

COURT OF APPEALS NO. 37098-1-II

(PIERCE COURT NO. 06-3-02456-6)

COURT OF APPEALS, DIVISION TWO, OF THE STATE OF WASHINGTON

In re the Marriage of:

Anthony Philip Meredith,

Petitioner/Appellant,

vs.

Jazmin Eliana Muriel-Suarez,

Respondent/Appellee.

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OPENING BRIEF OF APPELLANT

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TABLE OF CONTENTS

INTRODUCTION..... 1

I. ASSIGNMENTS OF ERROR..... 6

II. STATEMENT OF THE CASE7

III. ARGUMENT.....12

ASSIGNMENT OF ERROR No. 1: Judge Van Doorninck abused her discretion, and abused her judicial power, in her final November 9, 2007 Orders by denying Anthony Meredith custody of, and all but the most limited visitation with, his child Daliana, despite the un rebutted evidence, including the child experts’ testimony, that Anthony Meredith is an excellent father to Daliana and has no fitness problems as a parent.....12

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 1

Issue No. 1: Judge Van Doorninck’s November 9, 2007 rulings were contrary to the best interest of Anthony Meredith’s child Daliana, violate Anthony Meredith’s constitutional rights to be a parent, and constitute clear abuse of discretion.....12

Issue No. 2: Judge van Doorninck’s rulings jeopardize Daliana’s safety by allowing her to be taken out of the country against both her father’s, and the Guardian ad Litem’s, vehement well-founded objections.....25

Issue No. 3: Judge van Doorninck disregarded the fact that Daliana has multiple times suffered facial bruising and is underweight while in Jazmin Muriel’s care.....26

Issue No. 4: Judge van Doorninck’s rulings have emboldened Jazmin Muriel to deny Anthony Meredith access to Daliana’s health care records in violation of RCW 26.09.225.26

Issue No. 5: Judge van Doorninck disregarded Jazmin Muriel’s criminal record with jail time served, history of domestic violence, violation of court orders in two states, concealment of the couple’s child in a different state in violation of RCW 9A.40.060, federal immigration fraud, lack of citizenship status, and adultery activities.....27

ASSIGNMENT OF ERROR No. 2: Judge van Doorninck’s abused her discretion, and abused her judicial power in her final November 9, 2007 Orders by making false findings of domestic violence against Anthony Meredith that bore zero resemblance to the true facts, evidence, eyewitness accounts, investigatory conclusions, physical evidence, and lie detector test results of this case.....29

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 2

Issue No. 1: Judge van Doorninck disregarded the evidence of the case, and disregarded the findings of the Court’s own assigned investigator, to make domestic violence rulings that are completely false and that lack any evidentiary substantiation.....29

Issue No. 2: Judge Van Doorninck’s findings were made to facilitate the immigration fraud of Jazmin Muriel, at Jazmin Muriel’s request. Judge van Doorninck broke ethical rules by refusing to disclose both before and after the trial, her financial investment in organizations that promote illegal immigrants in obtaining citizenship rights.....37

Issue No. 3: Trial Judge van Doorninck’s prohibited Anthony Meredith from reporting Jazmin Muriel’s immigration fraud to federal government agencies; thereby usurping Anthony Meredith’s Federal and State constitutionally guaranteed rights of free speech.42

Conclusion.....43

TABLE OF AUTHORITIES

Table of Cases

Chapman v. Perera, 41 Wn. App. 444, 446, 704 P.2d 1224 (1985)..... 12-13

In re Marriage of Horner, 151 Wn.2d 884 (2004)..... 12-13

In re Marriage of McDole, 122 Wn.2d 604, 859 P.2d 1239 (1993)..... 12-13

In re Marriage of Kovacs, 121 Wn.2d 795, 801, 854 P.2d 629 (1993)..... 12-13

In re Marriage of Watson, 132 Wn. App. 222, (2006)..... 13

Marriage of Murphy, 48 Wn. App. 196, 737 P.2d 1319 (1987)..... 12-13

Munoz v. Munoz, 79 Wn.2d 810, 812, 489 P.2d 1133 (1971)..... 12-13

Norman v. Norman, 27 Wn.2d 25, 27, 176 P.2d 349 (1947)..... 12-13

Robertson v. Robertson, 19 Wn. App. 425, 575 P.2d 1092 (1978)..... 12-13

Stanley v. Illinois, 405 U.S. 645, 92 S. Ct. 1208 (1972)..... 12-13

Constitutional Provisions

State of Washington Constitution.....passim

Constitution of the United States.....passim

IN THE WASHINGTON STATE COURT OF APPEALS
DIVISION TWO

In re the Marriage of: Anthony Philip Meredith, Petitioner/Appellant, <i>vs.</i> Jazmin Eliana Muriel-Suarez, Respondent/Appellee.	COURT OF APPEALS NO. 37098-1-II PIERCE COURT NO. 06-3-02456-6 APPELLANT'S OPENING BRIEF
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APPELLANT'S OPENING BRIEF

Pursuant to RAP 10.1(b), Petitioner/Appellant Anthony Philip Meredith ("Anthony Meredith") files Petitioner/Appellant's Opening Brief.

INTRODUCTION

Pierce trial Judge Kitty Ann van Doorninck presided over the divorce/ child custody trial in the above-referenced case in the first week of October, 2007. Judge van Doorninck hijacked the trial and turned it into a vehicle to advance the immigration fraud of Appellee Jazmin Muriel ("Jazmin Muriel"), an immigrant without legal status. Jazmin Muriel asked Judge van Doorninck for a finding of domestic violence against Anthony Meredith to bolster Jazmin Muriel's fraudulent petition to gain citizenship status as an "abused spouse." In March of 2007, Jazmin Muriel successfully had the case transferred from the Pierce Civil Division (where it had originally been filed) to Judge van Doorninck. There was a reason for this requested transfer to this particular judge. In early December, 2007, two months *after* the trial, Anthony Meredith, through independent research, learned, for the first time, that Judge van Doorninck's name was listed as having financially, and otherwise, invested in groups that support assisting immigrants

without legal citizenship status (like Jazmin Muriel in the instant case) to gain such citizenship status. CP, pp. 797-798; CP 799 – 802.

Judge van Doorninck did not disqualify herself in the instant case, nor did she make a disclosure on the record — nor to Anthony Meredith as a party — prior to the trial, of her financial investment in these pro illegal immigrant groups, as she is required to do by Judicial Canon 3. The governing Judicial Canons mandate that judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned. Judge van Doorninck did not comply with these governing Judicial Canons. Had Judge van Doorninck made the requisite disclosure, Anthony Meredith would have immediately moved for Judge van Doorninck to recuse and disqualify herself from presiding over the instant case. CP 797-798; CP 799 - 802. Due to Judge van Doorninck's failure to disclose these conflicts, Anthony Meredith was denied the opportunity to know about the conflicts before the trial, and to have his case heard by an impartial, unbiased judge. CP 797-798; CP 799 - 802.

Judge van Doorninck financially invested in Northwest Immigration Rights Project (NWIRP), Centro Latino, and other pro-illegal immigration groups.¹ CP 797-798; CP 799 - 802. Judge van Doorninck brought her pro-illegal immigration biases and prejudices into this trial (in which Jazmin Muriel's immigration fraud was a primary issue) and made a baseless and false

¹ Judicial notice: Judge van Doorninck's financial contributions to NWIRP, referenced in CP 797-798 and CP 799 - 802, are memorialized at:

<http://www.nwirp.org/Documents/NWIRP2006AnnualReport.pdf>

Judge van Doorninck's financial contributions to Centro Latino, referenced in CP 797-798; CP 799 - 802, are memorialized at: <http://www.clatino.org/donate2.html>

finding of domestic violence against Anthony Meredith, in order to further the efforts of Jazmin Muriel to fraudulently obtain legal citizenship status. RP p. 499, lines 16 through 25; RP, p. 500, line 1; RP p. 508, lines 17 – 25, and p. 509, lines 1 – 5 (Judge van Doorninck asking Jazmin Muriel’s immigration attorney how Judge van Doorninck can facilitate Jazmin Muriel’s legal immigration status).

On May 1st, 2006, NWIRP turned out and organized more than 30,000 people to march for illegal immigrant rights — the largest illegal immigrant rights march in Washington State history. CP 797-798; CP 799 – 802. NWIRP boasts of its “critical responsibility to serve the ever-increasing number of immigrants and refugees in our community.” CP 797-798; CP 799 – 802. In Fiscal Year 2006, NWIRP managed 1,162 applications for immigration benefits and raised \$150,000.00 for immigrant rights at their annual gala. CP 797-798; CP 799 – 802. NWIRP helps illegal immigrants “apply for asylum or other forms of relief from removal.” CP 797-798; CP 799 – 802; NWIRP website:

<http://www.nwirp.org/Documents/NWIRP2006AnnualReport.pdf>

Judge van Doorninck conducted the trial, and herself, in the most biased and fraudulent manner possible. Judge van Doorninck made a finding of domestic violence against Anthony Meredith that was completely false and baseless, that had absolutely zero evidentiary substantiation, and that went completely against the Federal Government investigatory findings, the *Guardian ad Litem*’s investigatory findings — and against Pierce Superior Judge Bryan Chuschoff’s previous rulings — all three of which, ruling on the exact same evidence, found that Anthony Meredith did not commit domestic violence or physical abuse of any kind against Jazmin Muriel. By her false, baseless ruling finding domestic violence where none existed,

Judge van Doorninck used her position and power to advance the immigration fraud of Jazmin Muriel, an immigrant without legal status, who had applied for a type of immigration status from the Federal Government that is provided solely to physically abused immigrants. Judge van Doorninck's domestic violence finding is contrary to the *Guardian ad Litem's* investigatory conclusions, and contrary to the Federal Government's investigatory conclusions, both of which, following a thorough lengthy investigation, concluded that there was no evidence of domestic violence or physical abuse of any type by Anthony Meredith against Jazmin Muriel. Judge van Doorninck's domestic violence finding is also contrary to all of the evidence of the case, as shown below. Anthony Meredith has never physically nor sexually abused the Jazmin Muriel in any way whatsoever (see filed lie detector test results (CP 529 – 525), investigative reports (Ex. 29), and eyewitness evidence of the case, below).

Judge van Doorninck then attempted to cover up her own facilitation of this immigration fraud by, without legal authority, ordering Anthony Meredith (on November 9, 2007) not to contact the Federal Government about the matter, violating Anthony Meredith's Federal First Amendment rights of free speech, as well as the Washington State Constitution's protected rights of free speech, and impeding Anthony Meredith's obligations as an Officer of the Court to report fraud to the appropriate tribunal when he sees it. Judge van Doorninck's gag order (November 9, 2007 Order of Protection, page 3, paragraph 8) breaches the Judge's oath under RCW 2.08.080, which mandates:

Every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

In order to effectively seek review of the Judge's misconduct in this matter Anthony Meredith moved Judge van Doorninck, on December 11, 2007, to disclose on the record, and to the parties, all financial and in-kind contributions that she and any "member of the judge's family residing in the judge's household [Judicial Canon 3]" have made to any group or organization that deals with assisting immigrants to obtain citizenship benefits and/or rights. CP 797-798; CP 799 - 802. These disclosures should have been made prior to trial, but were not so made. CP 797-798; CP 799 - 802. Judge van Doorninck ignored that December 11, 2007 motion, and cancelled a previously scheduled December 14, 2007 hearing that would have addressed Anthony Meredith's motion. Anthony Meredith also moved Judge van Doorninck to immediately recuse and disqualify herself from any further involvement in this litigation. CP 797-798; CP 799 - 802. Judge van Doorninck denied that request on December 19, 2007, again, canceling a previously scheduled hearing set to address the matter.

The most disturbing component of the judge's false rulings is that, as shown below, these rulings have endangered the safety of Anthony Meredith's child Daliana, and demonstrate a clear contempt for Daliana's welfare. The bench is no place for illegal immigration crusaders, for activists with a personal agenda, or for judges who abuse and misuse their power to make false findings to achieve desired results that are contrary to the truth, contrary to all the evidence of the case, and contrary to the best interests of the children entrusted to their decisions. Judge van Doorninck has committed all these

infractions in the instant case. Her rulings are false, tainted and should be reversed by the Court of Appeals.

I. ASSIGNMENTS OF ERROR

ASSIGNMENT OF ERROR No. 1: Judge Van Doorninck abused her discretion, and abused her judicial power, in her final November 9, 2007 Orders by denying Anthony Meredith custody of, and all but the most limited visitation with, his child Daliana, despite the un rebutted evidence, including the child experts' testimony, that Anthony Meredith is an excellent father to Daliana and has no fitness problems as a parent.

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 1

Issue No. 1: Judge Van Doorninck's November 9, 2007 rulings were contrary to the best interest of Anthony Meredith's child Daliana, violate Anthony Meredith's constitutional rights to be a parent, and constitute clear abuse of discretion.

Issue No. 2: Judge van Doorninck's rulings jeopardize Daliana's safety by allowing her to be taken out of the country against both her father's, and the Guardian ad Litem's, vehement well-founded objections.

Issue No. 3: Judge van Doorninck disregarded the fact that Daliana has multiple times suffered facial bruising and is underweight while in Jazmin Muriel's care.

Issue No. 4: Judge van Doorninck's rulings have emboldened Jazmin Muriel to deny Anthony Meredith access to Daliana's health care records in violation of RCW 26.09.225.

Issue No. 5: Judge van Doorninck disregarded Jazmin Muriel's criminal record with jail time served, history of domestic violence, violation of court orders in two states, concealment of the couple's child in a different state in violation of RCW 9A.40.060, federal immigration fraud, lack of citizenship status, and adultery activities.

ASSIGNMENT OF ERROR No. 2: Judge van Doorninck's abused her discretion, and abused her judicial power in her final November 9, 2007 Orders by making false findings of domestic violence against Anthony Meredith that bore zero resemblance to the true facts, evidence, eyewitness accounts, investigatory conclusions, physical evidence, and lie detector test results of this case.

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 2

Issue No. 1: Judge van Doorninck disregarded the evidence of the case, and disregarded the findings of the Court's own assigned investigator, to make domestic violence rulings that are completely false and that lack any evidentiary substantiation.

Issue No. 2: Judge Van Doorninck's findings were made to facilitate the immigration fraud of Jazmin Muriel, at Jazmin Muriel's request. Judge van Doorninck broke ethical rules by refusing to disclose both before and after the trial, her financial investment in organizations that promote illegal immigrants in obtaining citizenship rights.

Issue No. 3: Trial Judge van Doorninck's prohibited Anthony Meredith from reporting Jazmin Muriel's immigration fraud to federal government agencies; thereby usurping Anthony Meredith's Federal and State constitutionally guaranteed rights of free speech.

II. STATEMENT OF THE CASE

In Washington State custody cases, the governing legal standard is the best interest and welfare of the child. In the instant case, trial Judge van Doorninck shelved that standard, making rulings that directly endanger the parties' 2-year old child Daliana, and that deny Daliana's father Anthony Meredith custody of Daliana, and all but the most limited access to his child Daliana, contrary to the interests and well-being of Daliana, and contrary to the uncontroverted evidence that Anthony Meredith is an excellent father to Daliana and has no parental fitness problems. [GAL Report, Ex. 29, pp. 1-16; CP, pp. 481 – 496]; Ex. 19 (supervised visitation reports of Sharon Green); trial testimony of GAL Gregory Sylvester RP 468 - 498; and trial testimony of Visitation Supervisor Sharon Green, RP 321 - 340.

Judge van Doorninck misused her power to make false findings of domestic violence against Anthony Meredith to facilitate and fast-track the immigration fraud of Jazmin Muriel, an immigrant woman without legal citizenship status, currently trying to gain that status the only way she can, by falsely claiming that she was an abused spouse under the Federal violence Against Women's Act, to achieve a green card as an "abused immigrant spouse" to avoid deportation to Colombia. Trial testimony of Jazmin Muriel's immigration attorney Doug Kresl.

RP, p. 508, lines 17 – 25, and p. 509, lines 1 – 8. Judge van Doorninck made the domestic violence rulings contrary to all the following:

1. Contrary to all the evidence and the true facts of the case;
2. Contrary to previous findings by Superior Court Judge Bryan Chuschoff on the exact same evidence, in which Judge Bryan Chushcoff exonerated Anthony Meredith of the exact same domestic violence allegations, saying that Jazmin Muriel’s domestic violence allegations were “a lot of smoke” and have “not been founded”. October 27, 2006 RP, pp. 21-22 [Case No. 06-2-02300-1];
3. Contrary to the findings of the court’s self-appointed *Guardian ad Litem* investigator, following a year-long investigation, in which he met with all the eyewitnesses of the case from both sides, and issued a comprehensive 16-page *Guardian ad Litem* report, completely exonerating Anthony Meredith of the domestic violence accusations [GAL Report, Ex. 29, pp. 1-16; CP, pp. 481 – 496];
4. Contrary to a Federal government investigation that has completely exonerated Anthony Meredith of all of these same false domestic violence allegations;
5. Contrary to all the eyewitnesses (from both sides) of the marriage, who all declared under penalty of perjury that Jazmin Muriel was never physically abused in any way whatsoever by Anthony Meredith [GAL Report, Ex. 29, pp. 1-16; CP, pp. 481 – 496][sworn declarations of neighbor Gene Crisp, neighbor Jackie Crisp, neighbor Barbara Kloecker, neighbor Jerry Kloecker; Executive Director and marriage counselor Andy Redford (CP 111 – 137), and mother Mary Meredith (CP 63 – 72)];

6. Contrary to the findings of the independently administered 19-question lie detector test, which Anthony Meredith passed 100%, which showed that Anthony Meredith truthfully denied ever physically or sexually abusing Jazmin Muriel in any way whatsoever. [CP 529 – 535];

7. Contrary to the fact that Jazmin Muriel produced zero evidence of physical or sexual abuse in the marriage. [The entire case file and entire trial transcript offers no evidence of any physical or sexual abuse committed by Anthony Meredith];

8. Contrary to the fact that Jazmin Muriel, herself, has a criminal record and conviction for assault and battery, with jail time served [Ex. 20]; whereas Anthony Meredith has no criminal record [CP 10 – 28 Investigative Report and Declaration of George Cameron];

9. Contrary to the fact that Jazmin Muriel has a history of violating court orders in two states [Ex. 20, Ex. 25, Ex. 26.], and a history lying to the courts under penalty of perjury; whereas Anthony Meredith has no such history and is, instead, an Officer of the Court in good standing.

Judge van Doorninck, herself, solicited testimony from Jazmin Muriel's expert immigration witness Doug Kresl who testified that the only way Jazmin Muriel could gain immigration status was to allege that she was abused, and that Jazmin Muriel needed Judge van Doorninck's finding of domestic violence to bolster her heretofore moribund green card petition. RP, p. 508, lines 17 – 25, and p. 509, lines 1 – 8; RP, p. 499, line 21 – p. 500, line 1. Judge van Doorninck did not disclose to Anthony Meredith prior to the trial that she (the Judge) had a history of financially subsidizing groups that support the achievement of immigration status for illegal immigrants in America. CP 797-798; CP 799 - 802. The judge was required to have made that disclosure to avoid improper conflicts. Had she done so, Anthony Meredith would have immediately moved for Judge van Doorninck's recusal, as this case demanded an unbiased judge

to rule on the immigration fraud of Jazmin Muriel. CP 797-798; CP 799 - 802. The evidence is clear that Judge van Doorninck has misused her position to deliberately make false findings of domestic violence to facilitate a fraud on the Federal Government, has abused her discretion, has made false factual findings on allegations of domestic violence that never transpired, has endangered the welfare of Anthony Meredith's child Daliana, and has violated multiple rules governing the ethical conduct of judges in Washington.

Judge van Doorninck heard, and completely ignored, the following evidence about Jazmin Muriel:

1. After arriving in the United States, Jazmin Muriel was convicted of an assault and battery where she violently attacked a third party (on videotape) and caused serious wounding and bleeding to him, requiring medical treatment. Investigative Report and Declaration of George Cameron. CP 10 – 28. Jazmin Muriel was sentenced to 6 months in jail, part suspended. Ex. 20.
2. On August 21, 2005, Jazmin was arrested in Chesterfield County, Virginia, and charged with two felonies: 1) felonious assault and 2) grand larceny. Case # GC5006418 - GC5006419. Ex. 25, Ex. 26; CP 10 – 28 Investigative Report and Declaration of George Cameron.
3. Jazmin Muriel spent August 21-26, 2005 in Chesterfield jail, incarcerated under the name of "Muriel Suarez". Ex. 25, Ex. 26. Jazmin did not give the arresting officers or the Chesterfield Court her full correct name. Ex. 25, Ex. 26.
4. Following her arrest, Jazmin Muriel signed a Court Recognizance Order promising not to leave the Commonwealth of Virginia until her case was finished. Ex. 25, Ex. 26.

Jazmin then violated this same Court Order, and broke her promise to the Chesterfield Court, when she moved to Tacoma, Washington to live with her lover Dariam Ramos in October of 2005, before Jazmin's December 5, 2005 criminal trial. RP, pp. 60 – 65.

5. Jazmin Muriel returned to Virginia on December 4, 2005, only after Anthony Meredith insisted that she come back to avoid being a fugitive, and wired her money for a plane ticket to return for her criminal trial in Chesterfield, Virginia. Ex. 27.

6. At her December 5, 2005 trial, Jazmin Muriel pled guilty to misdemeanor assault and battery, was convicted, and was sentenced to six months in jail (5 months and ten days suspended for three years). Ex. 20.

7. Jazmin returned to jail to serve additional time on her sentence from December 13-19, 2005, and then returned back to her lover Dariam Ramos in Tacoma Washington on December 24, 2005, where she remained until the October 2007 child custody trial. Jazmin did this despite her representation to the Chesterfield Virginia Circuit Court that she was working on a reconciliation with her marriage with Anthony Meredith, in an effort to achieve a reduced sentence with that court. Ex. 20.

8. Jazmin left Virginia again, on Christmas Eve, 2005, without paying her mandatory court costs or her attorney fees, violating a second court order. Ex. 20. Anthony Meredith paid both to keep Jazmin from going back to jail. Trial testimony of Anthony Meredith. RP, p. 67, lines 17 – 24.

Nowhere in the ten orders issued by Judge van Doorninck, and nowhere in Judge van Doorninck's "Findings of Facts" can any of this information be found, because Judge van Doorninck simply swept it all under the rug. As an officer of the court (Virginia) for eleven years, Virginia Assistant Attorney General (for 9.5 years), and currently a United States Federal

Government attorney in Irvine, California, Anthony Meredith has had several hundred appearances as counsel before federal and state courts at all levels, and has never before encountered a Judge who has committed the level of fraud, misconduct and judicial abuse, as has Judge van Doorninck in the instant case.

III. ARGUMENT

ASSIGNMENT OF ERROR No. 1: Judge Van Doorninck abused her discretion, and abused her judicial power, in her final November 9, 2007 Orders by denying Anthony Meredith custody of, and all but the most limited visitation with, his child Daliana, despite the unrebutted evidence, including the child experts' testimony, that Anthony Meredith is an excellent father to Daliana and has no fitness problems as a parent.

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 1

Issue No. 1: Judge Van Doorninck's November 9, 2007 rulings were contrary to the best interest of Anthony Meredith's child Daliana, violate Anthony Meredith's constitutional rights to be a parent, and constitute clear abuse of discretion.

The best interests and welfare of the children are paramount in custody matters. RCW 26.09.002; *Munoz v. Munoz*, 79 Wn.2d 810, 812, 489 P.2d 1133 (1971). An exercise of the wide discretion vested in trial courts in ruling on matters of child custody will be reversed or otherwise altered on appeal when there has been a manifest abuse of that discretion. *Munoz v. Munoz*, *supra*. Where there is such abuse, the appellate court has a duty to reverse the trial court. *Munoz v. Munoz*, *supra*; *Norman v. Norman*, 27 Wn.2d 25, 27, 176 P.2d 349 (1947). See also *Robertson v. Robertson*, 19 Wn. App. 425, 575 P.2d 1092 (1978). A decision or ruling by a trial court constitutes an abuse of discretion if the decision or ruling is manifestly unreasonable or is based on untenable grounds or reasons. *In re Marriage of Horner*, 151 Wn.2d 884 (2004). The court's decision or ruling is manifestly unreasonable if it is outside the range of acceptable choices, given the facts and the applicable legal standard. The trial court's decision or ruling is based on

untenable grounds if its factual findings are unsupported by the record. The trial court's decision or ruling is based on untenable reasons if it is based on an incorrect standard or the facts do not meet the requirements of the correct standard. *In re Marriage of Horner, supra*. In order to permit appellate review under the abuse of discretion standard, the trial court must articulate on the record the reasons behind its decision or ruling. *In re Marriage of Horner, supra*. Also, see *In re Marriage of McDole*, 122 Wn.2d 604, 610, 859 P.2d 1239 (1993); *In re Marriage of Kovacs*, 121 Wn.2d 795, 801, 854 P.2d 629 (1993).

A trial court's findings of fact relating to the modification of a parenting plan will not be upheld on appeal if they are unsupported by substantial evidence. 132 Wn. App. 222, *In re Marriage of Watson* (2006).

Parental rights are constitutionally protected. *Chapman v. Perera*, 41 Wn. App. 444, 446, 704 P.2d 1224 (1985). A parent has a fundamental constitutional right to be a parent. This right cannot be restricted without a rational reason for doing so. *Stanley v. Illinois*, 405 U.S. 645, 31 L. Ed. 2d 551, 92 S. Ct. 1208 (1972).

The trial court abuses its discretion if it fails to follow the statutory procedures or modifies the parenting plan for reasons other than what are allowed by the statutory criteria. A trial court's construction of a statute in fashioning a parenting plan is a question of law that is reviewed de novo. *In re Marriage of Watson* 132 Wn. App. 222, (2006).

In the instant case, Judge van Doorninck improperly ordered that Anthony Meredith is to have minimal restricted supervised time with his child, when the child experts (including the *Guardian ad Litem*) and eyewitnesses of the case uniformly testified that Anthony Meredith's

fatherly care of his child is excellent, and that there is no need for such supervised restrictions.

All the child professionals testified in favor of Anthony Meredith's parenting of Daliana

The Guardian ad Litem (GAL).

The GAL investigative report finds that "Father [Anthony Meredith] is developing a happy and loving relationship with Daliana... I have seen photographs of their visits and have personally observed the interaction between Father and Daliana a number of times. They seem to have a wonderful time together, and I find nothing problematic or disturbing about their Father-daughter relationship." GAL Report Ex. 29, p. 10; CP 490. The GAL found that there is substantial evidence that Anthony Meredith interacts lovingly and appropriately with Daliana. GAL Report Ex. 29, p. 12; CP 492. The GAL found that Anthony Meredith "appears to be extremely invested in protecting his daughter from any perceived harm" and that it is now "even more important for Father [Anthony Meredith] to have the opportunity to establish a stronger bond with her [Daliana]." GAL Report Ex. 29, p. 13; CP 493. The GAL concluded that there is no basis for requiring Father's visits to be supervised now. GAL Report Ex. 29, p. 13; CP 493.

At the trial, the GAL testified that there was no evidence that Anthony Meredith is a danger to his child Daliana. RP, p. 476, lines 5 - 7. The GAL testified that he saw nothing on the part of Anthony Meredith that would create any likelihood of harm to Daliana, that there was no risk of harm to Daliana from her father Anthony Meredith, and no reason for Anthony Meredith to have visitation with Daliana supervised. RP, pp. 478, 494.

Visitation Supervisor Sharon Green

At the trial, Visitation Supervisor Sharon Green testified that she supervised all the visits of Anthony Meredith and Daliana from August 2006, until April of 2007. RP, p. 322, lines 18 –22; RP, p. 334, lines 10 – 20. Sharon Green testified that Anthony Meredith “did very well for being as young as she [Daliana] was” RP, p. 325, lines 4 – 5. Sharon Green testified that Anthony Meredith “did a lot of cooing at her [Daliana] because she was not talking; getting her attention, making her [Daliana] smile, and just playing with her with age-appropriate toys. He did that very well.” RP, p. 325, lines 11- 14. Sharon Green testified that Anthony Meredith changed Daliana’s diapers, brought his own diaper bag, fed Daliana age-appropriate baby food, little snacks that Daliana liked. RP, p. 325, lines 15- 23. Sharon Green testified that Anthony Meredith was very upbeat, and very happy whenever he was with Daliana. RP, p. 325, line 24 – p. 326, line 2. Sharon Green testified that Anthony Meredith asked for, and followed, Sharon Green’s advice during the visits, on how best to hold Daliana, and what would make her stop crying if she got fussy. RP, p. 326, lines 3 – 14. Sharon Green testified that Anthony Meredith “didn’t ever want to put her [Daliana] down because he wanted to walk around the park with her on his shoulder, things like that”. RP, p. 326, lines 14 - 17. Sharon Green testified that Anthony Meredith and Daliana are “getting along very well” in their bonding. RP, p. 326 - 327. When asked if she ever saw any inappropriate or harmful behavior by Anthony Meredith toward Daliana, Sharon Green testified “I didn’t see anything” and “not at all.” RP, p. 327, lines 12 - 16. Sharon Green testified that Anthony Meredith purchased multiple items for his child to include shoes, a bib, pacifier, and clothes. RP, p. 327, lines 20 - 23. Sharon Green testified that Anthony Meredith never made disparaging comments about Jazmin Muriel during the visits [RP, p. 327,

lines 24, 25 – p. 328, lines 1 – 4], and that Anthony Meredith was only focused on his child Daliana. RP, p. 328, lines 5 – 7. Sharon Green testified that, during these visits, Anthony Meredith, never approached Jazmin or her apartment, and never tried to engage with Jazmin Muriel. RP, p. 329, lines 18 – 21. Sharon Green testified that the only time that Anthony Meredith even spoke to Jazmin Muriel was on February 16, 2007, when he asked Jazmin to explain why Daliana had facial bruising while in Jazmin’s care. RP, p. 329, lines 22 – 25, and p. 330, lines 1 – 6.

Dr. Clifford

Dr. Clifford testified that on the Personality Assessment Inventory, the results for Anthony Meredith were within normal limits. RP, p. 192, lines 15 –16. This contrasted to the results for Jazmin Muriel on the same test (of more than 300 questions), which were “invalid because of an excessive positive interpretation.” RP, p.188, lines 21 – 23; RP, p. 216, lines 16 – 23. Jazmin was not honest in her responses on the exam. RP, p. 234, lines 22 – 25.

Dr. Clifford testified that he does not believe that Anthony Meredith is a physical danger to Daliana. RP, p. 233, lines 8 – 9. Dr. Clifford testified that Anthony Meredith has the composure and sensibility to treasure his child. RP, p. 233, lines 11 – 13. Dr. Clifford testified that Anthony Meredith loves his child and would care for that child well. RP, p. 233, lines 15 – 17.

Daliana continues to enjoy happy successful visits with her Daddy Anthony Meredith

Anthony Meredith filed with the Guardian Ad Litem and with the Court every single visitation report that he received. Without exception, every report shows that Anthony Meredith has a wonderful, loving, caring, fatherly relationship with Daliana. Ex. 19. Some examples are

Visitation Supervisor reports from Visitation Supervisor Sharon L. Green, describing Anthony Meredith's time with Daliana on February 16, 17, and 18, 2007. Ex. 19. As these reports show, Daliana is smiling, laughing, and happy to be with her Daddy. Daliana and Anthony Meredith have bonded together as father and child. They have spent quality time together and are completely comfortable and used to each other. They spent time at Wapato Park looking at squirrels, ducks, geese, birds, flowers, trees, plants, and the water. They spent time in the children's play section at Tacoma Mall, where Daliana enjoyed celebrating her first birthday with her Daddy, eating a birthday lunch, receiving and playing with birthday gifts of teddy bears, stuffed animals, dolls, Biblical books, musical toys, and interfacing with other children in her age range. The GAL received color photos and the videotape of these visits. Anthony Meredith constantly spoke to Daliana, so Daliana could get used to his voice and place words with the things that she is seeing. Visitation Supervisor Sharon Green has noted, in detail, how well the visits have gone, and how comfortable Daliana is to be with Anthony Meredith, her Dad.

Visitation Supervisor Sharon Green noted specifically that Daliana stops crying when Dad picks her up and holds her [Ex. 19] (February 16, 2007 report); Daliana looked at Dad as he sang, became animated and silly, and she smiled [Ex. 19] (February 17, 2007 report); Daliana was "very content and upbeat" to be with her Dad, pointing to areas of Wapato Park she wanted to go [Ex. 19] (February 17, 2007 report); Daliana "laughed out loud" while playing food games with her Dad [Ex. 19] (February 17, 2007 report); Daliana cooed at Dad as he talked to her and read her books in the children's library [Ex. 19] (February 17, 2007 report); Daliana smiled at Dad as Dad sang to Daliana during the ride home [Ex. 19] (February 17, 2007 report); Daliana liked the play area that she and Dad visited [Ex. 19] (February 18, 2007 report); Daliana hugged

and snuggled the stuffed animals that Dad gave to her [Ex. 19] (February 18, 2007 report); Daliana enjoyed the food that Dad fed her [Ex. 19] (February 18, 2007 report); Daliana was “very cheerful and shared her snacks with Dad, making cooing noises” [Ex. 19] (February 18, 2007 report); Daliana “laughed and giggled together” with her Dad, and she “crawled out [of the play tunnel] and into his arms.” [Ex. 19] (February 18, 2007 report); Dad was very watchful of Daliana’s activities and the other children around her, yet allowed her to make her own decisions on where to crawl and who to play with [Ex. 19] (February 18, 2007 report); Daliana “smiled and clapped her hands as she mimicked Dad” who sang to her [Ex. 19] (February 18, 2007 report); Daliana rocked back and forth in her seat to the music as she sang with her Dad [Ex. 19] (February 18, 2007 report). Sharon Green also noted that Daliana began to cry as soon as she saw Mom [Ex. 19] (February 18, 2007 report).

As the Visitation Supervisor reports [Ex. 19] dated April 26-28, 2007 show, Daliana and Anthony Meredith continue to bond as father and child and Daliana has a wonderful time with Anthony Meredith, her father. [Ex. 19] Specifically, Dad (Anthony Meredith) brought Daliana stuffed animals and a musical Bible book and showed Daliana how it played music. [Ex. 19] (April 26, 2007 report). Daliana was “smiling” and “was very happy and talkative, jabbering and interfacing with Dad” [Ex. 19] (April 26, 2007 report). Daliana was “fine and happy, toddling around and jabbering a lot”. [Ex. 19] (April 26, 2007 report). “Dad then sat with Daliana and read her a book, making her laugh at the characters.” [Ex. 19] (April 26, 2007 report). Daliana “then got down and scurried down the isles again, laughing as Dad chased her.” [Ex. 19] (April 26, 2007 report). “Daliana watched Dad play with the stuffed animals as we drove, and began to jabber at him, and smile when he acted silly.” [Ex. 19] (April 27, 2007 report). “[Dad] played

with her and made her laugh with the stuffed animal. She toddled off and squealed as he chased after her.” [Ex. 19] (April 27, 2007 report). Daliana “laughed and giggled and handed [her wind-up toy] to Dad to wind up.” [Ex. 19] (April 27, 2007 report). “Dad was very watchful as she walked around, and helped her by holding her hand.” [Ex. 19] (April 27, 2007 report). “Daliana and Dad sang songs in the car as we drove.” [Ex. 19] (April 27, 2007 report). At breakfast with Daddy, Daliana “was happy and cheerful and clapped her hands”. [Ex. 19] (April 28, 2007 report). Daliana “played peek-a-boo with Dad and squealed with delight as he hid his face and then popped out.” [Ex. 19] (April 28, 2007 report). Daliana “waved at Dad” and was “laughing very loud. Dad joined in with the play activity (crayons) and made her laugh even harder.” [Ex. 19] (April 28, 2007 report). “Dad was very watchful of her activities and helped her up if she fell.” [Ex. 19] (April 28, 2007 report). Although we returned early at Jazmin Muriel’s insistence, Jazmin Muriel “was less than congenial when she came out to get Daliana” [Ex. 19] (April 28, 2007 report).

Anthony Meredith has successfully completed quality parenting classes

In an effort to learn as much as possible about how to be an excellent father, Anthony Meredith enrolled in, and recently successfully completed, a large number of quality parenting classes, with some of the top children’s specialists in Virginia, and around the country, to equip himself to be the best educated father that he can be. These certificates show that Anthony Meredith has successfully completed the following courses:

1. the course offered by Virginia’s Commonwealth Parenting entitled “Kids, Parents, Power Struggles” on December 7, 2006 [Ex. 12];
2. the nationally acclaimed course “Positive Parenting Through Divorce” on December 10, 2006 [Ex. 12];
3. the Virginia “Parents Forever Impact of Divorce on Children” course on December 13,

- 2006 [Ex. 12];
4. the course offered by Virginia's Commonwealth Parenting entitled "Baby Makes Three" on December 16, 2006 [Ex. 12];
 5. the course offered by Virginia's Commonwealth Parenting entitled "The Happiest Baby on the Block," on January 13, 2007 [Ex. 12];
 6. the course offered by Virginia's Commonwealth Parenting entitled "123 Magic & Beyond" on January 11 & 25, 2007 [Ex. 12];
 7. the course offered by Virginia's Commonwealth Parenting entitled "Parenting Points" on January 23 & 30, 2007 [Ex. 12];
 8. the course offered by Virginia's Commonwealth Parenting entitled "Let's Talk About Toddlers" on January 24, 2007 [Ex. 12];
 9. the course offered by Virginia's Commonwealth Parenting entitled "Fighters, Biters, Pushers, & Smushers" on February 8, 2007 [Ex. 12];
 10. the course offered by Virginia's Commonwealth Parenting entitled "Raising the Resilient Child" on February 13, 2007 [Ex. 12];
 11. the course offered by Virginia's Commonwealth Parenting entitled "Feeling Good About Discipline Decisions (Parenting the Young Child) on February 13, 2007 [Ex. 12].

All of these courses are described in detail in the Commonwealth Parenting Course itinerary [Ex. 12]. As classes are scheduled, Anthony Meredith will continue to enroll in them. Anthony Meredith has taken, and will continue to take, these courses because he believes they will help him to be a better-educated and more effective father for his child Daliana. There was no court-mandated requirement that Anthony Meredith take these classes.

Daliana's father and grandmother will provide superb full-time childcare for Daliana

As Daliana's father, Anthony Meredith will be a full-time father involved in every aspect of raising his child. During Anthony Meredith's work hours of 8:30 – 5:00 M-F, Daliana's paternal grandmother Mary Meredith will be the caretaker of Daliana in Anthony Meredith's home. Mary Meredith has exceptional experience successfully raising three children as a single mother. In the evenings and on the weekends, Grandmother Mary Meredith and Father Anthony Meredith will raise Daliana together. Grandmother Mary Meredith has graciously agreed to permanently move into Anthony Meredith's home full-time immediately upon his obtaining

custody of Daliana to facilitate this shared caregiving of Daliana.

Judge van Doorninck disregarded that Jazmin Muriel wrongfully concealed Daliana from Anthony Meredith for five months prior to this litigation in violation of RCW 26.09.255

RCW 26.09.255 (Remedies when a child is taken, enticed, or concealed) states that:

A relative, as defined in RCW 9A.40.010, may bring civil action against any other relative if, with intent to deny access to a child by that relative of the child who has a right to physical custody of or visitation with the child or a parent with whom the child resides pursuant to a parenting plan order, the relative takes, entices, or conceals the child from that relative. The plaintiff may be awarded, in addition to any damages awarded by the court, the reasonable expenses incurred by the plaintiff in locating the child, including, but not limited to, investigative services and reasonable attorneys' fees.

This case began when Jazmin Muriel concealed the Daliana from Anthony Meredith in an undisclosed location in Tacoma Washington in February of 2006. RP, pp. 68 – 70. Jazmin Muriel refused to allow Anthony Meredith to see Daliana for five months, despite his repeated requests to see his child, until litigation commenced in July of 2006 in Pierce County. RP, pp. 68 – 70. Jazmin refused to allow Anthony Meredith to be present for the birth of Daliana, despite Anthony Meredith's requests to be there. RP, pp. 68 – 70. Jazmin refused to allow Anthony Meredith to speak with the birth doctors, despite Anthony Meredith's requests to do so. RP, pp. 68 – 70. Jazmin did not list Anthony Meredith's name on the birth certificate of Daliana, but instead, left the space for the father's name blank. Ex. 1; RP, pp. 68 – 70. Jazmin refused to provide any information to Anthony Meredith about the location and well-being of Daliana, despite his multiple requests for this information. RP, pp. 68 – 70. Jazmin never even sent Anthony any pictures of Daliana, despite his multiple requests for pictures. RP, pp. 68 – 70. One should not be allowed to benefit from his or her wrongdoing, nor should an innocent party lose custodial privileges because of a situation created solely by the other's wrongful acts. *Marriage*

of Murphy 48 Wn. App. 196, 737 P.2d 1319 (1987). Judge van Doorninck abused her discretion by ignoring this statute and by ignoring Jazmin Muriel's misconduct in hiding Daliana from her father Anthony Meredith. In light of the above-stated un rebutted evidence of this case, it is mind-boggling that Judge van Doorninck's "Findings of Fact" includes none of these un rebutted facts, but instead states that Anthony Meredith denied Daliana was his. It is simply not possible for any judge to be that incompetent. It is, instead, additional corroboration that Judge van Doorninck deliberately closed her eyes to the evidence of this case to make false findings and to fashion a fraudulent result to advance a personal agenda of her own. This judicial misconduct is a clear abuse of discretion.

It is not in the best interest of Daliana to live 3000 miles away from her father

Anthony Meredith loves his child Daliana and will continue to provide her with the best of everything. It is absurd that he has to fly 6000 miles round-trip at great expense to see his child for a few hours at a time. Anthony Meredith's travel costs and legal fees have now topped \$80,000.00, and he is heavily in debt, due exclusively to the unabated intransigence of Jazmin Muriel concealing the couple's child from him 3000 miles away, and the facilitation of this intransigence, contrary to the above-referenced statute, by Judge van Doorninck. There is zero equity, no rationale, and no legal justification in the present arrangement. It is not fair to Daliana and it is not fair to her father, or to Daliana's Grandmother Mary Meredith. Daliana's father is in California (having moved there to be closer to Daliana), and Daliana's paternal grandmother will live there to help him care for Daliana. That is where Daliana should be as well, either fulltime, or for equal time. Ironically, as soon as Jazmin Muriel received notice that Anthony Meredith uprooted his life and voluntarily changed jobs, relinquishing his seniority at the Attorney

General's office, to move from Virginia to California, Jazmin immediately made plans to, and did, move from Tacoma, Washington to the State of Maryland. This move was, of course, applauded by Judge van Doorninck.

Evidence that the current arrangement is not working is as follows: In the April 28, 2007 Visitation Supervisor report (Ex #19), eyewitness Visitation Supervisor Sharon Green reports that Jazmin repeatedly called during the visit "harassing us" and "fussing" with Sharon, while trying to cut short an additional ten minutes of Anthony Meredith's visitation time. As Sharon Green reports, Jazmin's chronic "interruptions and attitudes [Jazmin] portrayed during the last three days [April 26-28, 2007]" were "manipulation." Ex. #19. After more than two years of denying Anthony Meredith access to Daliana, Jazmin continues to fight Anthony Meredith every step of the way in her determined effort to deny Anthony Meredith any time at all with Daliana, even when he flies 6000 miles round-trip at great expense to see Daliana. It is not in the best interest of Daliana to be denied access to her father in this fashion.

Jazmin's attorney David Starks made deceitful material misrepresentations to the tribunal in violation of Washington State Court Rules of Professional Conduct Rule 3.3, to fraudulently gain Jazmin temporary custody of Daliana

The only reason Jazmin got temporary custody of Daliana in the first place is because her attorney David Starks knowingly made deceitful material misrepresentations to the tribunal from the outset of this litigation. In the July 28, 2006 hearing (see RP dated July 28, 2006), Starks told the Court that Jazmin's declarant Nancy Williams stated in her declaration that she witnessed bruises on Jazmin. Nowhere in Nancy Williams declaration, which is part of the court record, does Nancy Williams say that she witnessed bruises on Jazmin. This was a flagrant lie to the court by Starks in violation of Washington State Court Rules: Rules of Professional Conduct

Rule 3.3 (Candor toward the Tribunal)”(a) A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.” It was slander to say that Nancy Williams witnessed bruising on Jazmin and attributing that bruising to Anthony Meredith, when Nancy Williams witnessed no bruising on Jazmin, and did not even claim to witness bruising on Jazmin. Jazmin never would have been awarded temporary custody of Daliana, had David Starks not made these initial deceitful material misrepresentations to the tribunal, which were subsequently proven to be false. Neither Nancy Williams, nor any other witness, testified at the trial that they saw any bruising on Jazmin. It is not in the best interest of Daliana to live with a woman who has a history of lying to the Courts (herself and through her attorney) to achieve desired results.

The current order violates Washington Statutes RCW 26.09.187 and RCW 26.16.125

RCW 26.09.187 (3)(a)(Criteria for establishing permanent parenting plan) states:

The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time if such provision is in the best interests of the child.

RCW 26.16.125 (Custody of Children) states, in pertinent part, “Henceforth the rights and responsibilities of the parents in the absence of misconduct shall be equal...”

The current orders (dated November 9, 2007) disregard and violate these statutory mandates by denying Anthony Meredith all but the most limited, restricted time with Daliana.

Judge van Doorninck's limitation of one weekend per month of supervised visitation 3000 miles from Anthony Meredith's home is a blatant violation of the above-referenced statutes. The Judge's "parenting plan" is designed to ensure that Daliana is denied access to her father. The parenting plan is an abuse of discretion and should be overturned by the Court of Appeals.

Issue No. 2: Judge van Doorninck's rulings jeopardize Daliana's safety by allowing her to be taken out of the country against both her father's, and the Guardian ad Litem's, vehement well-founded objections.

Judge van Doorninck circumvented and violated Federal law by ordering that Petitioner's two-year-old child Daliana (a U.S. citizen) can obtain a passport and leave the United States without the legally required permission of Anthony Meredith (her father), and travel to Medellin, Colombia, the city with the highest (non-war) per-capita murder, kidnapping and crime rates in the world, thereby exposing Daliana to serious physical harm and/or kidnapping. This order shows disdain for the safety, welfare, and best interests of Daliana. Moreover, this order is contradictory to the current U.S. State Department travel advisory warning U.S. citizens against travel to Colombia. This advisory states that: "Terrorist groups such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), and other criminal organizations, continue to kidnap civilians for ransom or as political bargaining chips. No one can be considered immune from kidnapping on the basis of occupation, nationality, or other factors." See U.S. State Department website. The *Guardian ad Litem* vehemently advised against Daliana leaving the USA, or obtaining a passport without her father's permission. The GAL report specifically stated that Jazmin Muriel "absolutely should not be allowed to take Daliana outside of the United States for any reason whatsoever without the Father's [Anthony Meredith's] notarized written approval". GAL Report, Ex. 29, p. 16; CP, p. 496. The GAL's

concerns were steamrolled by Judge van Doorninck, a judge with a personal agenda that takes precedence over the well-being of 2-year old Daliana. See Nov. 9, 2007 Order Authorizing Mother to Obtain Passport for Daliana Meredith Without Father's Approval or Signature. More than anything, this order exemplifies why Judge van Doorninck is a misfit on the bench, and should have no business making decisions on what is in the best interests of a child in a custody case.

Issue No. 3: Judge van Doorninck disregarded the fact that Daliana has suffered facial bruising and is underweight while in Jazmin Muriel's care.

Pictures of Daliana's facial bruising (while in Jazmin Muriel's care)(February 2007) are part of the Court record. Judge van Doorninck overlooked the bruised and underweight condition of Daliana in Jazmin's care. Daliana's weight in February of 2007 — at 18 pounds — was so low that she is was in the 8th percentile for all children her age (one year old), at the time. Judge van Doorninck showed no interest in, or concern about, any of this.

Issue No. 4: Judge van Doorninck's rulings have emboldened Jazmin Muriel to deny Anthony Meredith access to Daliana's health care records in violation of RCW 26.09.225.

RCW 26.09.225(1) (Access to child's education and health care records) states that: Each parent shall have full and equal access to the education and health care records of the child absent a court order to the contrary. Neither parent may veto the access requested by the other parent.

Jazmin Muriel and her attorneys have refused to provide Daliana's medical care records to Anthony Meredith, despite his requests for said records. This refusal directly contradicts both Jazmin Muriel's, and her counsel's, representations to the tribunal during the recent trial. Concealing Daliana's medical care records from her father, contrary to the above statute, is not

in the best interest of Daliana. As Daliana's father, Anthony Meredith should not be denied the requested medical and health records of his own child. As long as Judge van Doorninck presides over this case, Jazmin and her attorneys will continue to deny Anthony Meredith the health records for Daliana that Anthony is entitled to under RCW 26.09.225(1), and for which Anthony Meredith is paying for, by his providing 100% of Daliana's health care coverage.

Issue No. 5: Judge van Doorninck disregarded Jazmin Muriel's criminal record with jail time served, history of domestic violence, violation of court orders in two states, concealment of the couple's child in a different state in violation of RCW 9A.40.060, federal immigration fraud, lack of citizenship status, and adultery activities.

1. After arriving in the United States, Jazmin Muriel was convicted of an assault and battery where she violently attacked a third party (on videotape) and caused serious wounding and bleeding to him, requiring medical treatment. Investigative Report and Declaration of George Cameron [CP 10 – 28]; GAL Report, Ex. 29. Jazmin Muriel was sentenced to 6 months in jail, part suspended. Ex. 20.
2. On August 21, 2005, Jazmin was arrested in Chesterfield County, Virginia, and charged with two felonies: 1) felonious assault and 2) grand larceny. Case # GC5006418 - GC5006419. Ex. 25, Ex. 26; CP 10 – 28 Investigative Report and Declaration of George Cameron.
3. Jazmin Muriel spent August 21-26, 2005 in Chesterfield jail, incarcerated under the name of "Muriel Suarez". Jazmin did not give the arresting officers or the Chesterfield Court her full correct name. Ex. 25, Ex. 26.
4. Following her arrest, Jazmin Muriel signed a Court Recognizance Order promising not to leave the Commonwealth of Virginia until her case was finished. Ex. 25, Ex. 26.

Jazmin violated this Court Order, and broke her promise, when she moved to Tacoma, Washington to live with her lover Dariam Ramos in October of 2005, before her December 5, 2005 criminal trial. RP, pp. 60 – 65.

5. Jazmin Muriel returned to Virginia on December 4, 2005 only after Anthony Meredith insisted she come back to avoid being a fugitive, and wired her money for a plane ticket to return for her criminal trial in Chesterfield, Virginia. Ex. 27.

6. At her December 5, 2005 trial, Jazmin Muriel pled guilty to misdemeanor assault and battery, was convicted, and was sentenced to six months in jail (5 months and ten days suspended for three years). Ex. 20.

7. Jazmin returned to jail to serve additional time on her sentence from December 13-19, 2005, and then returned back to her lover Dariam Ramos in Tacoma Washington on December 24, 2005, where she remained until the October 2007 child custody trial. She did this despite her representation to the Chesterfield Virginia Circuit Court that she was working on a reconciliation with her marriage with Anthony Meredith, in an effort to achieve a reduced sentence with that court. Ex. 20.

8. Jazmin left town on Christmas Eve, 2005, without paying her mandatory court costs or her attorney fees, violating a second court order. Ex. 20. Anthony Meredith paid both to keep Jazmin from going back to jail. Trial testimony of Anthony Meredith. RP, p. 67, lines 17 – 24.

All of the above unrebutted evidence was introduced at trial, and none of it made it into Judge van Doorninck's "Findings of Facts." The fact that Judge van Doorninck is a crooked judge is evidenced by comparing the GAL investigatory report and all the eyewitness evidence of the case on one side and Judge van Doorninck's "Findings of Facts" on the other side. They

are diametrically opposed in every way, as if there were two completely different cases being described.

The GAL testified that, during his investigation, he found “significant corroborating testimony” that Jazmin Muriel committed adultery during the marriage. RP, p. 476, lines 16 - 20. Also, see the GAL Report, Ex. 29, p. 8, CP 488, where the GAL found as credible the eyewitness testimony of Jazmin’s housemates Diane Landrum, Toni Savage, Margaret Savage, who all reported their eyewitness observations of Jazmin’s adulterous sexual conduct and/or relationships during the marriage with multiple people, often times in exchange for money and gifts. GAL Report, Ex. 29, p. 8; CP 488. Also, see sworn Declarations of Jazmin’s housemates Diane Landrum (CP 297 – 304), Toni Savage (CP 297 – 304), and Margaret Savage (CP 63 – 72). The GAL found the eyewitness accounts of Jazmin’s promiscuity consistent with the behavior observed by eyewitness neighbors Gene Crisp, Jackie Crisp, Jerry Kloecker, and Barbara Kloecker. GAL Report, Ex. 29, p. 8; CP 488.

One should not be allowed to benefit from his or her wrongdoing, nor should an innocent party lose custodial privileges because of a situation created solely by the other's wrongful acts. *Marriage of Murphy* 48 Wn. App. 196, 737 P.2d 1319 (1987).

ASSIGNMENT OF ERROR No. 2: Judge van Doorninck’s abused her discretion, and abused her judicial power in her final November 9, 2007 Orders by making false findings of domestic violence against Anthony Meredith that bore zero resemblance to the true facts, evidence, eyewitness accounts, investigatory conclusions, physical evidence, and lie detector test results of this case.

ISSUES PERTAINING TO ASSIGNMENT OF ERROR No. 2

Issue No. 1: Judge van Doorninck disregarded the evidence of the case, and disregarded the findings of the Court’s own assigned investigator, to make domestic violence rulings that are completely false and that lack any evidentiary substantiation.

RCW 26.50.010 states that: (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

Anthony Meredith has done nothing to violate any prong of RCW 26.50.010. There is not one shred of evidence in the entire file that Anthony Meredith has done a single thing to violate RCW 26.50.010.

The Guardian ad Litem found no evidence of domestic violence by Anthony Meredith

Following a thorough one-year investigation, interviewing all the eyewitnesses from both sides, the *Guardian ad Litem* formally concluded that Anthony Meredith did not commit domestic violence of any type. His report specifically states "I have found no evidence of physical abuse of Mother [Jazmin Muriel] by Father [Anthony Meredith]. GAL Report, Ex. 29, p. 6, and CP, p.486. The GAL further reports that "There is no medical report or statement by any health care provider attending Mother during the course of her pregnancy check-ups that relate to any bruising or other injuries alleged to be caused by Father during that time. A doctor or nurse should have made note of any such apparent abuse, even if Mother would not have mentioned it." GAL Report, Ex. 29, p. 6, and CP, p.486.

At the trial, the GAL testified that he had more than 5 years experience as a GAL in Pierce County, which includes work on approximately 35 child custody cases, and that he has successfully completed all the requisite GAL training, which includes domestic violence training, and training in child development courses. (RP, p. 469, lines 3 – 12; RP, p. 482; RP,

p.492). The GAL authenticated his report (RP, p. 469, lines 7 – 14), which includes his investigatory findings of this case. Ex. 29, pp. 1-16; CP 481 – 496. He met with and/or interviewed with all of the presented witnesses from both sides of the case, in two states: Virginia and Washington. RP, pp. 470-472. The GAL reviewed all the filings from both sides and the entire court file. RP, pp. 471, 472. The GAL spent approximately 60 hours investigating the case over the time period of one year. RP, pp. 474.

At the trial, the GAL testified that not a single person had witnessed Anthony Meredith commit an injury against Jazmin Muriel, nor commit domestic violence against Jazmin Muriel. RP, pp. 474. The GAL testified that he found no evidence that Anthony Meredith had instigated any physical fights against Jazmin Muriel. RP, pp. 474. The GAL testified that he, instead, found evidence that Jazmin Muriel was physically abusive against Anthony Meredith, by biting, kicking, and scratching him. RP, p. 475. The GAL report concluded that Jazmin Muriel has a propensity to be physically violent, and gave the specific example of Jazmin biting George Cameron, and leaving a “noticeable scar on his arm”, which drew blood and required medical care, and which the GAL personally observed. GAL Report, Ex. 29, pp. 6 – 7.; CP, pp. 486 – 487. The GAL also notes that he watched the videotape of Jazmin’s attack on George Cameron (the attack for which Jazmin was charged with a felony wounding, but pled to a lesser charge of assault and battery, with jail time served), and found Jazmin’s description of the event as being greatly exaggerated. GAL Report, Ex. 29, pp. 6 – 8; CP 486 – 488. The GAL found that Jazmin “has a proclivity to be aggressive and dangerous” in at least some situations. GAL Report, Ex. 29, p. 11; CP 491.

By contrast, the GAL testified at trial that there was no evidence that Anthony Meredith is a danger to his child Daliana. RP, p. 476, lines 5 - 7. The GAL testified that he saw nothing on the part of Anthony Meredith that would create any likelihood of harm to Daliana, that there was no risk of harm to Daliana from her father Anthony Meredith, and no reason for Anthony Meredith to have a requirement of supervision during his visits with Daliana. RP, pp. 478, 494.

The GAL testified that, during his investigation, he found “significant corroborating testimony” that Jazmin Muriel committed adultery during the marriage. RP, p. 476, lines 16 - 20. Also, see the GAL Report, Ex. 29, p. 8, CP 488, where the GAL found as credible the testimony of Jazmin’s housemates Diane Landrum, Toni Savage, Margaret Savage, and neighbors Gene Crisp, Jackie Crisp, Jerry Kloecker, and Barbara Kloecker, who all reported their eyewitness observations of Jazmin’s adulterous sexual conduct and/or relationships during the marriage with multiple partners, sometimes in exchange for money and gifts. GAL Report, Ex. 29, p. 8; CP 488. Also, see sworn Declarations of Jazmin’s housemates Diane Landrum (CP 297 – 304), Toni Savage (CP 297 – 304), and Margaret Savage (CP 63 – 72).

Following a comprehensive investigation of more than one year, meeting all the presented witnesses from both sides, the GAL issued his 16-page Report (“GAL Report”). Ex. 29, pp. 1-16; CP 481 – 496. The GAL indicated in the report that he interviewed both parties multiple times, and met with 14 named additional witnesses from both sides, listed in GAL Report, Ex. 29, p. 2, and CP, p.482. The GAL interviewed the couple’s Christian marriage counselor Pastor Andy Redford, who saw the couple for sessions throughout the marriage. Redford is the Executive Director of the Christian Counseling and Training Center at 3602 Floyd

Ave., Richmond, VA. 23221. Redford told the GAL “it was very strange that she [Jazmin Muriel] started doing whatever she wanted, without any sense of her responsibility as a wife” GAL Report, Ex. 29, p.2; CP, p. 482. Redford said that Jazmin Muriel told Redford that there was no physical abuse from Anthony Meredith during the marriage. GAL Report, Ex. 29, p.2; CP, p. 482. Redford told the GAL that Jazmin admitted in the counseling sessions that, during the four-month marriage, Jazmin made dates over the internet, repeatedly stayed out all night, was secretive about it, and felt that there was nothing wrong with doing these things. GAL Report, Ex. 29, p.2; CP, p. 482. Redford reported, and the GAL agreed, that it would be “totally outside his [Anthony Meredith’s] character to physically strike back, or to try to control Jazmin against her desires.” GAL Report, Ex. 29, p.3; CP, p. 483. The GAL also met with all of the surrounding neighbors to the couple, who saw the couple daily throughout the marriage. The GAL reports that “their neighbors (the Crisps and the Kloeckers) all commented on how Anthony Meredith was very indulgent with Jazmin Muriel, bringing her — or having delivered to her — something that she wanted almost everyday, such as new appliances, furniture, a computer, bicycles, clothing, a pool for her backyard, flowers and plants for around the house, and so on.” GAL Report, Ex. 29, p.3; CP, p. 483. The GAL reported that next door neighbor Gene Crisp’s eyewitness observations that “Anthony is a very giving person. He gave Jazmin a whole lot of everything. And it all seemed like it was no big deal to her; she didn’t show much appreciation that we could see.” GAL Report, Ex. 29, p.3; CP, p. 483. Neighbor Barbara Kloecker observed that “Anthony was just trying to make Jazmin feel at home. Jazmin seemed rather cavalier about the money and other things.” GAL Report, Ex. 29, p.3; CP, p. 483. Neighbor Jackie Crisp noted that “there’s nothing she [Jazmin] wanted that he [Anthony]

wouldn't get her." GAL Report, Ex. 29, p.3; CP, p. 483. Jackie Crisp also observed that "Anthony has always been congenial and willing to listen" GAL Report, Ex. 29, p.3; CP, p. 483. All four of these neighbors all voiced the belief that "Anthony would never lay a hand on her (Jazmin) – he's just not that kind of person. Anthony is not an abusive person." GAL Report, Ex. 29, p.3; CP, p. 483. When the GAL asked about whether they believed Anthony to be a controlling person, Jerry and Barbara Kloecker both laughed and were incredulous, saying that "he doesn't have a controlling bone in his body." GAL Report, Ex. 29, p.3; CP, p. 483. What they did observe on occasion was Jazmin yelling at Anthony and Anthony just letting it go, or doing for Jazmin whatever she wanted. GAL Report, Ex. 29, p.3; CP, p. 483. The Kloeckers concluded by saying they would have no qualms or reservations about Anthony Meredith caring for their children anytime, and they have no reservations about Anthony Meredith having custody of Daliana, "none whatsoever." GAL Report, Ex. 29, p.3; CP, p. 483.

Anthony Meredith has never once physically or sexually abused Jazmin in any way whatsoever.

Anthony Meredith has never once physically or sexually abused Jazmin in any way whatsoever. In the record are six declarations (under penalty of perjury) from eyewitnesses that saw Jazmin Muriel and Anthony Meredith throughout their four-month marriage together who all testify that Anthony Meredith has never abused Jazmin Muriel, that Jazmin Muriel has never had any injuries, marks, cuts, scrapes, or bruises, whatsoever on her face or body. [sworn declarations of neighbor Gene Crisp, neighbor Jackie Crisp, neighbor Barbara Kloecker, neighbor Jerry Kloecker; Executive Director and marriage counselor Andy Redford (CP 111 – 137), and mother Mary Meredith (CP 63 – 72)]. The *Guardian ad Litem* flew to Virginia to

personally meet with all of these witnesses and the GAL determined that every one of these six witnesses were credible. Four of these eyewitness declarants – Eugene Crisp, Jackie Crisp, Barbara Kloeker, and Jerome Kloecker (CP 111 – 137) – were the couple’s immediate neighbors who lived next door and across the street from their home, during their four-month marriage. These people were all frequently in the couple’s home, saw the couple in the yard, and the couple was frequently in their homes. These four people saw Jazmin Muriel and Anthony Meredith up close, and spoke to them, virtually every single day during the couple’s marriage, and all four of them are adamant that Anthony Meredith never abused Jazmin, that Jazmin was never injured, bruised, marked, cut or hurt, and that Anthony Meredith is not the type of man to abuse or hurt anyone, especially not his wife. (CP 111 – 137). All four of these people have known Anthony Meredith well since August of 1999. All four of these people saw how well Anthony Meredith treated Jazmin Muriel throughout their marriage. (CP 111 – 137).

The fifth eyewitness declarant, Andy Redford, Executive Director of the Christian Counseling and Training Center in Richmond, Virginia, was the couple’s marriage counselor who saw Jazmin Muriel and Anthony Meredith together for sessions during the marriage, and states that not only did he (Andy) never witness any marks or bruising on Jazmin, but that Jazmin never told Andy about any physical or sexual abuse when she described her unhappiness in the marriage. (CP 111 – 137). As Director Redford states (CP 111 – 137), Jazmin dropped out of the marriage counseling, but Anthony Meredith continued to come to sessions alone to try and salvage the marriage, for the sake of their baby Daliana. (CP 111 – 137)

The sixth eyewitness declarant, the couple’s mother Mary Meredith, was an eyewitness to injuries that Jazmin inflicted upon Anthony Meredith with her biting and hitting, when the

couple stayed at Mary Meredith's condominium weekends in Northern Virginia. (CP 63 – 72). Mary Meredith never saw any injuries, marks, cuts or bruising, on Jazmin Muriel. (CP 63 – 72). Jazmin Muriel conceded to Mary Meredith that Jazmin had bit Anthony Meredith several times when Mary asked Jazmin about the open wounds on Anthony Meredith's face and wrist. (CP 63 – 72). Jazmin also conceded to Mary that Anthony Meredith had never hit Jazmin or otherwise abused her. (CP 63 – 72).

Anthony Meredith has never once physically or sexually abused Jazmin. RP, pp. 50-51. Anthony Meredith has never done one thing to cause any injury, mark, bruise, cut, scrape or scratch, on Jazmin. RP, pp. 50-51. There is not one single eyewitness to Anthony Meredith ever committing any type of physical or sexual abuse against Jazmin, whatsoever. There is not one single witness to any injury, mark, bruise, cut, scrape or scratch, on Jazmin that Anthony Meredith have ever caused. There have never been any police reports filed by Jazmin Muriel, nor medical reports obtained by Jazmin Muriel. In fact, Jazmin repeatedly visited doctors throughout her pregnancy (the couple's baby was conceived May 9, 2005) and none of her attending physicians ever noted any signs of physical or sexual abuse. The reason that there is no evidence of any physical or sexual abuse by Anthony Meredith against Jazmin is because Anthony Meredith never physically or sexually abused Jazmin one time, ever. Unlike Jazmin (see above), Anthony Meredith has no criminal record. [CP 10 – 28 Investigative Report and Declaration of George Cameron]. Jazmin has been convicted, sentenced and jailed for a violent assault and battery after she arrived in the United States. Ex. 20. Anthony Meredith has never been accused, convicted, charged, arrested, questioned, or investigated for causing anyone any physical harm. Anthony Meredith has no criminal history. [CP 10 – 28 Investigative Report and

Declaration of George Cameron]. Anthony Meredith has never even been accused of causing anyone any physical harm until these recent false accusations by Jazmin in this litigation. There are no police reports filed against Anthony Meredith, by Jazmin, or by anyone else. Anthony Meredith is a member in good standing in the Virginia Bar and has worked with an outstanding reputation as a Virginia Assistant Attorney General for 9.5 years, and prior to that with the U.S. Department of Justice. Anthony Meredith is currently a United States Government federal attorney. Unlike Jazmin, Anthony Meredith has no motive to lie about physical abuse in the marriage. Jazmin and her representatives have made it clear that they will do and say anything to obtain her immigration status, including filing a false “abuse” report. Jazmin has an obvious motive to lie about such abuse, because it is the only way that Jazmin can evade deportation.

Issue No. 2: Judge Van Doorninck’s findings were made to facilitate the immigration fraud of Jazmin Muriel, at Jazmin Muriel’s request. Judge van Doorninck broke ethical rules by refusing to disclose both before and after the trial, her financial investment in organizations that promote illegal immigrants in obtaining citizenship rights.

Appellant seeks appellate review and correction of the ethical transgressions and abuse of power of Pierce County Superior Court Judge Kitty Ann van Doorninck, including, but not limited to, Judge van Doorninck’s violations of the following Washington State Code of Judicial Conduct Canons:

Canon 3(C)(2): Judge van Doorninck violated the governing canon on disciplinary responsibilities, which requires that:

Judges having actual knowledge that a lawyer has committed a violation of the Rules of Professional Conduct [RPC] should take appropriate action. Judges having actual knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's fitness as a lawyer should take or initiate appropriate corrective action, which may include informing the appropriate authority.

In the instant case, Judge van Doorninck improperly accepted private, privileged descriptions of settlement negotiations filed by Appellee's counsel; invited and accepted inappropriate *ex parte* communication from Appellee's counsel on attorney fee calculations [in violation of Canon 3(A)(4)]; overlooked material misrepresentations of Appellee's counsel [in violation of RPC Rule 3.3]; facilitated Appellee counsel's obstructive tactics in the discovery procedure [in violation of RPC Rule 3.4]; and, herself, made materially false findings to fraudulently advance the immigration status of the Appellee [in violation of Canons 1 through 5].

Canons 1 through 5: Without disclosing her own financial investment in Northwest Immigration Rights Project (NWIRP) and other pro-illegal immigration groups, Judge van Doorninck brought her pro-illegal immigration prejudices into this trial (in which the Appellee's immigration fraud was a primary issue) and made a baseless and false finding of domestic violence against the Appellant, in order to further the efforts of the illegal immigrant Appellee to fraudulently obtain legal citizenship status.

This domestic violence finding is contrary to previous findings by Superior Court Judge Bryan Chuschoff on the exact same issue — and on the exact same evidence — in which Judge Bryan Chushcoff exonerated Anthony Meredith of the exact same domestic violence allegations, saying that Jazmin Muriel's domestic violence allegations were “a lot of smoke” and have “not been founded”. October 27, 2006 RP, pp. 21-22 [Case No. 06-2-02300-1];

This domestic violence finding is also contrary to the *Guardian ad Litem's* investigatory conclusions, and contrary to the Federal Government's investigatory conclusions, both of which, following a thorough investigation, concluded that there was no evidence of

domestic violence by Anthony Meredith against Jazmin Muriel. Judge van Doorninck ignored all of this and made her false finding of domestic violence to advance the immigration fraud of Jazmin Muriel, who has applied for a type of immigration status from the Federal Government that is provided only to physically abused immigrants. Anthony Meredith has never physically or sexually abused Jazmin Muriel in any way whatsoever (see lie detector test results [CP 529 – 535], investigative reports GAL Report [Ex. 29; CP 481 – 496], and all the eyewitness evidence of the case). Furthermore, Judge van Doorninck attempted to cover up her own participation in this fraud by ordering Anthony Meredith not to contact any agency of the Federal Government about the matter, violating Anthony Meredith's First Amendment rights of free speech, and Washington State Constitution rights of free speech. (November 9, 2007 Protective Order, page 3, paragraph 8).

Judge van Doorninck failed to disqualify herself from this proceeding, and failed to disclose on the record, her involvement with, and financial support of, illegal immigrant rights groups, including the NWIRP and Centro Latino, among others. (CP 797 – 802). On May 1st, 2006, NWIRP turned out and organized more than 30,000 people to march for illegal immigrant rights — the largest illegal immigrant rights march in Washington State history. (CP 797 – 802). NWIRP boasts of its “critical responsibility to serve the ever-increasing number of immigrants and refugees in our community.” (CP 797 – 802). In Fiscal Year 2006, NWIRP managed 1,162 applications for immigration benefits and raised \$150,000.00 for immigrant rights at their annual gala. (CP 797 – 802); *See* <http://www.nwirp.org/Documents/NWIRP2006AnnualReport.pdf>

Judge van Doorninck ignored Appellee's criminal record wherein she was convicted of misdemeanor assault and battery where she violently attacked a third party (on videotape) and

caused serious wounding and bleeding to him, requiring medical treatment. Jazmin was sentenced to 6 months in jail, part suspended.

Judge van Doorninck misused her position, misused her power, and abused her discretion, to make false findings of domestic violence that lacked any evidentiary substantiation. Judge van Doorninck improperly ordered that Appellant is to have minimal time with his child, when the child experts (including the *Guardian ad Litem*) and eyewitnesses of the case testified that Appellant's relationship with his child is excellent. Judge van Doorninck overlooked the bruised and underweight condition of Daliana in Appellee's care.

Judge van Doorninck nonetheless made this false finding of domestic violence (with no eyewitness evidence, no medical evidence, etc.) to advance the immigration fraud of Jazmin Muriel, who has applied for a type of immigration status from the Federal Government that is provided only to physically abused immigrants. Jazmin Muriel's own expert witness testified, in response to Judge van Doorninck's own questions, that Jazmin Muriel's only path to United States citizenship was to convince the Federal Government that she was the victim of domestic violence. This establishes Jazmin Muriel's motive to lie. Judge van Doorninck's undisclosed pro-illegal immigration bias establishes the Judge's motive to facilitate those lies.

Significantly, Judge van Doorninck attempted to cover up her own facilitation of this immigration fraud by ordering (on November 9, 2007) Anthony Meredith not to contact the Federal Government about the matter, violating the Mr. Meredith's First Amendment rights of free speech. (See Protective Order, p. 3, paragraph 8). This order further violates the judge's oath under RCW 2.08.080, which mandates that:

Every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

It is inconceivable that Judge van Doorninck did not recognize the inherent conflict of her subsidizing these pro-illegal immigration groups, and simultaneously making rulings on the immigration fraud of the Respondent. Judge van Doorninck's failure to disclose her financing of, and involvement with, these groups constitutes deceptive behavior and is a clear violation of the governing Canons of Judicial Conduct. *Kauzlarich v. Yarbrough*, 105 Wn. App. 632, 653 (Feb. 2001) holds that:

The Code of Judicial Conduct provides that "[j]udges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned." CJC Canon 3(D)(1)..... the "CJC recognizes that where a trial judge's decisions are tainted by even a mere suspicion of partiality, the effect on the public's confidence in our judicial system can be debilitating." *Graham*, 91 Wn. App. at 669 (quoting *Sherman v. State*, 128 Wn.2d 164, 205, 905 P.2d 355 (1995)). "The test for determining whether the judge's impartiality might reasonably be questioned is an objective test that assumes that "a reasonable person knows and understands all the relevant facts."" *Graham*, 91 Wn. App. at 669 (quoting *Sherman*, 128 Wn.2d at 206). We noted that judges should be encouraged "to view the Canons of Judicial Conduct in a broad fashion and to err, if at all, on the side of caution." *Graham*, 91 Wn. App. at 670.

Judge van Doorninck's biases plainly tainted her performance and her rulings. Judge van Doorninck ignored Respondent's criminal record wherein she was convicted of misdemeanor assault and battery where she violently attacked a third party (on videotape) and caused serious wounding and bleeding to him, requiring medical treatment. Respondent was convicted and sentenced to 6 months in jail (part suspended). Ex. 20.

Issue No. 3: Trial Judge van Doorninck's prohibited Anthony Meredith from reporting Jazmin Muriel's immigration fraud to federal government agencies; thereby usurping Anthony Meredith's Federal and State constitutionally guaranteed rights of free speech.

The First Amendment prohibits Congress from abridging the freedom of speech. This prohibition is applicable to the states through the Fourteenth Amendment.² Const. art. I, § 5 (Washington State Constitution - Freedom of Speech) states that: "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right." It is presumptively unconstitutional for a judge to place burdens on speech because of its content. If a state law conflicts with a federal law, the state law will be invalidated. If a state or local law (or judge's order) prevents achievement of a federal objective, it must be invalidated. In the instant case, both the United States Constitution and the Washington State Constitution prevail over a rogue trial judge decision that impermissibly violates the rights of free speech.

By violating these Federal and State Constitutional principles, Judge van Doorninck's November 9, 2007 gag order (November 9, 2007 Order of Protection, page 3, paragraph 8) breaches the Judge's oath under RCW 2.08.080, which mandates:

Every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

² The Fourteenth Amendment of the U.S. Constitution (Section 1) states: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

IV. CONCLUSION

For the foregoing reasons, it is clear that Judge van Doorninck introduced an improper personal bias and agenda into this litigation, which compelled her to make rulings contrary to the truth, and contrary to the evidenciary record. Her findings have no evidentiary substantiation, bear no reflection on the truth, and disregard the best interests of the parties' 2-year old child Daliana, contrary to the above referenced controlling law. Judge van Doorninck misused her court, and her power, to make false rulings and to facilitate a fraud on the United States Government. Judge van Doorninck then issued a gag order to cover her tracks, violating the very same Constitution that she has sworn to uphold. The Court of Appeals should not condone Judge van Doorninck's outright corruption and galloping abuse of discretion on literally every issue in the instant case. Accordingly, Anthony Meredith asks the Court of Appeals to overturn the following orders (in their entirety unless otherwise noted) of Judge van Doorninck (all dated November 9, 2007, except for order #10):

- 1) Findings of Fact and Conclusions of Law (Anthony Meredith asks this order to be overturned in its entirety, except for the maintenance denial of §2.12)
- 2) Decree of Dissolution (Anthony Meredith asks for these sections to be overturned: §1.3, §II., §3.9, §3.10, §3.11, §3.12, and §3.13).
- 3) Parenting Plan – Final Order (Anthony Meredith asks this order be overturned in its entirety)
- 4) Order of Child Support – Final Order (Anthony Meredith asks this order be overturned in its entirety)
- 5) Order on Relocation (Anthony Meredith asks this order be overturned in its entirety)
- 6) Order Authorizing Mother to Obtain Passport for Daliana Meredith Without Father's Approval or Signature (Anthony Meredith asks this order be overturned in its entirety)
- 7) Order Denying Motion for Reconsideration (Appellant appeals this order in its entirety)

- 8) Order for Protection (Anthony Meredith asks this order be overturned in its entirety)
- 9) Order on Motion for Additional GAL Fees (Anthony Meredith asks this Court reverse the order that "Mr. Meredith remains liable for the fees already paid to the GAL.").
- 10) December 19, 2007 Order on Attorneys Fee Without Oral Argument (Anthony Meredith asks this order be overturned in its entirety, including Judge van Doorninck's denial of Anthony Meredith's motion to recuse).

Anthony Meredith asks this Court for custody of his child Daliana. After more than a year of being thoroughly investigated, Anthony Meredith has proven, as conclusively as a human being can prove, that he is an outstanding, loving and fit father to Daliana. As shown above, Anthony Meredith does not have the criminal record, the lack of citizenship status, nor the imminent threat of being deported, as does Jazmin Muriel. Jazmin Muriel may never achieve her citizenship status, and, if she does, it will only be through her immigration fraud. A person's fitness to have custody of children is determined from his present condition and not future expectations. See *Marriage of Nordby*, 41 Wn. App. 531, 705 P.2d 277 (1985). It would be irresponsible to award Jazmin custody when Anthony Meredith is a viable and outstanding alternative as the custodial parent. Anthony Meredith has spent more than \$80,000.00 and two years of his life pursuing his God-given rights as a father because there is nothing more important to Anthony Meredith than to be Daliana's father. An unbiased judge would have recognized that.

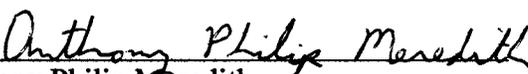
The best interests of Daliana are to be placed in the custody of her father, Anthony Meredith. Anthony Meredith can, and will, provide Daliana with a stable, loving home, with a large extended family who loves her, adores her, and cherishes her. Anthony Meredith has baby

furniture, baby clothes, baby toys, supplies, teddy bears, stuffed animals, musical toys, dolls, books, high chair, baby bath/shower, baby toilet, and baby food ready for Daliana.

Appellant asks for sole custody of his child Daliana Meredith, or in the alternative, shared custody. This is in the best interests of Daliana. Anthony Meredith will never conceal Daliana from her mother, the way that Jazmin Muriel concealed Daliana from him, prompting this litigation. Instead, Anthony Meredith is open to an equal allocation of time between both parents, which is in the best interests of Daliana. Daliana needs both of her parents.

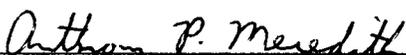
In the alternative, Anthony Meredith requests a remand to the Pierce Superior Court Civil Division for a new trial before a judge other than Judge van Doorninck, who has been shown to be irreparably biased and conflicted, and therefore incompetent, to preside over this case.

Respectfully Submitted this 30th day of April, 2008,


Anthony Philip Meredith
Pro se
25 Pacifica #5429
Irvine, CA. 92618
Home Phone: (949) 333-3167

CERTIFICATE OF SERVICE

I certify that I sent, via first class mail, on April 30, 2008, a true copy of the foregoing to Justin Sedell, Esq., Respondent/Appellee Jazmin Muriel's attorney, at McKinley Irvin, PLLC, 49 Pike St., Suite 500, Seattle, WA 98101. Phone: 206-625-9600. A copy of the entire Report of Proceedings was previously sent to Justin Sedell by first-class mail on April 20, 2008.


Anthony Philip Meredith
Pro se

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