

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Plaintiff and Appellee,	)		
	)	Case No. 20070278-CA	
v.	)		
	)	F I L E D	
Ronnie Todd May,	)	(February 28, 2008)	
	)		
Defendant and Appellant.	)	<table border="1"><tr><td>2008 UT App 61</td></tr></table>	2008 UT App 61
2008 UT App 61			

-----

Second District, Ogden Department, 061901638  
The Honorable Ernest W. Jones

Attorneys: Randall W. Richards, Ogden, for Appellant  
            Teral L. Tree, Ogden, for Appellee

-----

Before Judges Thorne, Bench, and Billings.

PER CURIAM:

On appeal, May asserts that the trial court erred in excluding a court docket entry as evidence. A trial court's decision to exclude evidence will not be reversed unless it is shown that the trial court abused its discretion. See Gorostieta v. Parkinson, 2000 UT 99, ¶ 14, 17 P.3d 1110. Rule 403 of the Utah Rules of Evidence provides that a trial court may exclude evidence if its probative value is substantially outweighed by the danger of confusion of the issues or misleading the jury. See Utah R. Evid. 403.

May asserts that he should have been allowed to introduce a court docket entry that read, "Per Judge Lyon, hold until further motions are filed." May argues that this docket entry could have led him to believe that the stalking injunction was stayed, and that he therefore did not intentionally violate the stalking injunction. However, May did not testify and there was no evidence that he had knowledge of the docket statement.

Thus, the trial court ruled to exclude the docket entry finding that its probative value was substantially outweighed by the danger of misleading or confusing the jury. Because there is no evidence that May knew of the docket entry, we cannot say that the trial court abused its discretion by finding its probative

value was substantially outweighed by its danger of misleading or confusing the jury.<sup>1</sup>

Accordingly, May's stalking conviction is affirmed.

---

William A. Thorne Jr.,  
Associate Presiding Judge

---

Russell W. Bench, Judge

---

Judith M. Billings, Judge

---

1. May also asserts that the docket entry constituted a vague court order. Even assuming that a docket entry could possibly be construed as a court order, the fact that there was no evidence that May had knowledge of the entry is dispositive of this issue.