

**"The court clerk's failure to preserve the audio recording, combined with a partial and inconsistent update to internal databases without updating CORIS, constitutes record spoliation and a clerical omission under Rule 60(a). When this omission contributed to misleading law enforcement and prosecutors about the legal status of the underlying matter, it also raises constitutional concerns under the Due Process Clause and may constitute spoliation of evidence. If the act was knowing or reckless, it may further rise to obstruction under Utah Code § 76-8-306 or a color of law violation under federal statute."**

Case: 16040655 4TH DISTRICT COURT - PROVO Appellate #: 20190395  
 KOEHLER, ALICIA W vs. ALLEN, MARK STEWART

Document Title	Entry Date	Page Number
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[Proposed] Request for Hearing [unassigned]	05/02/2016	198-199
Service Assistance Form	05/02/2016	200
Return: Temporary Stalking Injunction	05/02/2016	201
Appearance of Counsel/Notice of Limited Appearance (For Respondent Mark Stewart Allen)	05/05/2016	202-203
<b>Request for Hearing and Request for Rule 16(a) Scheduling Conference</b>	<b>05/08/2016</b>	<b>204-206</b>
Notice of Pretrial Conference	05/07/2016	207-208
PRETRIAL CONFERENCE	06/02/2016	209
Request for Copy of Video/Audio Record (completed and picked up)	06/27/2016	210
Appearance of Counsel/Notice of Limited Appearance	07/07/2016	211-212
Verified Response to Petitioners Request for Civil Stalking Injunction, and Motion to Continue 8/6/2016 Hearing to Conduct First-Party and Third-Party Discovery	07/07/2016	213-221
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Notice of Filing Background Information on Petitioners Ex-Husband, Russell Reed Koehler (Part 1)	07/27/2016	251-261
Notice of Filing Background Information on Petitioners Ex-Husband, Russell Reed Koehler (Part 2)	07/27/2016	262-273
Response to Motion to Continue	08/03/2016	274-277
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Motion Order to Show Cause - ALICIA W KOEHLER	01/22/2019	288-299
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Request for Copy of Audio Record - completed and emailed	01/24/2019	303
Return of Service ODS	02/15/2019	304-306
Appearance of Counsel/Notice of Limited Appearance	02/25/2019	311-312
Request for Audio Recording - Request for Audio Recording	03/01/2019	313
Request for Copy of Audio Record - completed and emailed	03/04/2019	314
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Motion to for evidentiary hearing and ruling on Petition - MARK STEWART ALLEN	03/15/2019	317-331
Subpoena to Appear Hutchins	03/20/2019	332-338
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Return of Service Subpoena Duces Tecum Hutchins	03/20/2019	340
Affidavit/Declaration/Declaration of Transcription - Oct 26 2017 Hearing, Case No. 17140228: Provo City v. Mark Stewart Allen	03/26/2019	341-347
ORDER TO SHOW CAUSE	03/29/2019	348
Feb 11, 2020		10:14 AM

**All entries in RED Lacking Jurisdiction coram non iudice**

**42 USC 1983 violations**

**Clerk failed to update docket GRAMA violation 18 USC 1519 violation**

CASE NUMBER 16040655 Civil Stalking \*\*\*\*\* PRIVATE \*\*\*\*\*

07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Verified Response to Petitioners  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Exhibit A, Part 1 (pages 1 to 3)  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Exhibit A, Part 2 (pages 4 to 7)  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Exhibit B through D by Verified  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Notice of Filing Background Infor  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Notice of Filing Background Infor  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Return of Electronic Notification  
 07-27-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Return of Electronic Notification  
 08-03-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Response to Motion to Continue  
 08-03-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Reply to Response to Request for  
 08-04-16 \*\*\*\*\* PRIVATE \*\*\*\*\* Filed: Return of Electronic Notification

**08-04-16 GRAMA VIOLATION: TRIAL CONCEALED**

**Did Officers fail to cross check via XChange?**

**Did Prosecutors fail to cross check via XChange?**

Case: 16040655 4TH DISTRICT COURT - PROVO Appellate #: 20190395  
 KOEHLER, ALICIA W vs. ALLEN, MARK STEWART

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Request/Notice to Submit	04/08/2019	372-373
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Return of Service Subpoena to Appear Officer Malmgren	04/09/2019	376-382
Return of Service Subpoena to Appear Officer Southwick	04/10/2019	383
Return of Service Subpoena to Appear Officer Southwick	04/10/2019	384
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ORDER TO SHOW CAUSE	04/11/2019	386-387
ORDER TO SHOW CAUSE	04/11/2019	388-389
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Request for Copy of Audio Record - completed and emailed	04/25/2019	402
Declaration/Declaration of Attorneys Fees and Costs	05/07/2019	403-405
Appeal - Civil (not Interlocutory) - Civil (not Interlocutory)	05/10/2019	406-407
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Supreme Court - Order	05/13/2019	411-412
Court of Appeals - Notice	05/14/2019	413-415
From Supreme Court of Utah, Case is transferred to the Utah Court of Appeals	05/15/2019	416-417
Order to affidavit of attorney fees	05/15/2019	418-420
SCRIPT for Hearing of 04-10-2019	06/06/2019	421-549
Return of Service ODS	07/02/2019	550-552
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Request #2	10/21/2019	564-572
Request #3	10/21/2019	573-576
Request to GRAMA Records	10/23/2019	577-580
[From Utah Court of Appeals]: District court is to enter an order awarding attorney's fees	01/27/2020	581-583
Objection to Declaration of Attorneys Fees and attachments	01/28/2020	584-588
Order on Attorneys Fees from April 11, 2019	01/28/2020	589-600
Notice to Submit RSD - Judgment and Order for Attorneys Fees from 1/2019 Order	01/29/2020	601-602
Order on Attorneys Fees from April 11, 2019 Ruling	01/30/2020	603-604
Feb 11, 2020		10:14 AM

**200+ civil rights violations**

**Jurisdiction in all downstream cases faulty 171402280, 20190395CA, 191400132, 211401656**

01/31/2016 4:45 PM Koehler Injunction v old 2 pag

MAIL

From: alicia@co.utah.gov  
 To: Tanya Payne  
 Subject: Please forward to: Alicia Koehler 01/31/2016 4:45 PM; Mark Allen 1/31/2016 4:45 PM; [Closed] [Print]  
 Date: 1/31/2016 4:45 PM  
 Attachments: Please forward to: Alicia Koehler 01/31/2016 4:45 PM; Mark Allen 1/31/2016 4:45 PM; [Closed] [Print]  
 Message ID: alicia@co.utah.gov/01/31/2016 4:45 PM; alicia@co.utah.gov/01/31/2016 4:45 PM; alicia@co.utah.gov/01/31/2016 4:45 PM  
 TEXT FILE ATTACHMENT

Officer Jackson (John): Thank you for your request for review of charges of MA Violation of Stalking Injunction. Unfortunately it does not appear that the stalking injunction referred to in your report is still valid. It is a title completed but here is what the record shows:

On 5/20/2016 Judge Howard issued the temporary stalking injunction on an ex parte affidavit from the Petitioner. A return of review was filed with the court on 5/20/2016. And the Respondent filed a request for a hearing on 5/20/2016. [5/20/2016]

The temporary stalking injunction says on its face that it "expires in three years." Unfortunately 77-34-100(1) of the code requires a differently.

16040655 that if the respondent fails to request a hearing within 30 days of service, the ex parte civil stalking injunction is automatically modified to a civil stalking injunction without further notice to the respondent and that the civil stalking injunction requires three years after service of the ex parte civil stalking injunction.

(7) At the hearing, the court may modify, revoke, or continue the injunction. The burden is on the petitioner to show by a preponderance of the evidence that striking of the petitioners by the respondent has occurred.

Because Mr. Allen appeared to have filed a request for a hearing on the temporary stalking injunction within 30 days of being served and because Judge Howard did not indicate on 5/20/2016 that the injunction continued, I do not think that it is valid today. [5/20/2016]

I, Mark Koehler, Clerk, do hereby certify that the foregoing and hereunto attached papers and file constitute all of the original papers filed in the above-entitled court and cause, including the Notice of Appeal and Minute Review, and which attached papers constitute the Judgment Roll and other papers filed in the above action.

I further certify that the Judgment Roll and papers contained in said file are by me this day transmitted to the Appellate Court, of the State of Utah, pursuant to said Appeal.

WITNESS MY HAND AND SEAL of said District Court at my office in 4TH DISTRICT COURT - PROVO, STATE OF UTAH, this 11 day of February, 2020.

DISTRICT COURT CLERK IN PROVO  
 STATE OF UTAH  
 By: Tanya Payne  
 Deputy Clerk

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**What the corrected record should show the year all being 2016. Supporting evidence includes court docket notation, status hearing request etc. Judge Fred Howard Preliminary Hearing Transcript for scheduling 8/5/2016**