

EXHIBIT C EXECUTIVE SUMMARY WITH ATTACHMENT C-1

Mark Allen

Address: On File

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

JUDGE GRAF

V.

MARK STEWART ALLEN,
Respondent

Proposed Order on Ministerial Obligations
Petition for Judicial Certification of Record
Accuracy – Exhibit C
Exhibit C – Violations and Federal VOCA
Funding (64)
Case No. 211401656
Honorable Judge Tony Graf Jr.

By operation of law, the August 4, 2016 entry of ‘Trial Cancelled: Case Settled’ extinguished jurisdiction. Every prosecution or filing pursued after that date was **void ab initio**, and cannot be cured by amendment, clerical action, or retroactive docket manipulation

The August 4, 2016 docket entry — “*Trial Cancelled: Case Settled*” — terminated jurisdiction as a matter of law.

Once a case is settled, the court has no further authority to re-litigate or re-prosecute the same matter. Under established due process principles, all subsequent prosecutions arising from the same facts were **void ab initio**, meaning they were null from inception and without legal effect.

**STATE OF UTAH "JUDICIAL SYSTEM" LAWFARE
VS
MARK STEWART ALLEN**

TEMPORARY
JURISDICTION
MAY 2 2016 - AUGUST 4TH 2016



**August 4th 2016
Judge Fred Howare
"Trial Cancelled: Case Settled"
XHANGE Docket**

NO JURISDICTION

After August 4th 2016- May 1st 2025
Everything is Fraudulent Prosecution

**All prosecutions
after August 4th 2016
Void from the beginning**

**ALL
FRAUDULENT
PROSECUTIONS
"LAWFARE"**

The Courtroom became the Crime Scene

Obstruction of Justice & Withholding
of Exculpatory Evidence
in Five Cases Concealing Case Settled Aug 4, 2016



**Filed on False Premise:
No Protective Order
Ever Issued
No Order Converting
Ex Parte to 3-Year Injunction**

**All prosecutions
after August 4th 2016
Void from the beginning**

- 18 U.S.C. § 1510 – Obstruction of criminal investigations
- 18 U.S.C. § 1519 – Destruction or falsification of records (court video/audio and transcripts)
- 18 U.S.C. § 242 – Deprivation of rights under color of law
- 42 U.S.C. § 1983 – Civil rights violations by state actors

These later cases violated not only the finality of settlement but also the constitutional protection against double jeopardy. No amendment, clerical adjustment, or retroactive docket entry can confer jurisdiction where it was extinguished. Accordingly, every filing, hearing, and prosecution initiated after August 4, 2016 stands as a due process violation compounding Respondent's injury. **Exhibit (EVERY PAGE IN C1) tells the story better than words.**

Every page in red represents a prosecution that was **void ab initio** — cases that never had jurisdiction. **Every page in red is void — yet it was prosecuted, VOCA-funded, and built on withheld Brady evidence.** ALL ASSUMED INNOCENT UNTIL PROVEN OTHERWISE BY COURT OF LAW AND JURY TRIAL.

MULTIPLE PROSECUTIONS WITH KNOWLEDGE THE CASES WERE FOUNDATIONALLY VOIDED, YET THE were advanced, funded through VOCA, and sustained only by withholding Brady evidence that ultimately proved not exculpatory to me, but **inculpatory to the prosecution itself.** THE DOCKET BACKDATING AND ALTERING SPANS MORE THAN ONE CASE. THIS REQUIRES DE NOVO AUDIT OF ALL UPSTREAM CLERICAL ERRORS, OMISSIONS, DELETIONS, AMENDED FILINGS.

This Court cannot ignore what is now plain: the record shows prosecutions without jurisdiction, funding without accountability, and evidence withheld in defiance of constitutional duty.

Following the August 4, 2016 settlement, three subsequent prosecutions — **Case Nos. 171402280, 191400132, and 211401656** — were pursued against Respondent despite being **void ab initio**. In each of these matters, attorneys and prosecutors withheld exculpatory Brady evidence for periods extending up to thirty-six months, while SEVERAL OF THESE CASES WERE simultaneously drawing down federal VOCA funding tied to those prosecutions.

Respondent ultimately obtained the withheld Brady evidence not through discovery, but only by filing a **GRAMA appeal to the Utah County Commissioners**, underscoring the deliberate nature of the suppression. To date, not a single attorney or prosecutor involved has acknowledged, corrected, or shown any remorse for these violations, despite the clear constitutional and ethical duties imposed by Brady and Giglio.

During the appellate proceedings in **Case No. 20190395-CA**, counsel deliberately withheld exculpatory Brady evidence from the three presiding appellate judges.

This suppression not only deprived the Court of Appeals of the full factual record but also compounded the constitutional violations already present in the underlying cases.

By concealing material evidence from Judges Hagen, Harris, and Mortensen, counsel misled the appellate court and secured rulings under false pretenses. Such conduct constitutes a direct violation of **Brady v. Maryland**, the duty of candor to the tribunal, and the integrity of the judicial process itself.

Had the exculpatory materials been disclosed, the appellate court's analysis and rulings would have been fundamentally altered, underscoring the prejudice to Respondent and the magnitude

of the ethical breach. The Appellate is another exhibit of Prosecution gone wrong. The attorney cheated to win, but that illicit “win“ will return to haunt him.

Role Reversal and the Need for Accountability

Now that attorneys and prosecutors and victims advocates have been caught withholding exculpatory evidence, the roles are reversed: Add in the federal drawdown of VOCA funding, and we enter federal jurisdiction and IRS and OIG scrutiny.

Respondent is revealed as the victim, and the prosecutors and court officials as the violators. Their retaliation, defamation, malalignment, premature destruction of evidence, and concealment of records demand accountability.

Constitutional Violations

Respondent’s rights were systematically violated under multiple provisions of the **U.S. Constitution**:

- **First Amendment** – The trespass order and vexatious Rule 83 motion directly infringed upon Respondent’s right to access the courts, to petition the government for redress, and to report federal crimes. The court’s misrepresentation that the Rule 83 motion originated with the State of Utah, when in fact it was initiated by the presiding judge acting as movant without a victim, constitutes viewpoint discrimination and an impermissible attempt to silence Respondent.
- **Fifth Amendment** – Due Process and Double Jeopardy protections were violated when cases void ab initio were re-prosecuted despite the August 4, 2016 settlement.
- **Sixth Amendment** – Right to a fair trial, confrontation, and timely access to exculpatory evidence was denied across multiple cases.
- **Eighth Amendment** – The imposition of a trespass order and a vexatious Rule 83 motion — in retaliation for exercising protected rights and without any underlying victim — constituted cruel and unusual punishment, weaponizing judicial power to exclude Respondent from court and suppress constitutionally protected conduct.
- **Fourteenth Amendment** – Equal Protection and incorporation of due process guarantees were disregarded throughout.

Federal Statutory Violations

The conduct described constitutes potential violations of federal law, including but not limited to:

- **42 U.S.C. § 1983** – Deprivation of rights under color of law.
- **42 U.S.C. § 1985 & § 1986** – Conspiracy to interfere with civil rights, and failure to prevent violations.
- **18 U.S.C. § 242** – Criminal deprivation of rights under color of law.
- **18 U.S.C. § 666** – Theft or bribery concerning programs receiving federal funds (misuse of VOCA funding).
- **18 U.S.C. § 1519** – Destruction, alteration, or falsification of records in federal investigations.

VOCA Funding Abuses

During the course of these wrongful prosecutions, federal **VOCA (Victims of Crime Act)** funds were drawn down in excess of **\$500,000**, primarily for payroll and benefits. Yet three years of VOCA ledgers remain unproduced, leaving the full scope of misuse hidden. These funds were unlawfully tethered to void proceedings, weaponizing federal grants against an innocent party and compounding the damage inflicted on Respondent.

Professional Rule Violations

In addition to the failures to disclose and self-report, both prosecutors and judges involved in these matters violated their professional obligations under the **ABA Model Rules of Professional Conduct** and Utah counterparts:

- **Rule 1.1 – Competence:** Attorneys and judges must provide competent representation, including adequate preparation and knowledge of the law. By prosecuting void ab initio cases, withholding exculpatory evidence, and failing to preserve certified records, both Craig Peterson and Judge Lunnen failed this core duty.
- **Rule 1.3 – Diligence:** Lawyers and judicial officers are required to act with diligence and promptness. The repeated neglect in signing the stipulated dismissal of September 20, 2024, the refusal to grant injunctive relief for record preservation, and the initiation of an unfounded Rule 83 motion demonstrate a lack of diligence by both Peterson and Judge Lunnen.

- **Rule 3.8 – Special Responsibilities of a Prosecutor:** Prosecutors must disclose exculpatory evidence and avoid prosecuting charges they know are not supported by probable cause. This rule was repeatedly violated across Case Nos. 171402280, 191400132, and 211401656.
- **Rule 8.3 – Duty to Report Misconduct:** Neither Peterson nor Lunnen fulfilled their obligation to report prosecutorial or judicial misconduct, despite having direct knowledge of due process violations.
- **Rule 8.4 – Misconduct:** Their actions constitute dishonesty, fraud, deceit, and conduct prejudicial to the administration of justice.

Judicial Failures

Judge Lunnen’s handling of Case No. 211401656 further demonstrates the breakdown of accountability:

1. **Contract Law Stipulations (9-20-2024):** Failure to sign and enforce the stipulated dismissal with prejudice.
2. **Injunctive Relief:** Denial of administrative relief to preserve accurate records.
3. **Color of Law Violations:** Muting Respondent, who sought only ministerial preservation of records.
4. **Impropriety in Rule 83 Motion:** Acting as movant without a victim, falsely attributing the motion to the State of Utah, and attempting to silence Respondent from reporting federal crimes.
5. **Failure of Diligence and Competence:** Admitting, after nearly three years presiding over nine related cases, *“I know nothing about your case and I doubt the State does either.”*

Call for Reform

This record compels more than individual remedies. It demands:

- **Independent audits** of VOCA funding and case-related expenditures.

- **Systemic reforms** to ensure certified records, transparency, and accountability.
- **Restoration** of Respondent's rights and reputation, acknowledging that Respondent was the true victim of prosecutorial misconduct and judicial negligence.

“The trespass order and vexatious Rule 83 motion constitute unconstitutional retaliation for Respondent's protected activity in exposing misuse of federal VOCA funds. Under **Pickering**, **Mt. Healthy**, and **Hartman**, such retaliation violates the First Amendment. Denial of access to court through trespass further contravenes **Bounds** and **Harbury**. Suppression of exculpatory Brady material across multiple cases directly violates **Brady** and **Giglio**. These violations are actionable under **42 U.S.C. § 1983**, as Respondent's constitutional rights were deprived under color of law.”

Failure to Produce Records and Federal Violations

The continuing failure to timely produce full **audited VOCA ledgers**, together with the documented **backdating, amended status entries, chronological alterations, and withholding of required records**, will be pursued to the fullest extent of the law. Such conduct constitutes both state-level violations under the **Utah Government Records Access and Management Act (GRAMA)** and federal crimes under multiple statutes:

- **18 U.S.C. § 1519** – Knowingly altering, destroying, concealing, or falsifying records with intent to obstruct a federal investigation (punishable by up to 20 years in prison).
- **18 U.S.C. § 371** – Conspiracy to commit offense or defraud the United States, applicable to coordinated withholding of VOCA funding records.
- **18 U.S.C. § 242** – Criminal deprivation of rights under color of law, applicable to the concealment of exculpatory materials and retaliatory trespass/vexatious motions.
- **42 U.S.C. § 1983** – Civil remedy for deprivation of constitutional rights.
- **42 U.S.C. § 1985 & § 1986** – Conspiracy to interfere with civil rights, and failure to prevent such violations.

OTHER POSSIBLE INFRACTIONS BY PARTICIPANTS

42 U.S.C. § 1985 – Conspiracy to interfere with civil rights

42 U.S.C. § 1986 – Neglect to prevent civil rights violations

GRAMA violations (Utah Code § 63G-2)

Improper denials, withheld records, delay tactics

Refusal to reclassify and release records critical to defense

Obstruction of justice (Utah Code § 76-8-306)

Refiling cases after settlement

Misuse of protective orders and ignoring jurisdictional limits

Witness tampering and procedural abuse

Use of falsified police reports referencing nonexistent court orders

72 messages exchanged between accuser and prosecuting attorney

Due process violations under Utah Constitution

Article I, Section 7 – Due process

Article I, Section 11 – Right to redress

Article I, Section 12 – Rights of the accused

Article I, Section 24 – Equal application of law

Article VI, Section 29 – Public officer accountability

Prosecutorial ethical violations (Utah Rules of Professional Conduct)

The failure to produce ledgers and records required by law not only obstructs Respondent's right to defend against retaliatory prosecutions but also undermines federal oversight of VOCA funds. These actions amount to **spoliation of evidence**, which under federal law creates a presumption that the missing records would have been unfavorable to the withholding party.

As a **whistleblower**, Respondent's efforts to expose VOCA funding misuse and judicial record tampering are matters of public concern. The **retaliation through trespass orders, Rule 83 motions, and continued concealment of financial ledgers** magnifies the constitutional violations already in play. Those responsible for altering records, filing false reports, and obstructing lawful access to government documents face not only civil liability but potential **criminal penalties, including prison sentences**, under the statutes cited above.

Exhibit C tells the story better than words. Every page in red represents a prosecution that was **void ab initio** — cases that never had jurisdiction. Yet they were advanced, funded through VOCA, and sustained only by withholding Brady evidence that ultimately proved not exculpatory to me, but **inculpatory to the prosecution itself**. This Court cannot ignore what is now plain: the record shows prosecutions without jurisdiction, funding without accountability, and evidence withheld in defiance of constitutional duty.

Every page in red is void — yet it was prosecuted, VOCA-funded, and built on withheld Brady evidence.

Conclusion

Exhibit C graphically demonstrates that all docket pages highlighted in red were **void ab initio** yet nevertheless prosecuted.

The majority of those proceedings were **VOCA-funded**, despite full knowledge that jurisdiction had been extinguished by the August 4, 2016 settlement.

These same proceedings were sustained only through the deliberate withholding of **exculpatory Brady evidence** — evidence which, when finally obtained through Respondent's GRAMA appeal, was not merely favorable to the defense but in fact **inculpatory to the prosecution**, exposing the misconduct and illegality of their actions. The record, now fully illuminated by

Exhibit C, confirms that Respondent was wrongfully targeted, federally funded prosecutions were unlawfully advanced, and constitutional violations were compounded by the very officers of the court sworn to uphold justice.

Mandatory Reporting Obligations

Now that the Court has **context, evidence, and knowledge** presented through Exhibit C, its obligations extend beyond administrative housekeeping. Under both federal law and professional ethics, the Court and every attorney of record bear a **mandatory duty to report** credible evidence of misconduct and possible criminal violations.

- **Judicial Canons:** Utah Code of Judicial Conduct, Canon 2 (Integrity) and Canon 3 (Competence & Diligence) require judges to act upon knowledge of misconduct and to ensure the administration of justice is not compromised. A judge cannot ignore evidence of fraud upon the court, Brady violations, or misuse of federal funds.

- **Professional Conduct Rules:** Attorneys, including prosecutors and state representatives, are obligated under **Rule 3.8 (Special Responsibilities of a Prosecutor)**, **Rule 8.3 (Duty to Report Misconduct)**, and **Rule 8.4 (Misconduct)** to disclose misconduct, report violations, and refrain from dishonesty or concealment.
- **Federal Law:** Knowledge of possible violations under **18 U.S.C. § 1519 (record falsification and destruction)**, **18 U.S.C. § 666 (misuse of federally funded programs)**, and **18 U.S.C. § 242 (deprivation of rights under color of law)** imposes a duty to preserve evidence, notify appropriate oversight bodies (including the DOJ and OIG), and avoid further concealment.

The Court has now been put on notice that the August 4, 2016 settlement extinguished jurisdiction, and that subsequent prosecutions — many VOCA-funded — were **void ab initio** yet pursued with **withheld Brady evidence**. With this knowledge, continued silence or inaction would itself constitute a violation of judicial canons, professional rules, and possibly federal law.

Accordingly, the Court must either report these matters to the appropriate oversight authorities or risk complicity in the very misconduct that Exhibit C reveals.

Mandatory Referral and Reporting Order'

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

JUDGE GRAF

V.

MARK STEWART ALLEN,
Respondent

Proposed Order on Ministerial Obligations
Judicial Certification of Record Accuracy –
Exhibit C1 Potential Violations and Federal
VOCA Funding (64)

Case No. 211401656

Honorable Judge Tony Graf Jr.

IT IS HEREBY ORDERED that, having received Exhibit C and the accompanying record, and being placed on notice of potential violations of federal law, professional rules, and judicial canons, this matter shall be referred for investigation and review. Pursuant to the Court's **ministerial and administrative obligations**, the undersigned Judge shall indicate below the agencies to which this referral is transmitted, ensuring compliance with mandatory reporting duties under law and ethical rule.

Referral Authorities (check all that apply):

- Judicial Conduct Commission (JCC)** – Review of judicial conduct, diligence, and competence under Utah Code of Judicial Conduct.
- Utah State Bar – Office of Professional Conduct** – Investigation of prosecutorial misconduct, Brady/Giglio violations, and failures to report under Rules 3.8, 8.3, and 8.4.
- Office of Inspector General (OIG), U.S. Department of Justice** – Investigation into misuse of federal VOCA funds and record falsification.
- Internal Revenue Service (IRS) – Criminal Investigations Division** – Audit and review of potential misuse of federal VOCA drawdowns and reporting fraud.

Other (specify): _____

Judge's Certification and Referral

I, the undersigned Judge, having reviewed Exhibit C and the record, acknowledge my duty to report and hereby direct referral of this matter to the agency(ies) indicated above.

Signature: _____

Honorable Judge Tony Graf Jr.

Date: _____

INTENTIONALLY LEFT BLANK

9-19-2025