserves due process by mandating production of certified records and correction of omissions.
- Completes the record by requiring rulings on all pending motions and Notices to Submit so the docket is accurate and reviewable.
- Enforces stipulations by requiring the Court to sign the September 24, 2024 dismissal order by stipulation.
- Protects federal rights by ensuring records are preserved for DOJ, OIG, IRS, FBI, and Utah State Auditor review.
- Prevents further backlog by consolidating unresolved filings into one checklist, reducing unnecessary duplication.

Context

- The record is marked by unresolved Notices to Submit, unsigned orders, and unfulfilled preservation duties dating back to September 20, 2024.
- These omissions are not the fault of Respondent but of prior judicial inaction.
- The Rule 83 motion now before the Court arises directly from this backlog. Proceeding without first certifying transcripts, WebEx/Zoom hearings, and docket indices risks transferring the stain of prior misconduct onto the successor judge.

ADMINISTRATIVE Certification OF VERBATIM RECORDS is not discretionary — it is the lawful safeguard that separates administrative diligence from institutional complicity.

EXHIBIT G – MOTION & [PROPOSED] ADMINISTRATIVE ORDER TO STRIKE COURT-INITIATED RULE 83 MOTION WITH DEMAND FOR CERTIFIED RECORDS, MANDATORY ADMINISTRATIVE REPORTING & ROOT-LEVEL E-DISCOVERY & DISQUALIFY JUDGE GRAF

This [PROPOSED ORDER] requests the Rule 83 motion be stricken as procedurally void and jurisdictionally defective.

The motion further demands certified records, including WebEx/Zoom recordings, transcripts, docket histories, and clerk indices, and calls for root-level e-discovery to establish authorship and potential co-authorship of the Rule 83 motion by Judge Lunnen or Judge Graf AND once that is complete is a motion seeking disqualification of Judge Graf from presiding over matters arising from the Rule 83 vexatious litigant filing.

Purpose

- Protects impartiality by removing a judicial officer who may also be the movant or co-author of the challenged filing.
- Preserves constitutional due process by striking a defective Court-initiated motion filed after dismissal with prejudice.
- Mandates forensic e-discovery of drafts, metadata, and communications to establish authorship and accountability.
- Requires correction of the official record and production of certified materials long denied to Respondent.
- Ensures that before any further Rule 83 proceedings, the record is corrected, federal rights preserved, and judicial ethics enforced.

Closing Statement

Without certified records, this Court risks creating institutional exposure by advancing a Rule 83 proceeding in a case already admitted to be without jurisdiction.

On September 14, 2025, Respondent testified before a Judicial committee and afterward spoke with a federal judge. Two questions were posed:

1. *“Are you aware of any case in the United States where a citizen was labeled a vexatious litigant simply for reporting federal fraud and judicial or prosecutorial misconduct in a double jeopardy case?”*
The judge was not.
2. *“Are you aware of anyone in U.S. history being trespassed from a courthouse for reporting VOCA funding fraud and prosecutorial violations of civil rights?”*
He looked puzzled this could even occur.
3. **Exhibits and Record Integrity**
Respondent emphasizes that the attached exhibits — including VOCA funding ledgers (Exhibits D1–D6) — are not optional or surplusage. They are necessary to establish accurate and certified records for DOJ, OIG, IRS, and State Auditor oversight.

The ledgers show federal draw-downs exceeding \$500,000 during prosecutions later admitted to be

duplicative and jurisdictionally void. Three additional years of ledgers remain withheld by UOVC, meaning the figures are conservative.

These records raise unavoidable questions as to whether VOCA, VAWA, STOP, CARES, or COVID funds were used to subsidize prosecutions and payroll. The exhibits must therefore be incorporated in the docket to preserve the record for federal audit and clawback review.

4. Under **Utah Code § 63G-2-603** (GRAMA), governmental entities are obligated to correct inaccurate or incomplete records; under **URCP 60(a)** courts must correct clerical mistakes and omissions so the record “speaks the truth.” **URCP 52(a)–(d)**: Requires the Court to make findings and, upon motion, correct or supplement findings to ensure the record accurately reflects proceedings.
5. Failure to preserve, certify, and provide these materials may also implicate **18 U.S.C. § 1519** (spoliation), **18 U.S.C. § 242** (deprivation of rights under color of law), and **42 U.S.C. § 1983**.

This Court now stands at the same crossroads. To proceed without certified records risks placing its own name into the record of unprecedented judicial deprivation.

Respectfully submitted,

S/Mark Stewart Allen
State and County Delegate
Pro Se Litigant
September 19th 2025

“Truth will ultimately prevail where there is pains to bring it to light.”
George Washington

The mission of the Utah Judiciary is:

“To provide the people an open, fair, efficient,
and independent system for the advancement
of justice under the law.”

Mark Allen
Address: (Protected) Whistleblower Protection Invoked

IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH
137 N Freedom Blvd.
Provo Utah 84601

JUDGE GRAF

V.

MARK STEWART ALLEN, hereafter
reference as M.S.A or “Respondent”

*(Relating Solely to Rule 83 Vexatious
Motion and Double Jeopardy Proceedings)*

[PROPOSED] ORDER Enforcing Non-Discretionary
Administrative Duties: Certified Record, WebEx
Recordings & Referral

Notice to Submit for Decision backlog exhibit

Case No. 211401656

Judge: Graf

Proposed Order Enforcing Non-Discretionary Administrative Duties: Certified Record, WebEx
Recordings & Referral

THE COURT, Having found that the integrity of the court record, the duties of disclosure, and
mandatory administrative practices have not been demonstrably satisfied, and recognizing that these
are **non-discretionary obligations** imposed by statute, court rule, and constitutional due process, the
Court hereby ORDERS the following: IT IS HEREBY ORDERED:

☐ All Certified Transcripts

All certified court transcripts for Case No. 211401656, and all related hearings (including
WebEx/Zoom hearings), shall be produced to Respondent. All fees are waived due to Respondent’s
indigency and constitutional necessity of access. Authority: URCP 52(d), URCP 60(a); Utah Code §
63G-2-604; Chess v. Smith, 617 P.2d 341 (Utah 1980); Draper v. Washington, 372 U.S. 487 (1963).

☐ All Certified WebEx/Zoom Recordings

All WebEx hearings and /Zoom screening recordings, shall be ordered preserved and produced in
certified form. Necessary subpoenas for Administrative Preservation Shall Issue (Utah County
Attorney, Utah Attorney General and Zoom Inc docket entires 04-28-2025) .
Authority: Utah Const. art. I, §§ 7 & 11; UCJA 4-202; 18 U.S.C. § 1519.

☐ Clerk’s Index and Docket Corrections

The complete clerk’s index and docket entries shall be corrected then certified. Clerical errors and omissions, including contradictory dismissals “with prejudice” and “without prejudice,” shall be corrected so that the record speaks the truth. Authority: URCP 60(a); Hill v. Hawes, 320 U.S. 520 (1944); State v. Winward, 941 P.2d 627 (Utah Ct. App. 1997).

☐ Metadata Audit

A metadata audit of docket entries from August 4, 2016 forward shall be conducted to identify any alterations, backdating, or deletions, with anomalies reported. Authority: Utah Code § 63G-2-604; 18 U.S.C. §§ 1519, 242.

☐ Expungement Tolling

The expungement certificate remains stayed/tolled per the September 20, 2024 oral ruling until Respondent’s motion to proceed. This ensures records are preserved for federal review. Authority: Oral ruling of Sept. 20, 2024; URCP 60(a).

☐ Referral for Oversight

This matter, limited to recordkeeping, shall be referred to the Utah State Auditor, DOJ/OIG, FBI, and IRS for audit of VOCA and related federal funds to determine whether federal resources were misused during duplicative prosecutions.

Authority: 42 U.S.C. § 1983; 18 U.S.C. §§ 242, 666, 1519; 34 U.S.C. § 20110.

Having acknowledged the above non-discretionary rights, this Court must now choose one of two outcomes:

(a) LAWFUL OUTCOME – Uphold Constitutional Rights

☐ The Court ORDERS corrected and certified records to be produced and released, affirming constitutional protections and due process for an indigent litigant. Authority: *Griffin v. Illinois*; *Mayer v. Chicago*; *Boddie v. Connecticut*; *M.L.B. v. S.L.J.*; *Utah Code § 78A-2-208*; *GRAMA §§ 63G-2-201(1), -203(4)(a)*; *Utah Const. Art. I, §§ 7, 11, 24*.

(b) UNLAWFUL OUTCOME – Deny Constitutional Rights

☐ The Court DENIES corrected and certified records, thereby denying constitutional protections and due process to an indigent litigant. *Denial constitutes a violation under 42 U.S.C. § 1983; 18 U.S.C. § 242; Utah Const. Art. I, § 7. Judicial immunity does not protect willful violations under color of law.*

SO ORDERED this ___ day of _____, 2025.

Honorable Judge Tony F. Graf
Fourth Judicial District, State of Utah