

82283-2

No. 261484

COURT OF APPEALS, DIVISION TWO  
OF THE STATE OF WASHINGTON

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In re the Marriage of:

ROBIN M. FREEMAN,

Respondent,

and

ROB R. FREEMAN,

Appellant.

FILED  
COURT OF APPEALS  
DIVISION II  
07 MAR 15 PM 2:01  
STATE OF WASHINGTON  
BY *[Signature]*  
DEPUTY

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BRIEF OF APPELLANT

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This appeal arises from a challenge by Rob Freeman to the Thurston County Superior Court's denial of his motion to terminate the permanent protection order obtained by his former wife in 1998. He provides the following opening brief.

**A. ASSIGNMENTS OF ERROR**

1. The trial court erred, in its order entered August 9, 2006, by denying Rob Freeman's motion to terminate the protection order.<sup>1</sup>

2. The trial court erred, in findings of fact and conclusions of law entered September 15, 2006, by concluding that Yasmeen Abdullah and Robin Freeman have a reasonable fear of Rob Freeman (Conclusions of Law 3.1<sup>2</sup> and 3.2.<sup>3</sup>)

3. The trial court erred, in findings of fact and conclusions of law entered September 15, 2006, by concluding that Rob Freeman did not meet his burden of showing that Robin

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<sup>1</sup> Copies of cited documents from the record are included in the Appendix to this brief at A-1 to A-91.

<sup>2</sup> "Yasmeen Abdullah has a present and reasonable fear of Mr. Freeman." A-70 (CP 55).

<sup>3</sup> "Ms. Freeman has a present and reasonable fear of Mr. Freeman." A-71 (CP 56).

Freeman is not entitled to maintain the permanent protection order  
(Conclusion of Law 3.3.<sup>4</sup>)

4. The trial court erred, in its order entered September 29, 2006, by denying Rob Freeman's motion for revision.

### **Issue Pertaining to Assignments of Error**

Did the trial court err by denying the motion to terminate the protection order where Rob Freeman has had no contact with his ex-wife and her children since the order was entered in 1998?  
(Assignments of Error 1-4.)

### **B. STATEMENT OF THE CASE**

Rob and Robin Freeman were married on March 4, 1995 at Olympia, Washington. Rob filed a petition for dissolution of their marriage on January 20, 1998, and the decree was entered February 9, 1999.<sup>5</sup>

Three days after Rob filed for divorce, Robin appeared pro se to request a temporary domestic violence protection order against him.<sup>6</sup> A-5. She sought immediate issuance of the order,

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<sup>4</sup> It is assumed the court intended the following wording: "The respondent has not met his burden of showing that the [petitioner] is not entitled to maintain the permanent protection order entered on February 4, 1998." A-71 (CP 56)

<sup>5</sup> Thurston County Superior Court Case No. 98-3-00053-9.

<sup>6</sup> The dissolution and protection order actions were not consolidated.

without notice to Rob, on the basis that an emergency existed and the order was needed to avoid irreparable harm to herself and her children. A-2. At the time, Robin had four children from previous relationships: Mohamed Abdullah (18), Yasmeen Abdullah (16), Wa-el Abdullah (12), and Racelle Abdullah (10). A-1.

She alleged Rob had committed acts of domestic violence, which she described as follows:

On Monday, Jan[uary] 19, I took some pills and went to sleep on my bed fully clothed around 3 pm. Between 8 [and] 9 pm, Yasmeen saw Rob abruptly leave the house, spinning his wheels as he drove down the road. Mohamed heard me moaning in my bedroom, picked the lock to find me unclothed on the floor. I had vomited and had bruises all over. It appeared to have been a struggle. The children called 911 and a family friend. I was told at the hospital that they thought that I had taken more pills than I thought. . . . While in the hospital, Rob tried to get the kids put as wards of the state and to have me committed.

Previously I had put a no contact order on him when he became out of control when he thought I had called his girlfriend. He has displayed his rifles to me while at the same time telling me that he will not hurt me.

He has also dragged Yasmeen down the hallway by the throat applying pressure points to cause her to black out. Scaring her a great deal.

A-3.

The court issued a temporary order of protection, restraining Rob from having any contact with Robin and the children and excluding him from their shared residence. A-6 - 8.

Both Robin and Rob attended the subsequent hearing regarding the protection order before Thurston County Superior Court Commissioner Chris Wickham. A-9.

Robin began her hearing testimony with the following account:

[W]e've been married almost three years in March and when we first got married he made threats to me that if I ever left him there would be car bombs or burn the house and he would never be caught and there would be screaming and yelling out in the front yard to the point the neighbors had been concerned enough to ask me if he had been beating me. We had an argument earlier this month . . . where I was trying to get some property returned that he had removed from the home and he inventoried his guns during the argument pulling all of his rifles out. He has hit me on the arms or the hands leaving bruises during the first year of our marriage and has made statements to the fact that he was trying not to leave bruises so people would not think that he abused me. . . . [T]here was an incident several months ago where he dragged my sixteen year old daughter down the hall by her throat applying pressure points causing her to black out. She felt that she was going to die. Neither one of them told me about it for a week and we've already brought that up in front of the military with the JAG Officers. They looked into doing a criminal investigation but it didn't have a threshold high enough to bring charges for the military. The incident that I wrote about yes I did try to commit suicide and took some pills.

A-16 (CP 7).

During the Freemans' marriage, Rob was serving in the U.S. Army. Robin testified that he had been staying at the barracks at the time of her suicide attempt "because of the no-contact order that the military put on him January 2<sup>nd</sup> . . . when he had inventoried the rifles and gotten very violent out in the front yard where he almost put his fist through his car window and screaming and yelling at me." A-19 (CP 10).

Captain Adam Loveless, Rob's detachment commander, testified that Rob's company commander, Major Jeffrey Resko, placed the no-contact order on Rob to have him stay in the barracks because Robin brought charges that he had abused her and her daughter. A-30 - 31 (CP 21-22). "[T]hat was not a sign that Rob was guilty in any way but more as a cautionary means for both her and for him to make sure nothing further escalated if in fact had been done." A-31 (CP 22).

Robin later asked Resko to release the no-contact order. *Id.* When Resko questioned her about the charges she had made, "she stated that she had overreacted . . . [t]hat it was blown out of proportion and the heat of the moment kind of testimony." A-32 (CP 23). Resko told Robin that her charges could be seriously

detrimental to Rob's career, and "she stated to him that she did not want that to occur." *Id.*

The no-contact order was lifted "for the purpose of doing the modifications on the house and the reconciliation that was required for either getting together or separating." *Id.*

Captain Loveless also testified that he had known Rob for about three years: "Throughout that time I've had no problems with him either disciplinary or off duty until this incident occurred." *Id.*

Rob testified: "I've been under constant accusations from her all of which have been considered non-founded and this is I believe her attempt to . . . try to ruin my career because we don't have a marriage. I'd like to state that I've never struck her or the kids." A-22 (CP 13).

Following the witnesses' testimony, Commissioner Wickham made the following statement:

[T]he hearing has focused on the events of a particular afternoon in which Ms. Freeman took some pills in attempt to take her life and was later discovered with bruises on her body and with most of her clothing missing. Her husband was in the proximity at the time . . . that incident took place. There was no testimony presented this morning that placed him in the room with her or [of] any eyewitness testimony of [him] assaulting her. Ms. Freeman cannot recall the time in question. . . . For this or any other court to make a determination of what happened on the afternoon in question would require more testimony and more evidence [than] has been presented today. . . . I do not presume to speculate

as to what the evidence would or would not show. Mr. Freeman is arguing that his wife had a motive to damage his service career and might have staged some or all of this incident to hurt him. Ms. Freeman denies that. It is appropriate for this court to avoid ruling on the issue of what happened on that day but I am prepared to make a finding that there is a reasonable fear on the part of Ms. Freeman as to her husband based on the previous incidents involving her daughter and the incidents involving weapons. Ms. Freeman had taken that concern previously to his commanding officer and because of her husband's training and abilities and access to weapons it is reasonable that she should be concerned. I am prepared to enter a domestic violence protection order on those grounds.

A-40 - 41 (CP 31-32)

According to Commissioner Wickham, Rob was in a "special position" because he had been trained to use force and to use weapons of force: "That means you probably have to conduct yourself a little differently [than] other people who are in a similar situation and that's without making any judgment as to what did or did not happen in that time in question."<sup>7</sup> A-41 (CP 32).

On February 4, 1998, the court entered a permanent order of protection,<sup>8</sup> restraining Rob from causing harm to Robin and her

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<sup>7</sup> The court offered no legal basis for imposing a higher standard on someone trained to use force and weapons.

<sup>8</sup> The court checked the box on the order form indicating that the order for protection is permanent. The order form also includes the following preprinted language: "If the duration of this order exceeds one year, the court finds that an order of less than one year will be insufficient to prevent further acts of domestic violence." A-12.

children, from having any contact with them, and from entering or being within 1,000 feet of the family's home, Robin's place of employment, and the children's schools.<sup>9</sup> A-10 - 12.

At the time of the hearing, Rob had already been reassigned to duty in Kentucky, and he was scheduled to depart. A-25 (CP 16); A-49 (CP 35). He has not returned to Washington since he left in 1998. A-50 (CP 36).

In 2001, Rob lost a hand and suffered other injuries in combat. A-13 (CP 4); A-50 (CP 36). Many of the jobs he is now qualified to do require a security clearance that he cannot obtain because of the permanent restraining order. A-13 - 14 (CP 4-5).

The existing restraints have a serious negative effect on Rob's ability to earn a living. A-50 (CP 36). Rob filed a motion to modify/terminate the protection order on May 31, 2006:

The effect of the restraining order seems very severe, given that I have had no contact with my ex-wife since the order was entered, live in another state, have had no law violations of any kind and simply do not pose any kind of danger to anyone at this time.

A-14 (CP 5).

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<sup>9</sup> The Clerk of the Court was required to forward a copy of the order to the Thurston County Sheriff's Office, where it was to be entered in "a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants." A-12.

Robin opposed his motion, alleging in a declaration that she has continued to be "harassed from afar":

Over the years following Rob's transfer, out of state, strange things would continue to happen at my house. . . . Flower vases that had disappeared during the divorce reappeared on my dresser, a hole was kicked in my bedroom wall, tools or other items were missing. Usually, the reappearance of items were left on my dresser. These occurrences finally ended when, in January 2003, I had new windows and glass doors installed throughout the house. Prior to that time, the single-pane aluminum windows were fairly [easy to] open.<sup>[10]</sup>

I am terrified of this man. For my safety and the safety of my children, I wish to keep this protection order in place.

A-44 - 45.

The motion was argued to Thurston County Superior Court Commissioner Anne Hirsch on August 9, 2006. A-51. Neither Rob nor Robin, who were each represented by counsel, attended the hearing. *Id.* Robin's daughter, Yasmeen Abdullah, did attend and testified. *Id.*

At the time of the hearing, Yasmeen was 25 years old and a recent law school graduate. A-59 - 60 (CP 44-45). She testified

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<sup>10</sup> Rob responded to this allegation as follows:

My time as a drill sergeant [in Kentucky] consisted of 15-17 hour days, at least 6 and often 7 days per week. How can anyone seriously believe that I would take what little time & money I had to risk my career by traveling 2,400+ miles to play the kind of games being described by Robin. I deny her allegations . . . .

A-49 (CP 35).

that she had contact with Rob twice in 1998 after the restraining order was entered. A-60 (CP 45). She alleged that he appeared briefly when she was in high school – watching her once from across the street and a second time from the student parking lot. *Id.* Yasmeen testified she remains in fear of Rob.<sup>11</sup> A-61 (CP 46).

The court denied Rob's motion to terminate the order and entered the findings of fact and conclusions of law at issue in this appeal. A-52 - 53 (CP 37-38); A-68 - 71 (CP 53-56).

Rob moved to revise the commissioner's ruling, arguing the motion to Thurston County Superior Court Judge Christine A. Pomeroy on September 29, 2006. A-78. The court declined to revise the court commissioner and denied the motion to revise. A-79 - 80 (CP 60-61).

Rob's appeal to this Court followed. A-81 (CP 62).

### **C. SUMMARY OF ARGUMENT**

There is insufficient evidence to support the trial court's factual findings and legal conclusions that Robin and Yasmeen have a present and reasonable fear of imminent harm.

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<sup>11</sup> Commissioner Hirsch commented: "I think Ms. Abdullah's testimony was credible with respect to the initial contacts and her fear, although I'm not sure this order covers her any longer since she is an adult." A-65 (CP 50). The court did not rule on this issue.

## D. ARGUMENT

### Standard of Review

As a general rule, “[a]ppellate review of a conclusion of law, based upon findings of fact, is limited to determining whether a trial court’s findings are supported by substantial evidence, and if so, whether those findings support the conclusion of law.” *Am. Nursery Prods., Inc. v. Indian Wells Orchards*, 115 Wn.2d 217, 222, 797 P.2d 477 (1990). “Substantial evidence is evidence sufficient to persuade a fair-minded person of the truth of the declared premise.” *Id.*

An exception to the general rule may be made, however, where the court’s findings are not based on oral testimony. *W. Nat’l Assur. Co. v. Hecker*, 43 Wn. App. 816, 823, 719 P.2d 954 (1986). “In such cases, the appellate court stands in the same position as the trial court, and it should independently review the record.” *Hunter v. Hunter*, 52 Wn. App. 265, 268, 758 P.2d 1019 (1988).

In the present case, neither Rob nor Robin attended the modification proceedings. The trier of fact had only the court file upon which to assess the parties’ credibility. Arguably, this Court should conduct an independent review of the record.

## **The Domestic Violence Prevention Act**

The Domestic Violence Prevention Act, chapter 26.50 RCW, authorizes a victim of domestic violence to petition the court for an order for protection. RCW 26.50.030. The petition must allege the existence of domestic violence and is to be accompanied by a sworn affidavit setting forth the specific facts and circumstances supporting the request for relief. RCW 26.50.030(1).

“Domestic violence” is defined as “[p]hysical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members.” RCW 26.50.010(1)(a).

Upon notice and after a hearing, RCW 26.50.060 authorizes the trial court to issue a protection order.<sup>12</sup> The court may provide relief, including: (1) restraining the respondent from committing acts of domestic violence; (2) excluding the respondent from a residence the parties share, and from the petitioner’s residence and workplace, and from the school of a child; and (3) restraining the respondent from having any contact with the petitioner or the petitioner’s children. RCW 26.50.060(1).

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<sup>12</sup> To receive a temporary order, the petitioner must allege that irreparable injury could result if an order is not issued immediately. The order may not exceed 14 or 24 days, depending on how it is served. Unless otherwise allowed, the respondent must be personally served with the order, the petition, and notice of the hearing date. RCW 26.50.070(1), (4).

If the court finds the respondent “is likely to resume acts of domestic violence against the petitioner or the petitioner’s family . . . when the order expires, the court may enter a permanent order of protection.” RCW 26.50.060(2).

“Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection.” RCW 26.50.130. The statute is silent as to the criteria for modification/termination.

**The trial court’s findings and conclusions that Robin and Yasmeen have a present and reasonable fear of imminent harm are not supported by substantial evidence.**

Proof of a recent act of domestic violence is not required before a permanent protection order is issued under the Domestic Violence Prevention Act. *Spence v. Kaminski*, 103 Wn. App. 325, 333, 12 P.3d 1030 (2000). But implicit in the statute is the requirement that a petitioner’s fear be objectively reasonable.

In the present case, the trial court acknowledged that Rob has never been arrested or charged with violating the protection order. A-69 (CP 54). Even Robin has had no suspicions of any contact by Rob for more than four years. *Id.* Robin’s written statement and Yasmeen’s hearing testimony, which are the sole grounds for the court’s factual findings that the women are

presently afraid of Rob, do not constitute substantial evidence to support the court's legal conclusions that their fear is *reasonable*.

There has been no demonstrated need for ongoing protection against domestic violence. Robin presents no credible evidence beyond what the court considered when it granted the original order, and circumstances have changed dramatically since then.

Rob has suffered a serious disability. He has not returned to Washington since he left in 1998. He has not contacted Robin or Yasmeen since the protection order was entered.

Unlike other cases where the courts have granted permanent protection orders, Rob and Robin have no continuing relationship to offer opportunities for future conflict between them. *See, e.g., Hecker v. Cortinas*, 110 Wn. App. 865, 43 P.3d 50 (2002); *Barber v. Barber*, 150 P.3d 124 (2007).

The facts here are insufficient to persuade a fair-minded person that Rob represents a threat of imminent harm to Robin or her adult children.

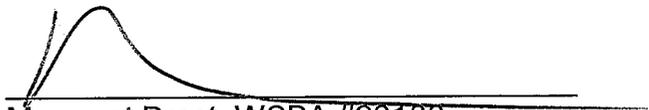
**E. CONCLUSION**

The record does not support the trial court's conclusions that Robin and Yasmeen have a reasonable fear of domestic violence that warrants an ongoing protection order.

This Court should reverse the trial court's decision with directions to terminate the permanent order.

DATED this 13 day of March, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Margaret Brost', is written over a horizontal line. The signature is fluid and cursive, with a prominent peak in the middle.

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1800 Cooper Point Road SW, #18  
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Attorney for Appellant  
Rob R. Freeman

# Appendix



REQUEST FOR TEMPORARY ORDER: AN EMERGENCY EXISTS as described in the statement below: I need a temporary restraining order issued immediately without notice to the respondent until a hearing to avoid irreparable injury. I request a Temporary Order for Protection that will:

I REQUEST AN ORDER FOR PROTECTION: following a hearing THAT WILL:

X	RESTRAIN respondent from causing any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> me <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
X	RESTRAIN respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input checked="" type="checkbox"/> me <input checked="" type="checkbox"/> the minors named in paragraph 5 above, subject to any court ordered visitation <input type="checkbox"/> these minors only, subject to any court ordered visitation:
X	EXCLUDE respondent from <input checked="" type="checkbox"/> our shared residence <input checked="" type="checkbox"/> any place I may reside. This address at present is <input type="checkbox"/> confidential <input checked="" type="checkbox"/> the following: 7311 12th Court SE, Lacey WA 98503
	DIRECT respondent to vacate our shared residence and restore it to me.
X	RESTRAIN respondent from entering or being within 10 miles (distance) of my <input checked="" type="checkbox"/> residence <input checked="" type="checkbox"/> place of employment <input checked="" type="checkbox"/> school <input type="checkbox"/> daycare or school of <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only: <input type="checkbox"/> other:
X	Subject to any court ordered visitation, GRANT me the care, custody and control of <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
X	RESTRAIN respondent from interfering with my physical or legal custody of <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
X	RESTRAIN the respondent from removing from the state: <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only:
X	GRANT me possession of essential personal effects, including the following: wedding ring, all items presently in household, GeoTracker, Subaru, <sup>Safe Deposit Box</sup> <sup>Personal</sup>
X	Grant me use of the following vehicle: Year, Make & Model 1995 GeoTracker <sup>Checking Account</sup> License No. 980 HWO 1986 Subaru Sedan
	OTHER:
X	DIRECT the respondent to participate in appropriate treatment or counseling services.
	<del>REQUIRE the respondent to pay the fees and costs of this action.</del>
	REMAIN EFFECTIVE longer than one year because respondent is likely to resume acts of domestic violence against me if the order expires in a year.

98 2 00171 0

**REQUEST FOR SPECIAL ASSISTANCE FROM LAW ENFORCEMENT AGENCIES:**

I request the Court order the appropriate law enforcement agency to assist me in obtaining:

- Possession of my residence  Use of designated vehicle.
- Possession of my essential personal effects at \_\_\_\_\_
- Custody of  the minors named in paragraph 5 above  these minors only: \_\_\_\_\_
- OTHER: \_\_\_\_\_

Domestic violence includes physical harm, bodily injury, assault, stalking, **OR** inflicting fear of imminent physical harm, bodily injury or assault, between family or household members.

**STATEMENT:** The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

On Monday, Jan 19, I took some pills and went to sleep on my bed fully clothed around 3 pm. Between 8 & 9 pm, Yasmeen saw Rob abruptly leave the house, spinning his wheels as he drove down the road. Mohamed heard me moaning in my bedroom, picked the lock to find me unclothed on the floor. I had vomited and had bruises all over. It appeared to have been a struggle. The children called 911 and a family friend. I was told at the hospital that they thought that I had taken more pills than I thought. I was certified as sane by a County Medical Health Professional, Mimi Silver, and allowed to return to my children. While in the hospital Rob tried to get the kids put as Wards of the State and to have me committed.

Previously I had put a no contact order on him when he became out of control when he thought I had called his girl friend. He has displayed his rifles to me while at the same time telling me that he will not hurt me.

He has also dragged Yasmeen down the hallway by the throat applying pressure points to cause her to blackout scaring her a great deal.

(Continue on separate page if necessary)

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED 1/23/98 at Olympia Washington.

Robin Freeman  
Signature of Petitioner

My residential address is confidential. Direct legal service by mail to: \_\_\_\_\_

CHILD CUSTODY INFORMATION SHEET

NO: 98 2 00171 0

If you are seeking protection for your child(ren) from domestic violence or are requesting custody of your child(ren), please answer questions A - G below.

<p>A. Do the child(ren) listed in Paragraph 5 of the petition currently live with you?          (1) If your answer is yes, how long have the children lived with you?  <u>All their lives.</u>          (2) If your answer is no, explain _____          _____          _____</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>B. Has the respondent, or any person other than yourself, had the majority of physical care and control of the minor children named herein during the last sixty days?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>C. Has there been any other court action concerning the custody of the minor children named herein in this state or in any other state within the past five years?</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>D. Have you participated, as a party, witness, or in any other capacity in any other litigation concerning custody of the same child(ren) in this or any other state?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>E. Does the respondent, or any other person, have physical custody or claim to have physical custody or visitation rights to the minor children named herein?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>F. State the places the child(ren) has (have) lived in the past five years, and give the names and present resident addresses of the persons with whom the child(ren) lived during that period.</p> <p><u>7311 12th Court SE Lacey - 3 years</u>  <u>5223 Berger Drive Lacey 1 year</u>  <u>2411 Howard Ave Billings MT 3 years</u></p>		
<p>G. If your answer to question B, C, D, or E is "yes", please explain:</p> <p><u>(D) &amp; (E) The father of the children have given me full custody but they have unlimited visitation. Rob Freeman is not the father of my children.</u></p>		

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated 1/23/98 at Olympia, Washington

Robin Freeman  
Petitioner



**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

NO. 93 2 00171 0

Robin Freeman, Petitioner,  
  
vs.  
Robert Freeman, Respondent.

COMM. Pro Jem Underwood  
Tape # 98-16du-01  
Tape Footage # 177-337  
Clerk Sandy Smith  
Date 1.23.98

**DOMESTIC VIOLENCE/ANTI HARASSMENT**

Petitioner Appearing:  Yes  No      Attorney for Petitioner: \_\_\_\_\_  
Present:  Yes  No  
Respondent Appearing:  Yes  No      Attorney for Respondent: \_\_\_\_\_  
Present:  Yes  No

**AGREED      DISMISSED      DENIED      TERMINATED      MODIFIED**

Temporary Order for Protection       Reissued Temporary Order for Protection

HEARING SET Wednesday February 4, 1998 at 9:00 a.m./p.m.

- TEMPORARY/ORDER OF PROTECTION ENTERED EFFECTIVE UNTIL: \_\_\_\_\_
- ORDER TO WAIVE FEES ENTERED
- ORDER ALLOWING 30 DAYS TO PAY FILING FEE ENTERED

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SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

NO.

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH  
98 JAN 23  
98 2 00 17 33 P 4: 33

Robin M Freeman 6/11/58  
Petitioner DOB  
vs.  
Rob R Freeman 9/8/63  
Respondent DOB

TEMPORARY ORDER  
FOR PROTECTION AND NOTICE OF HEARING  
(TMORPRT) (Children)  
(Clerk's Action Required)  
DET. J. SOULD, CLERK  
DEPUTY

WARNINGS TO THE RESPONDENT

Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and RCW 10.31.100 and will subject a violator to arrest.

Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Minors addressed in this order:

Name	Age	Name	Age	Name	Age
Muhamad Abdullah	18	Wa-El Abdullah	12		
Yasmin Abdullah	16	Ruelle Abdullah	10		

For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm. IT IS THEREFORE ORDERED THAT:

<input checked="" type="checkbox"/>	Respondent is RESTRAINED from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input checked="" type="checkbox"/> petitioner <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	Respondent is EXCLUDED from entering or coming within <u>1000</u> (distance) of petitioner's residence. At present petitioner's address is <input type="checkbox"/> confidential <input checked="" type="checkbox"/> the following: <u>7311 12th Ct. SE Lacey WA.</u>
<input checked="" type="checkbox"/>	Petitioner shall have exclusive right to the residence at: <u>7311 12th Ct. SE Lacey, WA.</u> The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present.
<input checked="" type="checkbox"/>	Respondent is RESTRAINED from entering or coming within <u>1000</u> (distance) of petitioner's <input checked="" type="checkbox"/> school <input checked="" type="checkbox"/> place of employment <input type="checkbox"/> daycare or school of <input type="checkbox"/> minors named in the table above <input type="checkbox"/> these minors only: <input type="checkbox"/> other:

MICROFILMED

<input checked="" type="checkbox"/>	Petitioner shall have possession of essential personal effects, including the following: <i>now located in the family residence</i>
<input checked="" type="checkbox"/>	Petitioner is GRANTED the temporary care, custody, and control of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
<input checked="" type="checkbox"/>	Respondent is RESTRAINED from removing from the state <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
	OTHER:

This Temporary Order for Protection is effective until the hearing scheduled for: (enter date and time)  <i>February 4, 1998</i> at: <i>Weds @ 9:00am</i>	The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more, and why the court should not order the relief requested by the petitioner or other relief which may include electronic home monitoring, payment of costs, and treatment. <b>FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT GRANTING SUCH RELIEF.</b>
--	--

It is further ordered that the Clerk of Court shall forward a copy of this order on or before the next judicial day to Thuston County  County Sheriff's Office  Police Department WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The Clerk of Court shall also forward a copy of this order on or before the next judicial day to Thuston County  County Sheriff's Office  Police Department WHERE RESPONDENT LIVES which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

OR

Petitioner has made private arrangements for service of this order.

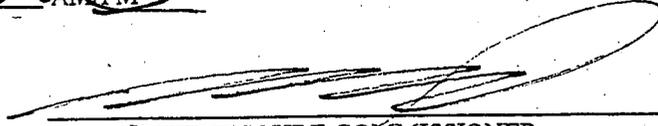
The law enforcement agency where  petitioner  respondent lives shall assist petitioner in obtaining:

Possession of petitioner's  residence  personal effects located at \_\_\_\_\_

Custody of the above-named minors, including taking physical custody for delivery to petitioner.

Other: \_\_\_\_\_

DATED June 23, 1998 at 4:30 AM/PM

  
 JUDGE/COURT COMMISSIONER

Presented by:  
Robin Freeman  
 Petitioner

1/23/98  
 Date

**MICROFILMED**

THURSTON COUNTY SUPERIOR COURT  
 WEDNESDAY FEBRUARY 4, 1998  
 DOMESTIC VIOLENCE CALENDAR 9:00 A.M.

PAGE 3

COMMISSIONER CHRIS WICKHAM  
 SHARON BALDWIN, CLERK

Underlined parties present at hearing

98-2-00165-5

SMITH, JEFFRY CLINTON  
 V.S.  
VETCH, KONNIE MARIE

SMITH, JEFFRY C PRO SE

7.

PROTECTION ORDER

The respondent is sworn and testified. The Court based on the petitioners non appearance enters Denial of Petition.

Tape footage 98-20dv-2 2713-2768

98-2-00171-0

FREEMAN, ROBIN MARIE ET AL  
 V.S.  
FREEMAN, ROB R

FREEMAN, ROBIN M PRO SE

8.

PROTECTION ORDER

Both parties are sworn and testified. Mr. Freeman wishes to contest this matter. The Court will recall this matter later.

The Court recalls this matter. Ms. Freeman presents testimony. Ms. Freeman offers photographs as petitioners exhibits one thru 3. The Court will admit exhibits one, two and three. Mr. Freeman presents testimony. The respondent offers a statement from Jeffrey Resko, Company Commander for respondent as exhibit 1. Adam Loveless, is sworn and testified. Ms. Freeman cross examines Mr. Loveless. Ms. Freeman addresses the Court. The Court feels that more testimony is needed regarding the incident in the family home in order for the Court to make a ruling. The Court will find that is a reasonable fear of Ms. Freeman as to Mr. Freeman based on the previous incident with her daughter and the incident with Mr. Freemans' weapons. Mr. Freeman training and the weapons cause Ms. Freeman to remain fearful, which the Court finds is reasonable. The Court will enter a protection order on those grounds. The Court enters Order of Protection. The Court is not making a judgment on what did or did not happen on the afternoon is question. This order will restrain Mr. Freeman from the residence. Property issues will be dealt within the dissolution action.

Tape footage 98-20dv-2 1063-1133

Tape footage 98-21dv-2 1672-1864

**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY**

NO.

98

FILED  
SUPERIOR COURT  
THURSTON COUNTY WASH.  
98 FEB -4 AM 11:26  
DEPUTY CLERK

**ORDER FOR PROTECTION  
(ORPT) (Children)  
(Clerk's Action Required)**

Robin M Freeman 6/11/58  
Petitioner DOB  
Rob R Freeman vs. 9/8/63  
Respondent DOB

RECEIVED

**WARNINGS TO THE RESPONDENT** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and RCW 10.31.100 and will subject a violator to arrest.

Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

**YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Notice of this hearing was served on the respondent by  personal service  service by mail pursuant to court order  service by publication pursuant to court order  other \_\_\_\_\_

Minors addressed in this order:

Name	Age	Name	Age	Name	Age
Mohammed Abdullah	18	Wa-el Abdullah	12		
Yasmeen Abdullah	16	Racelle Abdullah	10		

Based upon the petition, testimony, and case record, the court finds that the respondent committed domestic violence as defined in RCW 26.50.010, and **IT IS THEREFORE ORDERED THAT:**

- Respondent is RESTRAINED from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking  petitioner  the minors named in the table above  these minors only:
- Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with  petitioner  the minors named in the table above  these minors only:
- If both parties are in the same location, respondent shall leave.
- Respondent is EXCLUDED from entering or coming within 1000 feet (distance) of petitioner's residence. At present petitioner's address is  confidential  the following: 7311 12th Ct. SE, Lacey, WA.

JIS  
JODK

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A	Petitioner shall have exclusive right to the residence at: <u>7311 12th Ct SE, Lacey, WA</u> The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.
A	RESTRAIN respondent from entering or being within <u>100 feet</u> (distance) of my <input type="checkbox"/> residence <input checked="" type="checkbox"/> place of employment <input checked="" type="checkbox"/> school <input checked="" type="checkbox"/> daycare or school of <input checked="" type="checkbox"/> the minors named in paragraph 5 above <input type="checkbox"/> these minors only: <input type="checkbox"/> other:
	Petitioner is granted use of the following: Year, Make & Model _____ License No. _____
	Petitioner shall have possession of essential personal effects, including the following:
	Respondent shall participate in treatment and counseling as follows: <input type="checkbox"/> domestic violence or batterer's treatment or counseling at: _____ <input type="checkbox"/> parenting classes at: _____ <input type="checkbox"/> drug/alcohol treatment at: _____ <input type="checkbox"/> other: _____
	Petitioner is GRANTED the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
A	Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
A	Respondent is RESTRAINED from removing from the state <input checked="" type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
	The respondent will be allowed visitations as follows: _____ _____ _____ _____ _____ _____ _____ _____
	Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.
	OTHER:
	Parties shall return to court on _____, 19__ at _____ .m. for review.

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It is further ~~ordered~~ that the Clerk of Court shall forward a copy of this order on or before the next judicial day to Trust  County Sheriff's Office  Police Department **WHERE PETITIONER LIVES** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The Clerk of Court shall also forward a copy of this order on or before the next judicial day to \_\_\_\_\_  County Sheriff's Office  Police Department **WHERE RESPONDENT LIVES** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

OR

Petitioner has made private arrangements for service of this order.

OR

Respondent appeared; further service is not required.

The law enforcement agency where  petitioner  respondent lives shall assist petitioner in obtaining:  
 Possession of petitioner's  residence  personal effects located at \_\_\_\_\_  
 Custody of the above-named minors, including taking physical custody for delivery to petitioner.  
 Use of above designated vehicle.  
 Other: \_\_\_\_\_

This order is issued following service by  mail  publication and petitioner may serve this order by  mail  publication.

THIS ORDER FOR PROTECTION  IS PERMANENT  EXPIRES ON \_\_\_\_\_

If the duration of this order exceeds one year, the court finds that an order of less than one year will be insufficient to prevent further acts of domestic violence

DATED 2/4/98 at 11:15 AM/PM

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

I acknowledge receipt of a copy of this Order for Protection:

Robin Freeman 2/4/98  
Petitioner Date

[Signature] 4 Feb 98  
Respondent Date

**MICROFILMED**



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of the positions for which I now qualify require a security clearance that is not possible given this permanent restraining order. The effect of the restraining order seems very severe, given that I have had no contact with my ex-wife since the order was entered, live in another state, have had no law violations of any kind and simply do not pose any kind of danger to anyone at this time.

The terms and conditions of the order referenced above should be modified as follows:

The order should be terminated.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed At

On

WILLARD, MISSOURI  
City and State

MAY 19, 2006  
Date

ROB R FREEMAN  
Print or Type Name

*Rob R Freeman*  
Signature

May 22, 2006  
DATED

*[Signature]*  
MARGARET BROST  
WSBA # 20188  
Attorney for Respondent

This document must be served on the other party, and proof of service must be in the court file prior to the hearing.

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**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY COURT**

In Re  
Robin Freeman,  
  
Petitioner  
  
Rob Freeman,  
  
Defendant

NO. 98-2-00171-0

TRANSCRIPT OF  
PROCEEDINGS

VERBATIM REPORT OF PROCEEDINGS

BE IT REMEMBERED that this day on the 4<sup>th</sup> day of February, 1998, the above-entitled and numbered cause came on for hearing before the Honorable Chris Wickham, Commissioner, Thurston County Family, Olympia, Washington.

APPEARANCES

FOR THE PETITIONER. Robin Freeman, Pro Se

FOR THE RESPONDENT. Rob Freeman, Pro Se

Olympia, Washington

1 COURT: Freeman and Freeman. We have the privilege  
2 this morning of operating in the jury assembly room and so we don't have a true witness stand for  
3 witnesses to testify so I'm going to ask each of you to present your testimony where you sit. You're  
4 both still under oath and I'm going to ask Ms Freeman to go first and after she makes her statement  
5 I'll give Mr. Freeman an opportunity to ask her some questions about her testimony if he chooses to  
6 And then if she has other witnesses she may call them. If she doesn't that's fine. At that point Mr  
7 Freeman will be given an opportunity to present his statement. Why don't you go ahead?

9 MS. FREEMAN: Okay. To give a little history we've been  
10 married almost three years in March and when we first got married he made threats to me that if I ever  
11 left him there would be car bombs or burn the house and he would never be caught and there would be  
12 screaming and yelling out in the front yard to the point the neighbors had been concerned enough to  
13 ask me if he had been beating me. We had an argument earlier this month, it was the end of December  
14 beginning of January on a Saturday morning where I was trying to get some property returned that he  
15 had removed from the home and he inventoried his guns during the argument pulling all of his rifles  
16 out. He has hit me on the arms or the hands leaving bruises during the first year of our marriage and  
17 has made statements to the fact that he was trying not to leave bruises so people would not think that  
18 he abused me. The incident that incidences that are concerned in the papers that I wrote there was an  
19 incident several months ago where he dragged my sixteen year old daughter down the hall by her  
20 throat applying pressure points causing her to black out. She felt that she was going to die. Neither  
21 one of them told me about it for a week and we've already brought that up in front of the military with  
22 the JAG Officers. They looked into doing a criminal investigation but it didn't have a threshold high  
23 enough to bring charges for the military. The incident that I wrote about yes I did try to commit  
24 suicide and took some pills. I took some Naproxin about forty pills of Naproxin and twenty pills of  
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1 ibuprofen because I was concerned I was being a bad parent because of the violence that was in the  
2 home My first marriage had also been extremely violent and I am wanting and I felt I'd be dragging  
3 the children through things they didn't need to be through. I laid down on the bed fully clothed about  
4 2:00 o'clock My daughter, Rob was in the house that day working on the bathroom because it's being  
5 remodeled and my sixteen-year-old daughter stated that he left suddenly at 5:00 o'clock. Him and I  
6 had conversed that day also and he left about 5:00 o'clock in a hurry leaving everything in the hallway  
7 and around the house. We could not get the dresser into the bedroom because it was such a mess The  
8 children were concerned because they hadn't heard, my understanding is that they were trying to stay  
9 out of his way downstairs because of the tense situation. About 9:00 o'clock she got her older brother  
10 who is eighteen to come, to try to look in on mom and he heard me moaning through the door and  
11 picked the lock of the bedroom door and came in and found me half naked on the bedroom floor.  
12 They covered me with a blanket and called 911 and when the police arrived there was nothing,  
13 because I had talked with one of the officers that was there that day, they didn't realize that my  
14 husband was present in the home that day or that there was any previous domestic violence and they  
15 did not question the children in that manner and so they treated it as just an attempted suicide I had  
16 talked with the admitting room physician because I remember them questioning me a lot about the  
17 bruises and I do have pictures of the bruises I took after I got out of the hospital and.

21 COURT.

Do you have them with you today?

22 MS FREEMAN

Yes I do.

23 COURT

Do you want to make them part of this

24 proceeding?  
25  
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1 MS FREEMAN: Yes I do. The admitting room doctor was very  
2 concerned about the bruises. He questioned a friend that I had known for two or three weeks that was  
3 a friend of both Rob and I.

4 COURT: I'm going to ask the clerk to mark these and then  
5 she'll show them to Mr Freeman.

6 MS FREEMAN Okay. And nobody knew of the violence or  
7 anything because I was not allowed to talk to people without his express permission. And the  
8 children, I never told the children not wanting to upset them so and the admitting room physician said  
9 he did not know of the condition of undressed that I was in when I got to the hospital nobody said  
10 anything. But because he extensively questioned this friend of ours Tammy and the two older children  
11 they said that they extensively questioned but since they couldn't find no history of previous violence  
12 they decided not to pursue it but that's why there was nothing handled in the emergency room. While  
13 I was in there he was attempting to have me committed and the children made wards of the state  
14 They are my four children from previous relationships and all I could think about was getting out of  
15 the hospital and getting my children and we ran, for the second time this month we ran to a safe place  
16 but he knew where we were and did phone that home and everything.

17 COURT: What were the bruises, marks or injuries that you  
18 had at this time?

19 MS FREEMAN I had a large bruise on my hip which the pictures  
20 were taken about four or five days after the bruises incurred and bruises on the backs of my arms. And  
21 I had a fat lip.

22 COURT: Eva is showing the exhibits to Mr Freeman  
23  
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1 MS FREEMAN. I have since talked to the Thurston County  
2 Sheriff's office and they are starting an investigation

3 COURT. Was anyone else in the home that afternoon?

4 MS. FREEMAN Just my four children and Rob

5 COURT. And did your children hear any disturbance  
6  
7 between the two of you?

8 MS FREEMAN They were downstairs it was my understanding  
9 They wouldn't have noticed if Rob went into his own bedroom and I asked specifically did they see  
10 him go into the bedroom and they said they weren't paying any attention.

11 COURT Did you two have separate bedrooms?

12 MS. FREEMAN. No He was currently staying at the barracks  
13 because of the no-contact order that the military put on him January 2<sup>nd</sup> when we went through the  
14 previous things when he had inventoried the rifles and gotten very violent out in the front yard where  
15 he almost put his fist through his car window and screaming and yelling at me  
16

17 COURT Was he not supposed to be in the home that day?

18 MS. FREEMAN. We had the no-contact order lifted so he could  
19 come back into the home to try to fix up some of the remodeling that he was, like the bathroom which  
20 was totally non functional Having to get the house so I could lock it because I never locked the house  
21 in two and a half years I've since had to have someone else come into the home to help me do that.  
22

23 COURT So is it your testimony then that you don't recall  
24 yourself what happened that day?  
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1 MS FREEMAN I know that I laid down on the bed at 3:00  
2 o'clock fully clothed and woke up in the emergency room with people questioning me about my  
3 bruises and asking if my husband beat me

4 COURT Do you recall being in the bathroom?

5 MS FREEMAN No. And I was fully clothed.

6 COURT You said that you were half naked. Can you be  
7 more specific about?

8 MS. FREEMAN I had nothing from the waist down I did see the  
9 pants on the floor in the bedroom when I returned Thursday morning and they were inside out like  
10 someone had removed them from the waist by pulling the waistband and I could not find my  
11 underwear.  
12

13 COURT: Was there an examination done to you to  
14 determine if you had been raped?  
15

16 MS FREEMAN: I asked the doctor that. I just talked to him  
17 yesterday and he said he did not do that because no one had told him about the state of undressed that I  
18 was in  
19

20 COURT Mr. Freeman any objection to exhibits one, two  
21 and three being admitted?  
22

23 MR. FREEMAN: I guess not.

24 COURT Exhibits one, two and three will be admitted.

25 Mr Freeman any questions for Ms Freeman?

26 MR. FREEMAN: No

27 COURT Ms Freeman any other witnesses?  
28

1 MS. FREEMAN No but if I had to I could get statements from the  
2 neighbors

3 COURT Mr. Freeman go ahead.

4 MR. FREEMAN. Basically I'm going to start with her statement  
5 here which stated on the 19<sup>th</sup> she had taken some pills and went to sleep. When I talked to the doctor  
6 about the suicide she had written five suicide notes One to each one of the kids and the other one I  
7 tried to review and I was not allowed to They are being held with the District Attorney Mr Dave  
8 Klump a civil prosecutor and in here it states that between 8:00 and 9:00 p.m. (inaudible) saw myself  
9 leave the house spinning wheels as he drove down the road. That would be kind of hard to do because  
10 I was eating at a restaurant at 7 00 o'clock and now it's also changed to 5:00 p.m. I left at  
11 approximately 6.45 p.m. and I'll give my scenario of exactly what happened. She didn't discuss, she  
12 said her son had found her with bruises and vomit. She didn't discuss that because the next day I went  
13 in because I didn't want her kids exposed to that kind of scene in the bedroom because there is only  
14 one place to take a shower so I did clean up that portion. The statement in here, she just admitted it  
15 was a suicide attempt but the statement in here says that the hospital said they thought that I had taken  
16 more pills than she had thought. What she did was deliberate As far as trying to get her admitted I  
17 wanted her to have help. I was extremely concerned and also been talking to a chaplain who told me  
18 the use of her emotions were turning toward herself or turn towards me and she had made a statement  
19 before when she knew that we were going to get the divorce that she would make my life as miserable  
20 as possible. And she's tried to do so by going after my career with JAG (inaudible). And as far as the  
21 kids being put to the ward no I had explained to the doctor that reasonably I was still responsible for  
22 any actions that was going on because he was talking to the eighteen year old kid and I knew  
23 something was wrong because when I asked him what was going on he told me she overdosed on  
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1 Naproxin. Having some medical knowledge I knew (inaudible) four hours of Naproxin was a lot and  
2 then he told me that there was Naproxin a derivative of phen phen and another medication that begins  
3 with a P, Prozac and it was quite a bit and they still didn't understand and they were still doing blood  
4 tests to try to find out exactly what else had happened because there was an unknown characteristics  
5 they couldn't explain and I had the chaplain present when I was talking to them. It says here  
6 previously that she had a no-contact order put on me when I came out of patrol and talked about  
7 displaying the rifles. This was, I didn't display the rifles. She accused me of stealing \$10,000.00  
8 worth of jewelry which I was trying to prove to her that I didn't have which was later found which was  
9 also taken to JAG as an accusation which was found in the household by one of the kids and was noted  
10 at the very least three weeks (inaudible) a long time ago so I was basically cleared of that. She also  
11 states here dragged Yasmeen down the hallway applying pressure points to cause her to black out and  
12 scaring her a great deal. This is the child I had difficulty with trying to step in as a father. I have not  
13 been allowed to do that nor with any of the other kids. The confrontation was semi heated. She had  
14 done something and I had wanted her to do something else and she refused. I told her to go to her  
15 room. I told her several times and after I told her several times to go to her room and told her if she  
16 wouldn't go to her room I would escort her to her room. She still wouldn't go to her room and she  
17 was still yelling and I escorted her to her room. When she was inside of her room I merely left her  
18 there and that was the end. Also those pictures were the first time that I've seen bruises. And I didn't  
19 find out about the bruises until approximately two or three days after hearing it through my chain of  
20 command. I've been under constant accusations from her all which have been considered non-  
21 founded and this is I believe her attempt to deface my name or try to run my career because we don't  
22 have a marriage. I'd like to state that I've never struck her or the kids. I have a statement explaining  
23 from my company commander what the restraining order was about. It's not a restraining order it's a  
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1 no-contact order. On the first hunt of problems when we were with the chaplain he instated the no-  
2 contact order and then which put me in the barracks and I was supposed to have no contact with her,  
3 which she broke. She came to my barracks to talk to me with a friend and continued to do that and I  
4 explained to her that that was breaking my orders. She didn't care. She then later called the company  
5 commander and asked him to remove it and stated to him and it's in here that she didn't hear me and  
6 she didn't do any damage to her and the kids and that we needed to be able to talk and discuss the  
7 marital dispute. On the day...

9 COURT. Do you want me to consider that document?

10 MR. FREEMAN. Yes

11 COURT. I'm going to ask you to hand that to the clerk

12 and she can mark it as your exhibit.

13  
14 MR. FREEMAN. On a brief scenario of the day in question that  
15 was the 19<sup>th</sup> I came to the house to continue to tile the bathroom as it was originally planned so I was  
16 in the middle of remodeling it. I got there at approximately 12:00 o'clock at which time she was in her  
17 room and the door is always locked. At approximately 2:30 I needed to have some information on the  
18 house she wanted the bathroom to be done. I knocked on the door and there was no response and I  
19 told her I need to talk to her or there was no sense in me being there anymore because I had to have her  
20 decision on something and she came out for approximately five minutes. I didn't really look at her and  
21 notice if there was bruises there before or not. The conversation lasted for less than five minutes and  
22 went back into the room. At approximately 6:00 o'clock I was done with the work I was going to  
23 finish that day and I took about forty-five minutes to clean up. Due to the situation I didn't notify  
24 anybody I was leaving and about 6:45 I left. My wheels were not spinning and I was not in an  
25 aggravated mood. I then went to the restaurant to eat dinner for approximately an hour and a half and I  
26  
27  
28

1 came back to the barracks. Approximately a half hour later I got a notice that there was an emergency  
2 I needed to attend to at St. Peters and that's when I found out about the suicide. She had also while  
3 driving discussed suicide with a friend. The friend tried to get her to calm down and I explained to her  
4 you know if you did it right now you'd be taking me with you. Two days prior to the incident on the  
5 17<sup>th</sup> she came to the barracks and she was discussing with me insane things such as final conversation  
6 and other things. When I inquired about it more she said you didn't care anyway and then she said she  
7 was contemplating suicide. At that time I called my commander and I called the chaplain to get  
8 somebody out there to talk to her because I didn't know if she would do it or not or if she was playing  
9 with my emotions specifically due to the fact that (inaudible) so I didn't know if she was serious or if  
10 she was trying to ride my emotions. I was also told Mohamed found some when he found her which  
11 was supposed to be at approximately 10 00 p.m. that he tried to move her from the bathroom to the  
12 bedroom, I don't know what the deal is with that. We've been talking about her seeking counseling  
13 before or actually not just her but both of us because I was never really allowed the parent role in the  
14 family and the kids were pretty much going up and down the stairs constantly all day. They were  
15 pretty much staying out of my way but if I needed help they would help me out. And again just giving  
16 some background she's been doing several things theft of the jewelry that was found that was okay  
17 Molesting of her youngest child which was found out that there was a problem inside her family not  
18 involving me. She's basically bombarding my commander and is constantly saying that I'm doing  
19 things and I've been signing in and out on the CQ log to prove where I'm at. To me I've been doing  
20 exactly what I've been told to do and I don't see any domestic violence here (inaudible) domestic  
21 violence before. I've been in for constant evaluations and psychological tests approximately once a  
22 year. When I came home from my last deployment I just basically explained that I wanted out of the  
23 marriage and there was no way to reconcile it and at that point in time I was willing to do pretty much  
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1 anything for her to end the marriage and that's when everything turned emotional. Some things that  
2 I'm also supposed to mention is to me she's done everything to jeopardize my career and also like  
3 having this court date at such a late date that she knows I'm leaving I was supposed to leave  
4 yesterday. I will be leaving today. And I need to get a court order to obtain whatever objects I can  
5 have out of the household so I could do that.

6  
7 COURT. This case was in my courtroom yesterday right?

8 MR. FREEMAN. Yes sir

9 COURT: And the attorney's were going to work that out  
10 Did they not do that?

11 MR. FREEMAN They have another submitted document which I  
12 don't know if she's received yet but the court date for that is tomorrow and I have to leave tonight.  
13 I'm already a day behind schedule.

14  
15 COURT What I told your attorney yesterday was if there  
16 was not an agreement the ruling was that they could come back into my court yesterday. They did not  
17 do that so I was left on the assumption that that was taken care of You might want to call your lawyer  
18 back

19  
20 MR. FREEMAN: Okay. Would I still need to have a court order to  
21 get what items that .

22  
23 COURT You need to talk to your attorney about that

24 MR. FREEMAN. In the annulment of the marriage this dissolution  
25 there is already a restraining order I have no problem with the restraining order I agree with it 100%  
26 but as far as domestic violence I haven't done anything nor is there proof that I've done anything and  
27 that's pretty much what I wanted to say I also have a character witness.  
28

1 COURT Okay. How big is the house?  
2 MR. FREEMAN: It's like 1900, she knows  
3 COURT: How many bedrooms?  
4 MR. FREEMAN Three.  
5 COURT And there's four children and two adults?  
6 MR. FREEMAN: Correct.  
7 COURT: What's the sleeping arrangements?  
8 MR. FREEMAN Her and I shared a bed and a room Then there's  
9 bunk beds in two of the rooms and the two girls sleep in one and the two boys sleep in the other. Well  
10 actually the youngest boy pretty much sleeps downstairs on the couch.  
11  
12 COURT: And how many bathrooms?  
13 MR. FREEMAN: There are, there's one full bathroom and then  
14 there's one three-quarter bathroom because it has a shower and not a bathtub and then there's one just  
15 to take care of necessities on the bottom floor so there's three.  
16  
17 COURT Now which is the bathroom that you were  
18 working in?  
19 MR. FREEMAN: I was working in the main bathroom and the  
20 bathroom she was found in was the master bedroom.  
21  
22 COURT The one in the master bathroom is the full  
23 bathroom?  
24 MR. FREEMAN No, it has a shower and a toilet and a sink  
25  
26 COURT Why did you feel the need to go back and clean  
27 up that bathroom?  
28

1 MR. FREEMAN The next day when I had gone back to the house  
2 I walked in the room and there was stuff from the paramedics that were there and when I walked into  
3 the bathroom there was vomit all over the trash can and on the stool and the only place for the two  
4 youngest kids that are like nine and twelve to clean up to take a shower is there because the other  
5 bathrooms not functional  
6

7 COURT. I thought you said there was a full bathroom

8 MR. FREEMAN: Yeah that's the one I was working on. There's  
9 actually nothing in there. Because there was a plumbing problem I pulled everything out, the tub the  
10 toilet  
11

12 COURT: So there's nothing in there?

13 MR. FREEMAN: No

14 COURT So what did you do on this day? What kind of  
15 work were you doing?

16 MR. FREEMAN: Tiles.

17 COURT So you removed all the fixtures to put in tiling?

18 MR. FREEMAN Correct. Because of the plumbing problem I had  
19 to tear everything out. I had to tear the drywall out and I had to remove the bathtub which is a  
20 fiberglass insert and after doing that since I had already tore out that part of the walls we discussed that  
21 was the time to do a full remodel and that was in between (inaudible) because it's actually been that  
22 way for several months. So when I took that out I had to take the toilet out anyway so we just wound  
23 up taking everything out and we bought everything to put back in there. Everything that goes back in  
24 is there except for a toilet, which I didn't know (inaudible) because I was in the middle of remodeling  
25 the tile and everything to put it back together  
26  
27  
28

1 COURT So none of the fixtures were operational in that  
2 bathroom on this day?

3 MR. FREEMAN Correct.

4 COURT. What bathroom were the kids using that day?

5 MR. FREEMAN: Pretty much just downstairs

6 COURT: Why? Why weren't they using the upstairs  
7 bathroom?  
8 bathroom?

9 MR. FREEMAN. I have no, well because her bedroom was locked.  
10 Every time they knocked on the door she'd tell them to go away.

11 COURT. And you didn't say goodbye to her when you  
12 left?  
13 left?

14 MR. FREEMAN: No I did not. I didn't say goodbye to anybody.

15 COURT Why not?

16 MR. FREEMAN. Well because everybody's emotions were  
17 uptight and she wasn't talking to me in the first place so I was basically told to restore the bathroom  
18 which that's what I was doing and as soon as my work was done I was going back to the barracks.

19 COURT. You said the kids were helping you through the  
20 day, what were you doing?  
21 day, what were you doing?

22 MR. FREEMAN For instance you have it's not quite cement it's a  
23 mortar that you put the tile up with and we would mix so much at a time because I'd work in sections  
24 on the wall going from top to bottom because she wanted a (inaudible) around the top so to work that I  
25 didn't want to have a lot made so it wouldn't dry up on me as I was laying it down because this was  
26 the first time I was tiling So as I was placing it I would need more and I would have the other kids add  
27  
28

1 another bucket that way I would clean up as I was going because I was already tiling the floor and they  
2 would like clean that out or whatever so I could pay attention to what I was laying so it could stick.

3 COURT: So how many times did they refill this bucket?

4 MR. FREEMAN For a while they only did it once or twice but  
5 they asked (inaudible) and if I needed a tool or I asked them to get me a rag it was no problem. They  
6 would just go get me a rag if they were around and drop it off and go back to their rooms.  
7

8 COURT: Can I see that exhibit? Did you get a chance to  
9 see this?

10 MS. FREEMAN. No.

11 COURT. I'm going to ask you to show it to him first.

12 MR. FREEMAN: Your honor after she found out the marriage was  
13 going to be over she had illegally charged approximately \$800 00 dollars on a Sears card which she  
14 had no, what the wording is used. .  
15

16 COURT You said you escorted her daughter down the  
17 hall Can you describe that for me?  
18

19 MR. FREEMAN. I tried to grab her by the arm and she crouched  
20 down right away and I placed my hand openly and tried to go for the shoulder but she kept on moving  
21 so it was up on the side of the neck and I pushed her all the way down which was like six seven feet  
22 Opened her door and put her inside and then closed the door.  
23

24 COURT Ms Freeman is there any objection to the court  
25 considering the document?

26 MS FREEMAN No  
27  
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COURT: Okay, it will be admitted, respondent's exhibit number one Ms Freeman any questions? You can make a statement later but if you want to ask him questions you can You don't have to ask any questions

MS. FREEMAN: All right. I would like to ask you why the last piece of missing jewelry, not why but if you know anything about the last missing medallion and found the jewelry after you left the house then I had told you that there was a missing necklace that I (inaudible) except for one medallion .

COURT: I'm going to ask you not to answer that question. I'm interested in the issues related to domestic violence

MS FREEMAN Okay. All right. I'm sorry.

COURT You don't have to ask any questions but you have the right to if you want to and if you don't want to exercise that right that's fine. Do you wish to call another witness?

MR. FREEMAN- Yes I do your honor

COURT Okay. Would you come forward please and raise your right hand? Do you swear or affirm the testimony you are going to give in this case is true and correct?

CAPTAIN

COURT Why don't you have a seat? Would you state your name for the record please?

CAPTAIN Captain Adam Loveless

COURT And what is your relationship with Mr Freeman?

1                   CAPTAIN:                   I'm his detachment commander.

2                   COURT                    Okay And you report to Major Resko?

3                   CAPTAIN                  Yes sir.

4                   COURT:                  Go ahead You can make a statement

5                   CAPTAIN                  All right I've known Rob for about three years

6

7 He's followed directly under me for approximately a year and a half right now Throughout that time

8 I've had no problems with him either disciplinary or off duty until this incident here occurred. This

9 particular incident I originally found out through my company commander because that's the way it

10 came down through the chain of command after it had occurred and was offered the original charges.

11

12 When he returned from school I should go back, when he returned from school is when he informed

13 me that he was most likely going to be getting a divorce. It was unfortunate but it does happen in our

14 business fairly frequently but not much more then regular I think. As unfortunate as it was that went

15 on about I'm not sure about the exact date but I'm sure it was in there. The charges that were brought

16 upon him for abuse of his wife and daughter came through the military chains, charges up through the

17 JAG and Special Forces group When we found out about that my company commander he placed the

18 no-contact order on Rob to have him stay in the barracks and that was not as a sign that Rob was guilty

19 in any way but more as a cautionary means for both her and for him to make sure nothing further

20 escalated if it had in fact been done Rob stayed in the barracks. She then returned to Major Resko

21 approximately a week later which is described in the letter that Major Resko wrote, the exact dates I'm

22 not sure Major Resko relayed to me and also asked me today and also asked that I notified the court

23 that during those proceeding she felt or there was a time she went to see him and expressed to him that

24 she wanted the no-contact order released so that Rob could get back to the house and do the

25 modifications on the house and that they could also work on their relationship with whatever needed to

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27

28

1 be whether they were going to go their separate ways or they could mend things back up My  
2 company commander questioned here and referenced the earlier situation that she described with her  
3 daughter and herself at which point she stated that she had overreacted and that in fact nothing had  
4 occurred in that respect. That it was blown out of proportion and the heat of the moment kind of  
5 testimony. He told her at that point that the charges that were brought up and the way they were  
6 brought up they were brought against him could pose serious detriment to his career and she stated to  
7 him that she did not want that to occur. It was at that time that he released the no-contact order that  
8 required him to maintain his residence in the barracks and the lifting no-contact order was for the  
9 purpose of doing the modifications on the house and the reconciliation that was required for either  
10 getting together or separating. I found out about the attempted suicide about midnight the night it  
11 occurred. I drove down to the hospital to be with him to help him and do whatever was needed but by  
12 the time I got down there he had left so I did not have any contact with him that night and not being a  
13 family member (inaudible) the family members had left and at which time I returned home. As far as  
14 what Sergeant Freeman had stated what the Chaplain had stated I was present at that meeting with him  
15 and Major Resko and that it was immediately following the attempted suicide. The Chaplain was  
16 trying to give him advice and helped him out as best he could and told him to be prepared and that a  
17 lot of times attempted suicides do go one of two directions. One being the person who attempted  
18 suicide will take it out on themselves which is probably the worst case scenario given the fact that of  
19 the nature of the incident or be directed at him which (inaudible) more difficult for him is the best  
20 solution in the long run for everybody. I'm not intimately aware of the details surrounding the  
21 marriage itself or the relationship. I know it's come before me and again I'd like to reiterate that I've  
22 had no problems other disciplinary or other with Sergeant Freeman throughout his tenor under my  
23 command  
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1 COURT Okay Any questions for this witness?  
2 MR. FREEMAN The only one that I want to restate is for a three  
3 year period of time that you've known me given the pressure situations are high have you ever known  
4 me to be a violent or out of control person?  
5 CAPTAIN: No  
6 MR. FREEMAN: That's it your honor.  
7 COURT: Mr. Freeman any questions for this witness  
8 MS. FREEMAN Yes, I'd like to ask again what exactly was it that  
9 Major Resko said I said to him when I came to ask, did he say that I asked for the no-contact order or  
10 that I asked for it?  
11 CAPTAIN Yes that you did, that Rob did not ask for it. I do  
12 know for a fact that Rob did not ask for the no-contact order be lifted.  
13 MS. FREEMAN Did he state that I said that Rob had asked me to  
14 talk to him?  
15 CAPTAIN: No.  
16 MS FREEMAN: And he stated that I was no longer scared and  
17 that or that I was angry?  
18 CAPTAIN: The way he told it to me and I can't..  
19 COURT. I think we're asking the witness to recount  
20 hearsay which is a dangerous area. I have a statement from Major Resko which we should rely upon  
21 that statement.  
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1 CAPTAIN And also Major Resko has his phone number on  
2 there and he told me that if you had any questions specifically to his testimony or his statement he'd be  
3 free to talk.

4 COURT: Thank you. You may step down. Did you want  
5 to make another statement?

6 MS. FREEMAN Yes When I went to see Major, I did go to see  
7 Rob in the barracks at one time with a friend because she told me he wanted to see me and she went up  
8 and got him and I waited down in the car because we have the no-contact order in place and at this  
9 point I don't know if she was telling the truth or not but it seems to be worked out in my mind as to  
10 whether she was telling the truth but I did go up there and speak with him. Yes I did go talk to Major  
11 Resko and Rob told me coached me on exactly what I should say to Major Resko but I did not do that.  
12 When I went in to speak to Major Resko I told him that yes that when I came into JAG I was scared  
13 but (inaudible) but I was scared that day but Rob had given me his word that he would not touch me or  
14 the children and that he wanted to come into the home and try to get the house worked on so it could  
15 get sold because he wanted to sell the house and there are a lot of issues that he has talked about with  
16 the jewelry and not mentioning his girlfriend etcetera and there's an awful lot of issues that have gone  
17 down. The day that I had the argument I had a confrontation with him and he displayed his guns I had  
18 already told him that I talked to Chaplain Green the night before and asked me to come find him  
19 without bringing the police in and so I was confronting him and telling him he had twenty-four hours  
20 to return my jewelry to me because it was missing the same day that I found about his girlfriend which  
21 was Christmas Eve day and he's the only person who knew where it was. The children had never seen  
22 it They were very, very small and the oldest one because I didn't wear the jewelry. He brought out  
23 his guns and displayed them and at the same time saying I'm not going to hurt you and I was telling  
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1 him I was scared and he said fine, fine you're scared Then I'm going to call the Chaplain right now  
2 and tell him that you threatened to cut my balls off after we were married and that I'm scared and I'm  
3 not able to sleep with you since and I do admit that yes I did that as a joke but that if we got married if  
4 I ever caught him sleeping around on me I'd cut his balls off with the rusty scissors out of the freezer  
5 so I do admit that I said that. And he stormed out of the house and two hours later (inaudible) because  
6 he said to me go ahead and call the police. I want you to be embarrassed when the police search the  
7 house and find the jewelry in the home I will take a lie detector test. I do not have your jewelry And  
8 at that point I told the children after he left I had said no I'll give you twenty-four hours and as soon as  
9 he left I said search the house the jewelry is here and they did find the jewelry downstairs. It was in a  
10 (inaudible) can underneath the bathroom sink downstairs and I know I kept it underneath my bathroom  
11 sink upstairs and I did not keep any supplies whatsoever. I removed it from the household and I went  
12 and looked at it and I was missing a necklace, an eighteen carat gold medallion (inaudible) Most of  
13 this jewelry was a gift to me from my first husband and the last medallion appeared in my (inaudible)  
14 my daughter found it when I was in the hospital in a place where all I kept was my hair supplies and  
15 did not keep any jewelry. She did not know what she found and she saw Rob going through the room  
16 and cleaning the room because they were concerned because he's removed quite a number of items  
17 from the house including almost \$1,000 00 worth of groceries out of the pantry while I was in the  
18 hospital and she was just trying to grab anything she thought might have been of value and she's given  
19 it to me when we were at a safe house, what I thought was a safe house and he was calling that house  
20 anyways after I removed the children from the household. My children are quite terrified at the  
21 moment. We've had quite a number of incidences of attack while they were there because I had  
22 secured the home with locks and bars and wiring the door shut and we've never seen him He's had  
23 sniper training, terrorism, anti-terrorism training. He's a green beret We've called the police on the  
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1 last incident because Major Resko told me it wouldn't make any difference because we had to prove it  
2 by catching him there, it made no difference what he was doing. The Thurston County Sheriff's  
3 Department read me the riot act about not calling the police so the next instance when I did talk to  
4 Major Resko about it happening between 9:30 and 10:00 o'clock on a Tuesday evening and my older  
5 son had taken his car to drop it off and have the windshield replaced. Major Resko said he was signed  
6 into the barracks and I told Major Resko sorry that's not good enough for me because that just means  
7 he signs in at the front desk. Anybody can go in and out of those barracks without ever being seen.  
8 When Rob and I were dating he had me and three of the children and the dog staying in the barracks  
9 with him and his command did not know. We stayed there for over a week so unless they had  
10 someone actually physically see him at that time. We've had phone calls to the house. My daughter  
11 answered the phone and she had a hang up. She had another call. She heard somebody in the  
12 background say Rob what are you doing and she heard a click. My kids are going through some real  
13 trauma right now because they're scared. All I have to say is he's welcome to come take his personal  
14 clothing and his military gear that is boxed up in front of the garage door. The rest of the stuff my  
15 lawyer and I, his attorney, my attorney and myself were here yesterday and waited on him because his  
16 attorney was under the impression that he was coming. He did not show up and they could not find  
17 him. We made his attorney an offer and we made and they sent it over yesterday afternoon and we  
18 have not heard a response from his attorney as of 9:00 o'clock this morning. As far as the other items  
19 that are contested I have no problem with his personal clothing or his military gear. The only thing  
20 I've ever said to Major Resko every single time he's removed stuff from the house is please just let me  
21 be present so I know what he's taking from the house and every time he's gone in with another  
22 military man with myself not present and just raided the house. We are missing things, it will take me  
23 months to go through all the closets to find out things that are missing.  
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1 COURT. Let's put that aside. That's for the other case.

2 MS. FREEMAN: Okay

3 COURT. When did you come to the belief that he had  
4 assaulted you.

5 MS. FREEMAN When I stopped vomiting Wednesday morning  
6  
7 The showed me the, they had constantly come I don't know how many times because I vomited for a  
8 very long period of time even when they put me in the psych ward I vomited. They kept coming at me  
9 and asking me constantly does your husband beat you? Where did the bruises come from? I had no  
10 idea the bruises that they were talking about. They had to get me up and show me in the mirror. They  
11 asked me how much I took. The admitting doctor that there's no way they could tell if I was given  
12 extra Naproxin through bottles of Naproxin. I know I took forty pills or approximately that. I wasn't  
13 exactly counting. I was taking the (inaudible) and the Prozac as a diet control to lose weight. I have  
14 not taken that medication since that one day. I do know that the Prozac was keeping me calmer then I  
15 thought I should have been under the normal circumstances of what was going on but I did not take  
16 any extra medication for that. Strictly about thirty to forty Naproxin and twenty Ibuprofen

17

18

19 COURT. Do you remember taking the pills?

20 MS. FREEMAN I remember taking those pills

21 COURT. And what else do you remember?

22

23 MR. FREEMAN Laying down on the bed fully clothed. Like he  
24 said I did speak with him earlier that day. The door was not locked. Yes I did write notes and the note  
25 to my husband I did talk about breaking the cycle and I believe that violence is, but I meant the cycle  
26 of violence and the cycle for my children.  
27  
28

1 COURT So you made no attempt to contact your children  
2 or your husband when you took the pills?

3 MR. FREEMAN No I was very tired, I was emotionally  
4 exhausted The day where he mentioned that I supposedly talked about suicide I had told Major Resko  
5 that I was going to his barracks to ask me to leave me alone for a couple of days because he's been  
6 pressuring me and I needed some days away from him and he needed to work on the house. The entire  
7 month that he has worked on the house and the day he laid the tile on the floor and the day of the  
8 attempted suicide just the tiles on the wall that has been accomplished in a month. I went up there to  
9 say look I will not be there I need time and space to think about what I'm going to do. He's the one  
10 that talked about running his motorcycle in front of a semi and that he wouldn't consider that suicide  
11 because someone else would be taking his life We talked about things in the marriage We stood out  
12 in his room and we talked about that. We stood in his front of his car. His car and my car were parked  
13 side by side and he said we're having a really good discussion I'd like to do this tomorrow night and  
14 what I had attempted to say was you don't understand Rob this is meant to be our final discussion for a  
15 few days I only got to this is meant to be our final discussion and he went berserk. Final, what do  
16 you mean final and started yelling and screaming at me and got in his car and drove off I got in my  
17 car intending to go home and go to bed and found that everybody was going berserk thinking I was  
18 going to attempt suicide at that point and I sat up there for an hour because Tammy had called and  
19 Major Resko and I had no clue when I walked in the door what was going on  
20  
21  
22  
23

24 COURT Did you have any questions for her?

25 MR. FREEMAN No your honor

26 COURT I'm ready to rule on this I've allowed extensive  
27 testimony on this because I'm aware of the State's involvement on both sides and take cases involving  
28

1 COURT. So you made no attempt to contact your children  
2 or your husband when you took the pills?

3 MR. FREEMAN No I was very tired, I was emotionally  
4 exhausted The day where he mentioned that I supposedly talked about suicide I had told Major Resko  
5 that I was going to his barracks to ask me to leave me alone for a couple of days because he's been  
6 pressuring me and I needed some days away from him and he needed to work on the house The entire  
7 month that he has worked on the house and the day he laid the tile on the floor and the day of the  
8 attempted suicide just the tiles on the wall that has been accomplished in a month. I went up there to  
9 say look I will not be there I need time and space to think about what I'm going to do. He's the one  
10 that talked about running his motorcycle in front of a semi and that he wouldn't consider that suicide  
11 because someone else would be taking his life. We talked about things in the marriage We stood out  
12 in his room and we talked about that. We stood in his front of his car His car and my car were parked  
13 side by side and he said we're having a really good discussion I'd like to do this tomorrow night and  
14 what I had attempted to say was you don't understand Rob this is meant to be our final discussion for a  
15 few days I only got to this is meant to be our final discussion and he went berserk Final, what do  
16 you mean final and started yelling and screaming at me and got in his car and drove off. I got in my  
17 car intending to go home and go to bed and found that everybody was going berserk thinking I was  
18 going to attempt suicide at that point and I sat up there for an hour because Tammy had called and  
19 Major Resko and I had no clue when I walked in the door what was going on.

24 COURT Did you have any questions for her?

25 MR. FREEMAN: No your honor.

26 COURT I'm ready to rule on this. I've allowed extensive  
27 testimony on this because I'm aware of the State's involvement on both sides and take cases involving  
28

1 service members and law enforcement officers very seriously because I am aware of the ramifications  
2 these orders can have over the years and it is not my intention to enter an order that would not be well  
3 thought out or well grounded because I wouldn't want those ramifications to occur without good  
4 cause. We've had a hearing this morning with testimony from both Mr. and Ms. Freeman and Mr  
5 (inaudible) and the hearing has focused on the events of a particular afternoon in which Ms. Freeman  
6 took some pills in attempt to take her life and was later discovered with bruises on her body and with  
7 most of her clothing missing. Her husband was in the proximity at the time of that incident took place  
8 There was no testimony presented this morning that placed him in the room with her or that or any  
9 eyewitness testimony of her assaulting her. Ms. Freeman cannot recall the time in question. Domestic  
10 violence protection orders can be entered to as a result of past acts of domestic violence or if there is  
11 an imminent threat of an act of domestic violence. For this or any other court to make a determination  
12 of what happened on the afternoon in question would require more testimony and more evidence than  
13 has been presented today. It would probably require testimony of children involved. It would  
14 probably require some testimony regarding whatever was seen by Ms. Freeman's son when he first  
15 discovered her and I would probably require medical testimony from the persons who examined her  
16 when she was taken to the hospital. I do not presume to speculate as to what that evidence would or  
17 would not show. Mr. Freeman is arguing that his wife had a motive to damage his service career and  
18 might have staged some or all of this incident to hurt him. Ms. Freeman denies that. It is appropriate  
19 for this court to avoid ruling on the issue of what happened on that day but I am prepared to make a  
20 finding that there is a reasonable fear on the part of Ms. Freeman as to her husband based on the  
21 previous incidents involving her daughter and the incidents involving weapons. Ms. Freeman had  
22 taken that concern previously to his commanding officer and because of her husband's training and  
23 abilities and access to weapons it is reasonable that she should be concerned. I am prepared to enter a  
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1 domestic violence protection order on those grounds. I don't know if that will make any difference as  
2 to Mr. Freeman but what I would say to you is this, for someone in your situation who has been trained  
3 to use force and to use weapons of force you need to be very careful to conduct yourself and your  
4 actions in regard to Ms. Freeman have been careless in terms of protecting your own reputation if you  
5 felt that that was in danger. I think that's probably all I should say. I will just alert you to the special  
6 position you find yourself in because of your training and your career. That means you probably have  
7 to conduct yourself a little differently than other people who are in a similar situation and that's  
8 without making any judgment as to what did or did not happen in that time in question. So I am  
9 prepared to enter a permanent order of protection. I understand that there are things that need to be  
10 resolved in the dissolution of marriage action. The order will restrain him from coming to the  
11 residence. It does not attempt to deal with the property issues which I understand are being taken care  
12 of in the other action.  
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SUPERIOR COURT  
THURSTON COUNTY WASH.

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<input checked="" type="checkbox"/> EXPEDITE <input type="checkbox"/> No hearing is set <input checked="" type="checkbox"/> Hearing is set Date: <u>7/19/06</u> Time: <u>9:00 a.m.</u> Judge/Calendar: <u>FAM</u>
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**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY & JUVENILE COURT**

In re:

ROBIN M. FREEMAN,

Petitioner,

and

ROB R. FREEMAN,

Respondent.

NO. 98-2-00170-0

CERTIFIED STATEMENT OF  
ROBIN M. ABDULLAH

(NMFD)

I, ROBIN M. ABDULLAH, certify that I am the petitioner in the above-entitled matter. I make this certified statement in opposition to my former husband's Motion to Modify/terminate the Protection Order.

**FEAR**

I lived in fear while I was married to Rob and living with him. I lived in fear between the separation and the divorce. My children and I have lived in fear of him since the divorce was final.

**CONTACT**

As the police have told me on a number of occasions, they cannot charge Rob with a crime if I cannot personally attest to seeing him violate the restraining order. However, after entry of the

CERTIFIED STATEMENT OF ROBIN ABDULLAH

*Connolly, Facon & Meserve*

A PROFESSIONAL SERVICE CORPORATION  
Attorneys at Law  
201 5th Avenue SW, Suite 301  
Olympia, Washington 98501-1060  
Telephone 360 943-6747  
Fax 360 943-9651

1 restraining order, the following events have occurred at my home or at other places that have affected  
2 me. Post separation, periodically, someone would rattle the windows, doors, and walls of our home.  
3 Often, when I got into my car in the morning, the driver's seat would be moved to the position it  
4 would be in when Rob would drive the car. The car was always locked. Rob had a key. Those  
5 things stopped when Rob was transferred to Kentucky.  
6

### 7 POST TRANSFER

8 I continued to be harassed from afar. Someone (I presume it was Rob since he had the  
9 numbers and codes) kept putting in a change of address with the mortgage company to Rob's address  
10 in Kentucky. After the divorce was final, I mailed a copy of the Quit Claim Deed and divorce papers  
11 to the mortgage company because it was mailed to Kentucky. I never received a tax statement from  
12 the mortgage company on the year of the divorce.  
13

14 After Rob was in his new base in Kentucky, I started getting mail from the new post. It was  
15 mail about recycling or other post news, etc. When I had a credit report run, I discovered that my  
16 name was associated with Rob's Kentucky address, even though we were divorced.  
17

18 Over the years following Rob's transfer, out of state, strange things would continue to happen  
19 at my house. The time between the occurrences had greatly increased. Flower vases that had  
20 disappeared during the divorce reappeared on my dresser, a hole was kicked in my bedroom wall,  
21 tools or other items were missing. Usually, the reappearance of items were left on my dresser.  
22 These occurrences finally ended when, in January 2003, I had new windows and glass doors installed  
23 throughout the house. Prior to that time, the single-pane aluminum windows were fairly to easy  
24 open.  
25

26 CERTIFIED STATEMENT OF ROBIN ABDULLAH

Page 2 H:\ACES\Abdullah\Certified Statement.wpd

*Connolly, Facon & Meserve*

A PROFESSIONAL SERVICE CORPORATION  
Attorneys at Law  
201 5th Avenue SW, Suite 301  
Olympia, Washington 98501-1060  
Telephone 360 943-6747  
Fax 360 943-9651

1 I am terrified of this man. For my safety and the safety of my children, I wish to keep this  
2 protection order in place.

3 I certify under penalty of perjury under the laws of the state of Washington that the foregoing  
4 is true and correct.  
5

6 RSI see attached  
7 ROBIN M. ABDULLAH

8 \_\_\_\_\_  
9 Date Signed

10 \_\_\_\_\_  
11 Place Signed

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I am terrified of this man. For my safety and the safety of my children, I wish to keep this protection order in place.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Robin Abdullah  
ROBIN M. ABDULLAH

July 13, 2006  
Date Signed

Olympia, WA  
Place Signed

EXPEDITE  
 No hearing set  
 Hearing is set  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Judge/Calendar: \_\_\_\_\_

**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY & JUVENILE COURT**

ROBIN M. FREEMAN,

Petitioner,

and

ROB R. FREEMAN,

Respondent.

NO. 98-2-00170-0

AFFIDAVIT OF FAX SIGNATURE

(NMFD)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

I, SUSIE FARAONE, of Connolly, Tacon & Meserve, being first duly sworn on oath, deposes and says:

- I am the legal assistant to the attorney for the petitioner, Robin M. Abdullah, in this matter.
- I have examined the attached Certified Statement of Robin Abdullah consisting of three pages, plus one page for this affidavit and the signature of petitioner is complete and legible.

Susie Faraone  
SUSIE FARAONE  
Legal Assistant to Petitioner

SUBSCRIBED AND SWORN to before me this 14 day of July, 2006

Paula Coruthne  
Print Name: Paula Coruthne  
Notary public in and for the State of Washington,  
residing at: Allyn, WA  
My Commission Expires: 2-5-2010

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

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**EXPEDITE** (if filing within 5 court days of hearing)  
 Hearing is set:  
Date: 8/9/06  
Time: 9:00  
Judge/Calendar: DV  
 No hearing set

**SUPERIOR COURT  
STATE OF WASHINGTON  
COUNTY OF THURSTON  
FAMILY AND JUVENILE COURT**

In re :  
  
ROBIN M. FREEMAN  
  
and  
  
ROB R. FREEMAN  
  
Petitioner,  
  
Respondent.

NO. 98-2-00171-0  
  
DECLARATION OF ROB R.  
FREEMAN  
(DCLR)

My name is ROB R. FREEMAN. I am the Respondent in this Protection action. I have personal knowledge of the facts contained in this Statement and would be willing to testify to them if called upon to do so.

FEAR: Robin isn't afraid of me and never was. She was always bigger, taller and probably stronger than I was. She is certainly more manipulative. Frankly, any harm she has experienced has been done by her to herself. In early February of 1998 she wrote an 8 page suicide letter to me and her children. She then proceeded to follow through with her threats to harm herself. When she failed, she blamed me for everything and vowed revenge. She was committed to the State Mental Health facility near the hospital for 72 hours, and despite the fact that her counselor recommending that she stay, Robin refused. Once, while I was physically present in the company commander's office, she called him to report that I was at the home stealing food out of our freezer. My commander believing that there was an intruder in our home and urged her to call the police.

MARGARET BROST, ATTORNEY  
1800 COOPER POINT ROAD SW #18  
OLYMPIA, WA 98502  
(360) 357-0285

1 The court should also know that during the time I was under military restriction and  
2 prohibited from contacting her, Robin made her way to the barracks where I was. She  
3 did so against the advice of the chaplain and my commanding officer and had to pass  
security check points to do so. Does this sound fearful?

4 RESTRAINTS NOT VIOLATED: The reason the police can't find evidence of any  
5 wrongdoing by me is because there is none. When Robin found out that I was serious  
6 about filing for divorce (she had threatened me with divorce constantly as a controlling  
7 tool), she went to an Army Chaplain, gained his confidence, and charged me with child  
8 abuse, child molestation, attempted murder, grand theft (supposedly \$10,000 of jewelry  
9 which magically reappeared sometime later), and adultery. The Chaplain brought her to  
10 JAG, which prevented me from using any military counsel. My chain of command (Major  
11 Resco) was contacted and I was immediately put under restriction. I was required to  
12 sign in every hour or have an escort with me at any time that I was not signing in. My  
orders for Drill Sergeant Duty were flagged pending an investigation. Several weeks  
later, I was cleared of any wrongdoing by the military. The investigation did uncover  
that the youngest boy was sexually molesting the youngest daughter. Since I was no  
longer permitted to have anything to do with the family, I could not do anything about  
this problem. I am not certain that Robin ever took action or got help for the children.

13 After the restraining order was issued, I was prohibited from getting any of my personal  
14 belongings. It was not until the day I was scheduled to leave Washington to go to  
15 Kentucky that Robin put my belongings outside on the driveway. Two soldiers from my  
16 military unit (Loveless & Altona) went to the house with a moving van that I had rented  
and retrieved what was there for me. I did not go to the house then, nor at anytime  
thereafter.

17 The court should know that from the time Robin made her initial complaint to the Chaplain  
18 until I left for Kentucky, I was under restriction and virtually every hour of my time was  
19 accounted for. Even if I had been inclined to violate the restraints, it would have been  
nearly impossible to do so. I followed the restrictions to the letter.

20 KENTUCKY: My time as a drill sergeant consisted of 15-17 hour days, at least 6 and  
21 often 7 days per week. How can anyone seriously believe that I would take what little  
22 time & money I had to risk my career by traveling 2,400+ miles to play the kind of games  
23 being described by Robin. I deny her allegations and all of the innuendo that goes with  
them.

24 I also do not understand Robin's claims regarding the quitclaim deed on the GMAC  
25 house mortgage. First, I was ordered by the court to have my name remain on the loan  
26 for THREE YEARS (See Decree lines 16-26). This also meant that I would be unable  
to use my VA loan privileges or get another loan. However, if she were to default on the

MARGARET BROST, ATTORNEY  
1800 COOPER POINT ROAD SW #18  
OLYMPIA, WA 98502  
(360) 357-0285

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loan for three consecutive months, the property would have become mine. GMAC contacted me and advised me of my responsibilities which included that if Robin defaulted on the loan, I was still legally accountable for the entire amount. They gave me a separate online account to monitor payments. I used that account do so.

Second, Robin made all her creditors very cautious because she filed chapter 7 bankruptcy. Her filing showed up on my credit report whenever I applied for credit. I had little choice but to contact credit-reporting agencies and show them copies of my divorce papers to prove that I was not responsible for the delinquent accounts. In a two year period she had run up over \$25,000 in credit card debt. I had no idea this was happening because we kept our finances separate, except for the house and cars.

Third, if this is a whine contest, I can whine just as much if not more. I spent months trying to get her name off of the titles of the vehicles granted to me in the divorce.

Fourth, if Robin received mail from Kentucky, my new assignment, this would not be unusual since she was still listed as my wife. The divorce was not yet final by the time I was re-assigned there. Instead of doing what she could to finish our divorce quickly (assuming she was really afraid), Robin was much more interested in taking full advantage of any benefit she could get, military and otherwise. I certainly did not send her anything. I had no control over what the military and related organizations on post might have sent to her.

INJURED: I was seriously injured in 2001. I continue to have neither the inclination nor the ability to do anything to Robin. I have not been in Washington since I left for Kentucky in 1998. If the court wants me to provide further documentation of my whereabouts, I can do so. The existing restraints have a serious negative affect on my ability to earn a living. I ask that the court dismiss them at this time.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed At:	On:
_____	_____
City and State	Date
ROB R. FREEMAN	<i>Rob R Freeman</i>
Print or Type Name	Signature

MARGARET BROST, ATTORNEY  
1800 COOPER POINT ROAD SW #18  
OLYMPIA, WA 98502  
(360) 357-0285

# THURSTON COUNTY SUPERIOR COURT

WEDNESDAY, AUGUST 9, 2006  
DOMESTIC VIOLENCE CALENDAR 9:00 A.M.

COURT COMMISSIONER ANNE HIRSCH  
ROXANNE MOULTON, CLERK  
TAPE RECORDED

Underlined Parties Present at Hearing

98-2-00171-0

2.

98-3-00053-9

FREEMAN, ROBIN MARIE ET AL

SZURSZEWski, CHARLES E

VS

FREEMAN, ROB R

BLAIR, VERNON

REVIEW/MOTION TO MODIFY

Mr. Blair presented argument to the Court to modify the Protection Order.

Mr. Szurszewski presented argument to the Court in opposition to the motion.

Yasmeen Abdullah was duly sworn by the Court to tell the truth and testified under the direct examination of Mr. Szurszewski. She is the petitioner in this matter. She is still in fear of Mr. Freeman.

Mr. Blair conducted cross-examination.

There was no cross-examination. Witness stepped down.

Mr. Szurszewski presented his closing argument to the Court

Mr. Blair presented his closing argument to the Court.

Court's Ruling: The Court stated that the burden is on the moving party. It is not fair to the victim to prove that they are still a victim. Ms. Freeman's fear is reasonable re: Mr. Freeman's training in the use of weapons. Mr. Freeman has not met his burden in showing that Ms. Freeman is not entitled to her order any longer.

Mr. Szurszewski stated that Ms. Abdullah is not requesting terms.

Court Signed: "Denial Order"

SCANNED

FILED  
SUPERIOR COURT  
THURSTON COUNTY WA

2006 AUG -9 AM 9:52

BETTY J. GOULD, CLERK

BY [Signature] 2  
DEPUTY

STATE OF WASHINGTON  
County of Thurston

I, Betty J. Gould, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the following is a true and correct copy of the original as the same appears on file and of record in my office containing \_\_\_\_\_ pages, IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court.

DATED: \_\_\_\_\_  
BETTY J. GOULD  
County Clerk, Thurston County, State of Washington  
by \_\_\_\_\_ Deputy

**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY  
FAMILY AND JUVENILE COURT**

Qobis Marie Freerad  
Petitioner, *NKA Abdullah*

vs.

Gov. R. Freerad  
Respondent.

NO 98-2-00171-0

DENIAL ORDER (ORDYMT)

- Domestic Violence
- Anti-Harassment
- Sexual Assault

Clerk's Action Required

Next Hearing Date/Time: \_\_\_\_\_

At: **2801 32<sup>nd</sup> Avenue SW  
Tumwater, Washington**

**This Matter** having come on for hearing upon the request of the moving party, for a

- Temporary Order
- Modification
- Full Order
- Termination Order
- Renewal

and the **Court Finding:**

- Petitioner does not meet the income requirements for a fee waiver.
- Petitioner  Respondent did not appear.
- Petitioner requested dismissal of petition.
- No notice of this request has been made or attempted to the other party.
- This Order materially changes an existing Order, necessitating a hearing on notice.
- The Order submitted has not been completed or certified upon penalty of perjury.
- The Petition does not list a specific incident and approximate date of domestic violence.
- The Petition does not list specific incidents and approximate dates of harassment.
- The Petition does not list a specific incident and approximate date of nonconsensual sexual contact or nonconsensual sexual penetration.
- A preponderance of the evidence has not established that there is domestic violence.
- A preponderance of the evidence has not established that there has been harassment.

- A preponderance of the evidence has not established that there has been nonconsensual sexual contact or nonconsensual sexual penetration.
- For a temporary sexual assault protection order, reasons for denial of the order are:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

074  Other: The Respondent has failed to show the order should be terminated  
 Having entered the above Findings, it is Ordered:

- The request to waive the filing fee is denied.
- The request for a Temporary Order is denied and the case is dismissed.
- The request for a Temporary Order is denied; it may be re-submitted when the above identified problems have been resolved.
- The request for a full Order is denied, and the Petition is dismissed. Any previously entered Temporary Order expires at: \_\_\_\_\_m. today.
- 074  The request to Modify or Terminate the Order dated \_\_\_\_\_ is denied.
- The request for a Temporary Order is denied and the clerk is directed to set a hearing on the Petition.
- The request before the court is denied, provided that it may be renewed after notice has been provided to the other party according to the Civil Rules.
- This proceeding shall be consolidated with Thurston County Cause No. \_\_\_\_\_.
- The parties are directed to appear for a hearing as shown on page one. Copies of the Petition/Motion and this Order shall be served on \_\_\_\_\_ and a Return of Service filed with the clerk at or before the hearing.

**Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition or Motion.**

This order is dated and signed in open court.

Date: 8/9/06 Time 9:50 AM

Armed Hussein  
 Judge/Commissioner

Copy Received:

Copy Received:

Robin Abdullah 8/9/06  
 Petitioner Date

[Signature]

Respondent Date

[Signature]

Denial Order (ORDYMT) - Page 2 of 2  
 WPF DV-6.020 (6/2006) - RCW 26.50, RCW 10.14

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2.2 GROUND

This motion is brought pursuant to RCW 2.24.050; LCR 59.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW IN ERROR

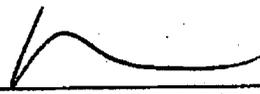
3.1 The Respondent has failed to show that the order should be terminated

IV. DOCUMENTS TO BE READ BY THE COURT

4.1 Motion to Modify / Terminate Order For Protection, filed May 31, 2006

4.2 Declaration of Rob Freeman, filed August 7, 2006

8/16/06  
\_\_\_\_\_  
DATED

  
\_\_\_\_\_  
MARGARET BROST  
WSBA # 20188  
Attorney for Respondent



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**SUPERIOR COURT OF THURSTON  
COUNTY FAMILY AND JUVENILE  
COURT**

In Re  
Robin Freeman,  
  
Petitioner  
Rob Freeman,  
  
Respondent

NO. 98-2-00171-0

TRANSCRIPT OF  
PROCEEDINGS

VERBATIM REPORT

BE IT REMEMBERED that this day on the 9<sup>th</sup> day of August, 2006, the above-entitled and numbered cause came on for hearing before the Honorable Anne Hirsch, Commissioner, County of Thurston, Olympia, Washington.

APPEARANCES

FOR THE PETITIONER: Charles Szurszewski, Attorney at Law

FOR THE RESPONDENT: Vernon Blair, Attorney at Law

Olympia, Washington

1 COURT: Freeman. If I could remember who's motion it  
2 is I think it's your motion?

3 MR. BLAIR: I'm Vernon Blair and I'm seeking a motion for  
4 (inaudible). Mr. Freeman has filed a motion to have the protection order dismissed. The order was  
5 entered in 1998. At that time orders were entered permanently. Since that time the orders will expire  
6 in a year although they can be renewed. 1998 Mr. Freeman was in the Army and he was transferred to  
7 Kentucky and since he left the state he has not returned to Washington. He has no ties in Washington.  
8 He has no intention of returning here. He's currently a Missouri resident and according to his  
9 declaration there has been no contact between the parties since he left in 1998. Although Ms. Freeman  
10 says that she received some mail from Kentucky and that they were still married at the time and that  
11 could have very possibly been military. He did not send her mail. Mr. Freeman is concerned about his  
12 protective order (inaudible) deploy ability. In 2001 he was in an accident and there was an explosion  
13 and he lost a hand and had other injuries and the work that he is capable of doing is security guard and  
14 every time he puts in an application for that he does not get the security clearance because of this  
15 protective order picks up. Ms. Freeman does not need protection from him anymore. He's almost  
16 2000 miles away and he has no intention of coming here. He doesn't call her, he doesn't have any ties  
17 here so we would ask that the order be dismissed and terminated.

18 COURT: Mr. Szurszewski?

19 MR. SZURSZEWSKI: Your honor this was relatively new to me. I did  
20 the same research as Mr. Berg did and surprisingly I came up with the same result that they don't say  
21 what the standard is when you want to vacate it. They only say what the standard is when you want to  
22 renew it and they allow you to renew it for a year or they allow you to renew it permanently and the  
23 standard appears to be the burden on the person trying to oppose it. I have submitted a certified  
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1 statement of my client. I also have and I won't put her on the stand to be resented but her daughter is  
2 here and her daughter was ten at the time. Her daughter is twenty five now and her daughter would  
3 offer testimony as to post order contact from Mr. Freeman. I'd like to offer her, Yasmeen Abdullah. I  
4 would ask that you swear her in and allow me to have her to testify.

5  
6 COURT: Okay. Raise your right hand please. Do you  
7 solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth and  
8 nothing but the truth?

9 MS. ABDULLAH: I do.

10 COURT: Have a seat please. Go ahead Mr. Szurszewski?

11 MR. SZURSZEWSKI: If you could spell your name?

12 MS. ABDULLAH: My first name is spelled Y-A-S-M-E-E-N. And  
13 my last name is A-B-D-U-L-L-A-H.

14 MR. SZURSZEWSKI: And do you recall residing with Mr. Freeman?

15 MS. ABDULLAH: Yes I do.

16 MR. SZURSZEWSKI: How old were you at the time he left your home?

17 MS. ABDULLAH: I believe at the time he left the home I was  
18 between the ages of sixteen and seventeen, my birthday is in the summer so.

19 MR. SZURSZEWSKI: And part of the basis for the restraining order at  
20 the time was some domestic violence he had inflicted upon you?

21 MS. ABDULLAH: Yes.

22 MR. SZURSZEWSKI: And you were protected by that order.

23 MS. ABDULLAH: Yes I was.

1 MR. SZURSZEWSKI: He was restrained from your home and your  
2 school.

3 MS. ABDULLAH: Yes and I believe there was a, he couldn't come  
4 within so many feet of me wherever I was.

5 MR. SZURSZEWSKI: And did you have contact with him after that  
6 order was entered?  
7

8 MS. ABDULLAH: Yes.

9 MR. SZURSZEWSKI: When was that?

10 MS. ABDULLAH: I was attending Timberline high school and after  
11 the order was entered I would be walking to and from classes. The way the school is set up some  
12 classes were within the main building and others were in other buildings. Twice during that school  
13 year I was walking and when I turned around I saw him. I was fairly scared at the time, constantly on  
14 the lookout because of the other things that he had done to us and one time I turned around and I was  
15 in the front of the main building at Timberline high school and he was across the street watching me.  
16 And the second time he was in the student parking lot. Both times he wasn't there for very long.  
17

18 MR. SZURSZEWSKI: And have you gone on with your life and moved  
19 away?  
20

21 MS. ABDULLAH: Yes. I moved to Cheyenne Washington to  
22 attend Eastern Washington University. I was still scared at the time. The first year I wrote letters to my  
23 mother I didn't put a return address on and since then I've never had my phone number listed. After  
24 that I went to graduate at 2003 and I went to Virginia where I attended the Richmond University  
25 School of Law and graduated this last May.  
26

27 MR. SZURSZEWSKI: You've taken the bar in Washington?  
28

1 MS. ABDULLAH: Yes I took the Washington State Bar just a  
2 couple of weeks ago.

3 MR. SZURSZEWSKI: And are you in fear of Mr. Freeman now?

4 MS. ABDULLAH: Yes.

5 MR. SZURSZEWSKI: I have no further questions.

6 COURT: Do you have any cross?

7 MR. BLAIR: Yes your honor. When you saw Mr.  
8 Freeman at the high school how old were you at that time?

9 MS. ABDULLAH: I think I was seventeen.

10 MR. BLAIR: And has there been any contact since that  
11 date?

12 MS. ABDULLAH: Not that I can, there's been weird stuff but  
13 nothing that I can say was for sure him.

14 MR. BLAIR: Okay. And so how long ago was that contact?  
15 Seven years?

16 MS. ABDULLAH: Six to seven years yes.

17 MR. BLAIR: When did you graduate from high school?

18 MS. ABDULLAH: 2000.

19 MR. BLAIR: Is your testimony that it was after 1998 that you  
20 saw him?

21 MS. ABDULLAH: I remember it was after the protective order and  
22 so I believe it was 1998 yeah. It was within I can't remember the exact date when it happened. There  
23 was a lot of things going on. There was a couple of times after the protective order when we were in  
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the house with just me and my little brother and people tried to break in and we called the police but by the time they came they were not there. So there was lots of times that we called the police but I don't remember exact dates.

MR. BLAIR: Okay, okay. So do you know if Mr. Freeman has come back to Washington since he was transferred?

MS. ABDULLAH: I do not know that no.

MR. BLAIR: That's all the questions I have.

MR. SZURSZEWSKI: I have no further questions, thank you.

COURT: You can step down.

MR. SZURSZEWSKI: (inaudible).

COURT: Okay, more brief argument.

MR. SZURSZEWSKI: Mr. Freeman (inaudible) that includes reference that my client has expressed for and has expressed here now fear of Mr. Freeman. That fear continues to this day. This fear continues in her daughter to this day. The testimony by way of certified statements of Mr. Freeman has submitted and admits that maybe I contacted the mortgage company which she of course says the mortgage company address got changed, I wasn't getting any things at the time. He admits that maybe she got some stuff from the base. How she gets the stuff from the base without him writing down an address since he moved about him sending something, I don't know. My client has testified by way of her declaration as has her daughter that things would happen whether it was telephone calls or the seat being moved or something being on it's desk or something being gone or something being returned. Things that happened over a number of years that caused her to be in fear. Other than of eyewitness testimony of Yasmeen we don't have a picture of him, we don't have his

1 fingerprints, we don't have anything else. Do they have an unreasonable fear? Maybe. Is  
2 there some justification for it? It appears that there is but we do have eyewitness testimony  
3 that seventeen year old who seems quite competent to identify her step-father at the time he  
4 was doing it. Do we have something in the last couple of years, has she seen him? No she  
5 hasn't but the fear is there. The burden is on the person as far as I can tell and I think you  
6 should probably make a ruling as to what you think the burden is. I think the burden is on him  
7 by a preponderance to show that he is unlikely to do these things. That's I think a difficult  
8 burden to overcome because is someone has a history of stalking and domestic violence it's  
9 hard to show that they don't have that propensity. To do so would submit them to a felony  
10 charge. (inaudible). My client got a permanent restraining order. She would like to continue  
11 to maintain restraining order. People who want to use guns I think need to especially careful  
12 when they commit acts of domestic violence because word should be out that you don't even  
13 get to use guns anymore, don't get to own guns and don't get to be a security guard or  
14 policeman or other things that require the use of guns. We as a society decided we don't want  
15 people to commit domestic violence and have guns. Thank you.

16  
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19 MR. BLAIR: Your honor I think that the (inaudible)  
20 testimony indicated that if there was such a violation that it was at around the time the  
21 restraining order was entered. There's been no testimony that there has been any contact over  
22 the last six years. It's hard to imagine Mr. Freeman would pay the entire expense to come  
23 from Kentucky or Missouri or wherever he lives in the time he was in the service to come back  
24 to Washington to move a chair just to get someone upset. I don't think that's credible at all  
25 that that is a reasonable fear. Mr. Freeman's gone on with his life. He has no desire to come to  
26 Washington and there's no need for a protection order in this case.  
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COURT:

I should have probably made better

findings in my other matter so you can just listen. It's my belief based on my review of the statute and my training that the burden is on the moving party. Either in moving to terminate or to modify protection orders. And I think the reason for that is the Legislature determined that it isn't fair or appropriate to make the victim have to prove year after year after year that they are still a victim. The findings were made by Commissioner Wickham in this case and frankly I came in late this morning because I was looking for the record in the hearing and Commissioner Wickham went to great lengths to make some comments about the basis for the earlier order was in large part because of Mr. Freeman's special training in weapons. And he said Ms. Freeman had taken that concern previously and those were, I'm going to back up. Commissioner Wickham, Judge Wickham said it is appropriate for this court to avoid ruling on the issue of what happened that day but I am prepared to make a finding that there was a reasonable fear on the part of Ms. Freeman as to her husband based on the previous incidents involving her daughter and incidents involving weapons. Ms. Freeman had taken that concern previously to his commanding officer because of her husband's training and ability and access to weapons it is reasonable that she should be concerned. So he went on to say I don't know if this will make any difference to Mr. Freeman but what I would say to you is this. Someone in your situation who has been trained to use force and to use weapons of force you need to be very careful to conduct yourself and your actions in regard to Ms. Freeman. And I think in terms of protecting your own reputation if you felt that was in danger. And Commissioner Wickham went on to say he was alerting Mr. Freeman to the special position you find yourself in because of your training and your career. So I think that Ms. Freeman raised all of those issues initially and they were found by the court after the hearing to be not sufficient to

1 overcome the other testimony and the other evidence that an order was appropriately entered. I  
2 don't think it's appropriate for the mere passage of time without any other showing to lift a  
3 persons reasonable fears that they may be the victim of domestic violence by someone who has  
4 hurt them in the past. And I think that there is I mean clearly Congress made this law with  
5 respect to weapons and the weapons prohibition for a reason and there is a belief by the people  
6 that make the laws that people that commit acts of domestic violence shouldn't have access to  
7 weapons. So I, I don't think I want to say anything else about that. I do think Mr. Freeman  
8 hasn't met his burden in this case of showing that Ms. Freeman is not entitled to receive her  
9 order any longer. I'm trying to think if there is something else I want to say. I think Ms.  
10 Abdullah's testimony was credible with respect to the initial contacts and her fear, although  
11 I'm not sure this order covers her any longer since she is an adult.  
12

13  
14 MR. SZURSZEWSKI: I don't know.

15 COURT: That might be another issue.

16 MR. SZURSZEWSKI: (inaudible) pursue because she doesn't  
17 want any connection (inaudible).  
18

19 COURT: Okay then we'll just note for the record  
20 that she's not asking for any fees or costs and the court won't enter an order allowing that.

21 MR. SZURSZEWSKI: Are we on line now?

22 COURT: Well we actually are not on line for those  
23 orders because I'm just going to sign a little handwritten one that denies and you to can file a  
24 motion for revision if you want to do that later.  
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26 MR. SZURSZEWSKI: Will that be done today?  
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COURT: That will be done today. I'm going to  
sign an order right now.

MR. SZURSZEWSKI: Thank you your honor.

MR. BLAIR: Thank you.

COURT: Thank you both.

CERTIFICATE

STATE OF WASHINGTON	)	
	)	SS
COUNTY OF Thurston County	)	

I, Shanna Church, hereby certify:

That I have listened to the record produced by electronic recording device in the matter of Cause No. 98-2-00171-0 Freeman v Freeman and have reduced the same to typewritten form.

That the foregoing 9 pages constitutes a transfer of record made by electronic recording device and reduced to typewritten form by myself and that said transcript contains a partial, true and accurate transcript of said proceedings to the best of my ability.

IN WITNESS WHEREOF I HAVE UNTO HERE SET MY HAND August 21, 2006.

  
 \_\_\_\_\_  
 Shanna Church

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH

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**SUPERIOR COURT  
STATE OF WASHINGTON  
COUNTY OF THURSTON  
FAMILY AND JUVENILE COURT**

In re	NO 98-2-00171-0
ROBIN M FREEMAN	FINDINGS OF FACT & CONCLUSIONS OF LAW (FNFCI)
and	
ROB R FREEMAN	
Petitioner,	
Respondent	

**I. BASIS FOR FINDINGS**

The findings are based on  
Hearing on Respondent's motion to modify / terminate order of protection

**II. FINDINGS OF FACT**

Upon the basis of the court record, the court FINDS

- 2 1 On February 4, 1998, a permanent protection order was entered on behalf of the petitioner
- 2 2 The protection order entered on February 4, 1998 restrained Rob Freeman from Robin Freeman (now known as Abdullah), and her minor children from

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OLYMPIA, WA 98502  
(360) 357-0285



- 1 a previous relationship, Mohammed Abdullah, Yasmeen Abdullah, Wa-el  
2 Abdullah, and Racelle Abdullah
- 3 2 3 On or about May 25, 2006, the respondent filed a motion to modify the order  
4 of protection
- 5 2 4 On August 9, 2006, a hearing was held on the respondent's motion to  
6 modify/terminate the protection order
- 7 2 5 The court considered the pleadings and sworn statements filed prior to the  
8 hearing, as well as the sworn testimony of Yasmeen Abdullah
- 9 2 6 Yasmeen Abdullah, the daughter of Robin Freeman, believes she saw her  
10 step-father, Mr Freeman twice briefly in 1998, after a protection order in  
11 favor of her Mother had been entered that also prohibited him from having  
12 contact with her as one of four minor children She testified that she saw  
13 him once across the street from the school and once in the school student  
14 parking lot sometime in 1998
- 15 2 7 Yasmeen Abdullah, at the time of the entry of the protection order, was a  
16 protected party
- 17 2 8 Mr Freeman was not arrested nor charged with violating the protection order  
18 after it was entered on February 4, 1998
- 19 2 9 Mr Freeman denied any contact since the order was entered in 1998
- 20 2 10 There have been no suspicions of any contact by Mr Freeman since  
21 January 2003
- 22 2 11 Yasmeen Abdullah has graduated from high school, college and law school  
23 She is no longer a minor She has passed the Washington Bar
- 24 2 12 Yasmeen Abdullah is currently in fear of the respondent
- 25 2 13 The petitioner is currently in fear of the respondent
- 26 2 14 The burden is on the party requesting to modify or terminate the protection  
27 order to show that the respondent will not resume acts of domestic violence  
against the petitioner or the petitioner's family members
- 2 15 The legislature of the State of Washington determined that it is not

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appropriate to make a victim prove year after year that they are still a victim

2 16 This court considered and reviewed the extensive Findings of Fact made by Commissioner Wickham from the February 4, 1998, transcript of the protection order hearing

2 17 Commissioner Wickham was concerned with respondent's extensive training with and access to weapons and its impact on the petitioner

2 18 The petitioner's fear of respondent in 1998, when she obtained the original protection order, was exacerbated by the respondent's extensive training in and access to weapons

2 19 In 1998, at the time of the original protection order, there was reasonable fear on petitioner's part as to the respondent based on previous acts of domestic violence (refer to 1998 hearing transcript) against the petitioner's daughter by the respondent and based on incidents involving the respondent's use of and access to weapons as described in the 1998 hearing transcript

2 20 A person in the respondent position who has been trained in the use of force and weapons needs to act carefully with his actions regarding the petitioner and her family (Refer to 1998 hearing transcript)

2 21 It is not appropriate for the mere passage of time without any other showing to lift a person's reasonable fears that they may be a victim of domestic violence by someone who has hurt them in the past

2 22 There is a belief by lawmakers, based on the legislative history of domestic violence laws, that people who commit acts of domestic violence should not have access to weapons.

2 23 Yasmeen Abdullah's testimony was credible with respect to the initial contacts and her fear of the respondent

2 24 Mr Freeman resides in Missouri

**III. CONCLUSIONS OF LAW**

The court makes the following conclusions of law from the foregoing findings of fact

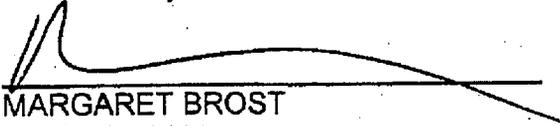
3 1 Yasmeen Abdullah has a present and reasonable fear of Mr Freeman

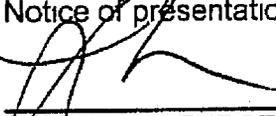
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3 2 Ms Freeman has a present and reasonable fear of Mr Freeman

3 3 The respondent has not met his burden of showing that the respondent is not entitled to maintain the permanent protection order entered on February 4, 1998.

9/15/06  
Dated \_\_\_\_\_  Judge/Commissioner

Presented by  
  
MARGARET BROST  
WSBA # 20188  
Attorney for Respondent

Approved for entry  
Notice of presentation waived  
  
CHARLES SZURSZEWSKI  
WSBA # 8300 32134  
Attorney for Petitioner



## 2 2 GROUND

This motion is brought pursuant to RCW 2 24 050, LCR 59

## III. FINDINGS OF FACT AND CONCLUSIONS OF LAW IN ERROR

Finding 2 16 that This court considered and reviewed the extensive Findings of Fact made by Commissioner Wickham from the February 4, 1998, transcript of the protection order hearing, is in error because, the statements made by the Commissioner were not part of the order entered and were not "Findings" as defined by law

Finding 2 20 that. A person in the respondent position who has been trained in the use of force and weapons needs to act carefully with his actions regarding the petitioner and her family (Refer to 1998 hearing transcript), is in error because, it is without a legal basis. It is also not a finding of fact but a conclusion of law. There is no legal basis for the court to impose a higher standard against someone who has weapons training as compared to someone who does not

Finding 2 21 that It is not appropriate for the mere passage of time without any other showing to lift a person's reasonable fears that they may be a victim of domestic violence by someone who has hurt them in the past, is in error because there was never a finding that Mr Freeman hurt Ms Freeman in the past. The court specifically declined to make a finding of domestic violence on the evidence before it. Instead, the court entered an order only on the basis of a finding that Ms Freeman had a reasonable fear 8 years ago. In the intervening 8 years there has been no contact with her and no violation of the restraints. Mr Freeman has suffered an injury and is incapable of doing the work that he was trained to do. Ms Freeman does not have a basis for any reasonable fear at this time

Finding 2 22, that There is a belief by lawmakers, based on the legislative history of domestic violence laws, that people who commit acts of domestic violence should not have access to weapons is in error because a permanent restriction on access to weapons must withstand constitutional challenge. Further, there is no citation in the record to any legislative history actually considered by the court. No briefs were filed, nor was any actual legislative history identified.

Finding 2 23 that Yasmeeen Abdullah's testimony was credible with respect to the initial contacts and her fear of the respondent is in error because self serving testimony by a legally trained family member of the petitioner about events 8 years in the past requires consideration of motivation and application of common sense

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(360) 357-0285

1 Conclusion of Law 3 1, that Yasmeen Abdullah has a present and reasonable fear  
 2 of Mr Freeman, is in error because there is an insufficient factual basis to support  
 such a conclusion

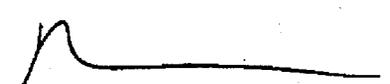
3 Conclusion of Law 3 2, that Ms Freeman has a present and reasonable fear of Mr  
 4 Freeman, is in error because there is an insufficient factual basis to support such  
 a conclusion

5  
 6 Conclusion of Law 3 3, that The respondent has not met his burden of showing that  
 the petitioner is not entitled to maintain the permanent protection order entered on  
 7 February 4, 1998, is in error because respondent has demonstrated that he has not  
 made contact with the petitioner in the past 8 years and has no motivation do so in  
 8 the future To maintain this order has a significant negative impact on the  
 respondent with no benefit to the petitioner or to her now adult children In other  
 9 words, it becomes a sword rather than a shield

10 **IV. DOCUMENTS TO BE READ BY THE COURT**

- 11  
 12 4 1 Motion to Modify / Terminate Order For Protection, filed May 31, 2006  
 13 4 2 Declaration of Rob Freeman, filed August 7, 2006  
 14 4 3 Transcript of Hearing, dated February 4, 1998 (appended to Motion to Modify  
 / Terminate Order for Protection, filed May 31, 2006)  
 15 4 4 Transcript of Hearing, dated August 9, 2006  
 16

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 18 9-22-06  
 DATED

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 18 MARGARET BROST  
 19 WSBA # 20188  
 20 Attorney for Respondent

FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH.

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Judge/Calendar: <u>FAM / Pomeoy</u>

**SUPERIOR COURT OF WASHINGTON  
IN AND FOR THURSTON COUNTY  
FAMILY & JUVENILE COURT**

In re the Marriage of:

Robin M. Freeman,

Petitioner,

and

Rob R. Freeman,

Respondent.

NO. 98-2-00171-0

**Response to Amended Motion to  
Revise**

**(NMFD)**

The respondent has listed various findings and conclusions which he wishes the court to revise. Additionally, he has stated legal, emotional, and logical arguments in written form. This document is in response to those arguments.

Findings of Fact. 2.16 regarding review of transcript of initial protection order hearing. Respondent filed the transcript and asked the court to review it, and asked the court to review a number of historical items which were not part of any findings, conclusions, or order. Even in the Amended Motion to Revise, the respondent asked the court to consider the prior transcript. This court should not merely review the allegations of the respondent and the parts of the prior transcripts suggested by the respondent.

MOTION FOR ATTORNEY FEES  
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*Connolly, Tacon & Meserve*

A PROFESSIONAL SERVICE CORPORATION  
Attorneys at Law  
201 5th Avenue SW, Suite 301  
Olympia, Washington 98501-1060  
Telephone 360 943-6747  
Fax 360 943-9651

1 Finding 2.20. This Finding referred to respondent as one who had been trained in the use of  
2 force and weapons. Respondent claims that there is no legal basis allowing the court to consider the  
3 fact that he has military or weapons training. Respondent cites no legal authority prohibiting that  
4 as a consideration of the court. The respondent also states that it is a conclusion of law, rather than  
5 a finding of fact, but does not state why that would make a difference to the ultimate order.  
6

7 Finding 2.21. The Court had found that the mere passage of time was not sufficient in it of  
8 itself to warrant dismissal of the domestic violence action. Respondent argues, without any reference  
9 to the record other than his allegation that there has been no contact and no violation of the restraints.  
10 The Court's attention is directed to the testimony of the petitioner's daughter wherein she stated that  
11 there were violations of the restraining order after it was entered and that she is still in fear. The  
12 Court's attention is also directed to the initial Order for Protection, entered by Commissioner  
13 Wickham on February 4, 1998. This Order included the following:  
14

15 *Based upon the Petition, testimony, and case record, the Court finds that the*  
16 *respondent committed domestic violence as defined in RCW 26.50.010...*

17 The respondent appears to be arguing that the restraining order should not have been entered eight  
18 years ago and appears to be asking that this Court utilize a standard requiring a new finding  
19 regarding acts of domestic violence.  
20

21 Finding 2.22. This Finding deals with a legislative intent to keep firearms out of the hands  
22 of individuals who commit acts of domestic violence. The respondent alludes to a constitutional  
23 challenge, but offers no legal authority in support of a position which, apparently, is that the  
24 legislature does not have the constitutional power to prohibit domestic violence perpetrators from  
25

1 possessing firearms.

2 Finding 2.23. The Court found that a witness (also one of the individuals protected in the  
3 order) was credible. The respondent argues that testimony by a victim of domestic violence who  
4 went to law school should not be given credibility because it is self serving.  
5

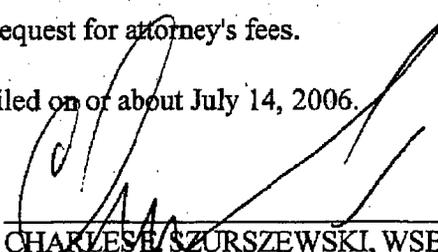
6 Conclusions of Law 3.1 and 3.2. The Court found that individuals protected in the prior  
7 domestic violence order had reasonable fears of the perpetrator. The respondent merely offers that  
8 the Court was wrong.

9 Conclusions of Law 3.3. The Court had concluded that the respondent had not met his  
10 burden. The respondent alleges that he did not have contact with the petitioner. He also argues,  
11 without citation to any authority, that the Court should consider the negative impact on him of a  
12 weapons ban. Further, he argues that the petitioner is using this Order as "a sword rather than a  
13 shield". He offers nothing to support this bare allegation of an offensive use by petitioner and no  
14 legal authority.  
15

16 Documents to be read by the court.

- 17 1. All documents suggested by the respondent, plus
- 18 2. Motion and Affidavit regarding petitioner's request for attorney's fees.
- 19 3. Affidavit of petitioner dated July 13, 2006, filed on or about July 14, 2006.

20 Dated: September 27, 2006

21   
 22 CHARLES SZURSZEWSKI, WSBA# 8300  
 23 Of Attorneys for Petitioner

**THURSTON COUNTY SUPERIOR COURT**

FRIDAY, SEPTEMBER 29, 2006  
MOTION/REVISION CALENDAR - 1:30 PM  
SHOW CAUSE/DISMISSAL CALENDAR - 1:30 PM

JUDGE CHRISTINE A POMEROY  
NAOMI WELCHER, CLERK  
NANCY BAUER, COURT REPORTER

Underlined Parties Present at Hearing

98-2-00171-0

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98-3-00053-9

FREEMAN, ROBIN MARIE ET AL  
VS  
FREEMAN, ROB R

SZURSZEWski, CHARLES E

BROST, MARGARET

MOTION TO REVISE\*

Ms. Brost presented motion and argument to revise Commissioner Wickham's ruling for a permanent protection order on February 4, 1998. Mr. Szurszewski presented argument and made a motion for attorney fees. Ms. Brost presented rebuttal argument.

Court denied the motion and denied motion for attorney fees.

Court signed: Order Denying Motion to Revise

SCANNED

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**Superior Court of Washington  
in and for Thurston County  
Family & Juvenile Court**

In re the Marriage of

Robin M Freeman,

Petitioner,

and

Rob R Freeman,

Respondent

No. **92-2-00171-0**  
**98-2-00171-0**  
**Order Denying Motion for Revision**  
**(NMFD)**  
**[X] Clerk's action required**

THIS MATTER having come on before the court on the motion of respondent requesting revision of the denial order of Court Commissioner Hirsch entered on August 9, 2006, along with the Findings of Fact and Conclusions of Law entered on September 15, 2006, petitioner appearing personally and by and through her attorney, CHARLES E SZURSZEWSKI, of Connolly Tacon & Meserve, Respondent appearing by and through his attorney, MARGARET BROST Based upon the records on files herein, having heard the arguments of counsel and being otherwise fully advised in the premises, the court enters the following Order

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ORDER DENYING MOTION FOR REVISION  
Page 1 H:\CLISA\Abdullah\Order Denying Motion for Revision frm

**ORIGINAL**

*Connolly, Tacon & Meserve*  
A PROFESSIONAL SERVICE CORPORATION  
Attorneys at Law  
201 5th Avenue SW Suite 301  
Olympia Washington 98501-1060  
Telephone 360 943 6747



1 This court declines to revise the court commissioner and denies the Motion to Revise  
2 Petitioner's request for Attorney's Fees as denied. *CP*

3 Dated 9/29, 2006

*Chris Pomeroy*  
4 JUDGE/COURT COMMISSIONER

5 Presented by

*Charles E. Szurszewski*  
6  
7 CHARLES E SZURSZEWSKI, WSBA# 8300  
8 Of Attorneys for Petitioner

9 Approved for entry,  
10 Notice of presentation waived  
*Margaret Brost*

*Margaret Brost*  
11  
12 MARGARET BROST, WSBA# 20188  
13 Attorney for Respondent

FILED  
SUPERIOR COURT  
HURSTON COUNTY WASH

06 OCT 23 P4:35

DEPUTY CLERK  
11 *JK* 11 DEPUTY

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**SUPERIOR COURT  
STATE OF WASHINGTON  
COUNTY OF THURSTON  
FAMILY AND JUVENILE COURT**

In re:  
  
ROBIN FREEMAN,  
  
and  
  
ROB FREEMAN,  
  
Petitioner,  
  
Respondent.

NO. 98-2-00171-0  
  
NOTICE OF APPEAL TO COURT  
OF APPEALS  
  
(No Mandatory Form Developed)

COMES NOW the Respondent, ROB FREEMAN, by and through his attorney, MARGARET BROST, and seeks review by the Court of Appeals in the State of Washington, Division II, of the following decision:

- ◆ Order Denying Motion for Revision, entered September 29, 2006
- ◆ Order Re: Denial, Entered August 9, 2006

A copy of the decisions and related Findings of Fact & Conclusions of Law are attached to this notice.

MARGARET BROST, ATTORNEY  
1800 COOPER PT RD SW, #18  
OLYMPIA, WA 98502  
360-357-0285

1 The parties to this appeal, and the names and addresses of their respective  
2 attorneys, are:

3 **Petitioner:**

4 ROBIN FREEMAN  
5 7311 12TH COURT SE  
6 LACEY, WA 98503

7 **Petitioner's Attorney:**

8 CHARLES SZURSZEWski  
9 WSBA# 8300  
10 CONNOLLY, TACON & MESERVE  
11 201 5TH AVE SW, SUITE 301  
12 OLYMPIA, WA 98501-1060  
13 360.943.6141 WK

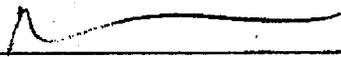
14 **Respondent:**

15 ROB FREEMAN  
16 9445 W. FARM RD. 104  
17 WILLARD, MO 65781

18 **Respondent's Attorney:**

19 MARGARET BROST  
20 WSBA# 20188  
21 BROST LAW  
22 1800 COOPER PT RD SW, #18  
23 OLYMPIA, WA 98502  
24 360-357-0285

25 10-23-06  
26 DATED

  
27 MARGARET BROST  
WSBA #20188  
Attorney for Respondent

MARGARET BROST, ATTORNEY  
1800 COOPER PT RD SW, #18  
OLYMPIA, WA 98502  
360-357-0285

CERTIFICATE OF SERVICE

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I HEREBY CERTIFY that on the 23 day of October, 2006, I caused to be served a true and correct copy of the foregoing document on the following:

On 10-23-06 To:

CHARLES SZURSZEWski  
CONNOLLY, TACON & MESERVE  
201 5TH AVE SW, SUITE 301  
OLYMPIA, WA 98501-1060

- U.S. Mail
- U.S. Mail, Certified, Return Receipt Requested
- Legal Messenger Service
- Hand Delivered
- Faxed: 10-23-06

10-23-06  
DATE

MOLLIE MEAGHER  
TYPED NAME

Olympia, WA  
PLACE

*Mollie Meagher*  
SIGNATURE

MARGARET BROST, ATTORNEY  
1800 COOPER PT RD SW, #18  
OLYMPIA, WA 98502  
360-357-0285

STATE OF WASHINGTON  
County of Thurston

I, Betty J. Gould, County Clerk and Ex-officio Clerk of the Superior Court of the State of Washington, for Thurston County holding session at Olympia, do hereby certify that the following is a true and correct copy of the original as the same appears on file and of record in my office containing 2 pages, IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court.

DATED: August 9, 2006

BETTY J. GOULD  
County Clerk, Thurston County, State of Washington  
by \_\_\_\_\_ Deputy

FILED  
SUPERIOR COURT  
THURSTON COUNTY WA

2006 AUG -9 AM 9:52

BETTY J. GOULD, CLERK

BY \_\_\_\_\_  
DEPUTY

**SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY  
FAMILY AND JUVENILE COURT**

Qoveh Marie Freeman  
Petitioner, NKA Abullah

vs.

Gov. G. Freeman  
Respondent.

NO 98-2-60171-0

**DENIAL ORDER (ORDYMT)**

- Domestic Violence
- Anti-Harassment
- Sexual Assault

Clerk's Action Required

Next Hearing Date/Time: \_\_\_\_\_

At: **2801 32<sup>nd</sup> Avenue SW  
Tumwater, Washington**

**This Matter** having come on for hearing upon the request of the moving party, for a

- Temporary Order
- Modification
- Renewal
- Full Order
- Termination Order

and the **Court Finding:**

- Petitioner does not meet the income requirements for a fee waiver.
- Petitioner  Respondent did not appear.
- Petitioner requested dismissal of petition.
- No notice of this request has been made or attempted to the other party.
- This Order materially changes an existing Order, necessitating a hearing on notice.
- The Order submitted has not been completed or certified upon penalty of perjury.
- The Petition does not list a specific incident and approximate date of domestic violence.
- The Petition does not list specific incidents and approximate dates of harassment.
- The Petition does not list a specific incident and approximate date of nonconsensual sexual contact or nonconsensual sexual penetration.
- A preponderance of the evidence has not established that there is domestic violence.
- A preponderance of the evidence has not established that there has been harassment.

- A preponderance of the evidence has not established that there has been nonconsensual sexual contact or nonconsensual sexual penetration.
- For a temporary sexual assault protection order, reasons for denial of the order are:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

019  Other: *The Respondent has failed to show the order should be terminated*  
 Having entered the above Findings, it is Ordered:

- The request to waive the filing fee is denied.
- The request for a Temporary Order is denied and the case is dismissed.
- The request for a Temporary Order is denied; it may be re-submitted when the above identified problems have been resolved.
- The request for a full Order is denied, and the Petition is dismissed. Any previously entered Temporary Order expires at: \_\_\_\_\_ .m. today.
- 019  The request to Modify or Terminate the Order dated \_\_\_\_\_ is denied.
- The request for a Temporary Order is denied and the clerk is directed to set a hearing on the Petition.
- The request before the court is denied, provided that it may be renewed after notice has been provided to the other party according to the Civil Rules.
- This proceeding shall be consolidated with Thurston County Cause No. \_\_\_\_\_.
- The parties are directed to appear for a hearing as shown on page one. Copies of the Petition/Motion and this Order shall be served on \_\_\_\_\_ and a Return of Service filed with the clerk at or before the hearing.

**Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition or Motion.**

This order is dated and signed in open court.

Date: 8/9/06 Time 9:50 AM Anne H. Arisul  
 Judge/Commissioner

Copy Received:

Copy Received:

Robin Adolph 8/9/06  
 Petitioner Date

[Signature]

\_\_\_\_\_  
 Respondent Date

[Signature]

Denial Order (ORDYMT) - Page 2 of 2  
 WPF DV-6.020 (6/2006) - RCW 26.50, RCW 10.14

S24152 Pa. Dr. 8300

Vernon Blav.

EXPEDITE  
 No hearing is set  
 Hearing is set  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Judge/Calendar: \_\_\_\_\_

**FILED**  
 SEP 29 2006  
 SUPERIOR COURT  
 BETTY J. GOULD  
 THURSTON COUNTY CLERK

**Superior Court of Washington  
 in and for Thurston County  
 Family & Juvenile Court**

In re the Marriage of:

Robin M. Freeman,

Petitioner,

and

Rob R. Freeman,

Respondent.

No. 92-2-00171-0

Order Denying Motion for Revision

(NMFD)

[X] Clerk's action required

THIS MATTER having come on before the court on the motion of respondent requesting revision of the denial order of Court Commissioner Hirsch entered on August 9, 2006, along with the Findings of Fact and Conclusions of Law entered on September 15, 2006; petitioner appearing personally and by and through her attorney, CHARLES E. SZURSZEWSKI, of Connolly Tacon & Meserve; Respondent appearing by and through his attorney, MARGARET BROST. Based upon the records on files herein, having heard the arguments of counsel and being otherwise fully advised in the premises, the court enters the following Order:

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ORDER DENYING MOTION FOR REVISION

Page 1 H:\CES\Abdullah\Order Denying Motion for Revision.fm

**COPY**

*Connolly, Tacon & Meserve*

A PROFESSIONAL SERVICE CORPORATION  
 Attorneys at Law  
 201 5th Avenue SW, Suite 301  
 Olympia, Washington 98501-1060  
 Telephone 360.943.4747

- 1. This court declines to revise the court commissioner and denies the Motion to Revise.
- 2. *Petitioner's request for Attorneys Fees is denied.*

Dated: 9-29- 2006 *H. Pomeroy*  
 JUDGE/COURT COMMISSIONER

Presented by:

*H*  
 CHARLES E. SZURSZEWSKI, WSBA# 8300  
 Of Attorneys for Petitioner

Approved for entry;  
 Notice of presentation waived:

*H*  
 MARGARET BROST, WSBA# 20188  
 Attorney for Respondent

**FILED**  
SEP 15 2006  
SUPERIOR COURT  
BETTY J. GOULD  
THURSTON COUNTY CLERK

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**SUPERIOR COURT  
STATE OF WASHINGTON  
COUNTY OF THURSTON  
FAMILY AND JUVENILE COURT**

In re :  
  
ROBIN M. FREEMAN  
  
and  
  
ROB R. FREEMAN  
  
Petitioner,  
  
Respondent.

NO. 98-2-00171-0  
  
FINDINGS OF FACT &  
CONCLUSIONS OF LAW  
(FNFCL)

**I. BASIS FOR FINDINGS**

The findings are based on:  
  
Hearing on Respondent's motion to modify / terminate order of protection.

**II. FINDINGS OF FACT**

Upon the basis of the court record, the court FINDS:

- 2.1 On February 4, 1998, a permanent protection order was entered on behalf of the petitioner.
- 2.2 The protection order entered on February 4, 1998 restrained Rob Freeman from Robin Freeman (now known as Abdullah), and her minor children from

MARGARET BROST, ATTORNEY  
1800 COOPER POINT ROAD SW #18  
OLYMPIA, WA 98502  
(360) 357-0285

- 1 a previous relationship, Mohammed Abdullah, Yasmeen Abdullah, Wa-el  
2 Abdullah, and Racelle Abdullah.
- 3 2.3 On or about May 25, 2006, the respondent filed a motion to modify the order  
4 of protection.
- 5 2.4 On August 9, 2006, a hearing was held on the respondent's motion to  
6 modify/terminate the protection order.
- 7 2.5 The court considered the pleadings and sworn statements filed prior to the  
8 hearing, as well as the sworn testimony of Yasmeen Abdullah.
- 9 2.6 Yasmeen Abdullah, the daughter of Robin Freeman, believes she saw her  
10 step-father, Mr. Freeman twice briefly in 1998, after a protection order in  
11 favor of her Mother had been entered that also prohibited him from having  
12 contact with her as one of four minor children. She testified that she saw  
13 him once across the street from the school and once in the school student  
14 parking lot sometime in 1998.
- 15 2.7 Yasmeen Abdullah, at the time of the entry of the protection order, was a  
16 protected party.
- 17 2.8 Mr. Freeman was not arrested nor charged with violating the protection order  
18 after it was entered on February 4, 1998.
- 19 2.9 Mr. Freeman denied any contact since the order was entered in 1998.
- 20 2.10 There have been no suspicions of any contact by Mr. Freeman since  
21 January 2003.
- 22 2.11 Yasmeen Abdullah has graduated from high school, college and law school.  
23 She is no longer a minor. She has passed the Washington Bar.
- 24 2.12 Yasmeen Abdullah is currently in fear of the respondent.
- 25 2.13 The petitioner is currently in fear of the respondent.
- 26 2.14 The burden is on the party requesting to modify or terminate the protection  
27 order to show that the respondent will not resume acts of domestic violence  
against the petitioner or the petitioner's family members.
- 2.15 The legislature of the State of Washington determined that it is not

- 1 appropriate to make a victim prove year after year that they are still a victim.
- 2 2.16 This court considered and reviewed the extensive Findings of Fact made by  
3 Commissioner Wickham from the February 4, 1998, transcript of the  
4 protection order hearing.
- 5 2.17 Commissioner Wickham was concerned with respondent's extensive training  
6 with and access to weapons and its impact on the petitioner.
- 7 2.18 The petitioner's fear of respondent in 1998, when she obtained the original  
8 protection order, was exacerbated by the respondent's extensive training in  
9 and access to weapons.
- 10 2.19 In 1998, at the time of the original protection order, there was reasonable  
11 fear on petitioner's part as to the respondent based on previous acts of  
12 domestic violence (refer to 1998 hearing transcript) against the petitioner's  
13 daughter by the respondent and based on incidents involving the  
14 respondent's use of and access to weapons as described in the 1998  
15 hearing transcript.
- 16 2.20 A person in the respondent position who has been trained in the use of force  
17 and weapons needs to act carefully with his actions regarding the petitioner  
18 and her family. (Refer to 1998 hearing transcript).
- 19 2.21 It is not appropriate for the mere passage of time without any other showing  
20 to lift a person's reasonable fears that they may be a victim of domestic  
21 violence by someone who has hurt them in the past.
- 22 2.22 There is a belief by lawmakers, based on the legislative history of domestic  
23 violence laws, that people who commit acts of domestic violence should not  
24 have access to weapons.
- 25 2.23 Yasmeen Abdullah's testimony was credible with respect to the initial  
26 contacts and her fear of the respondent.
- 27 2.24 Mr. Freeman resides in Missouri.

### III. CONCLUSIONS OF LAW

The court makes the following conclusions of law from the foregoing findings of fact:

- 3.1 Yasmeen Abdullah has a present and reasonable fear of Mr. Freeman.

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3.2 Ms. Freeman has a present and reasonable fear of Mr. Freeman.

3.3. The respondent has not met his burden of showing that the respondent is not entitled to maintain the permanent protection order entered on February 4, 1998.

ANNE HIRSCH

9-15-06

Dated

Judge/Commissioner

Presented by:

*MB*

MARGARET BROST  
WSBA # 20188  
Attorney for Respondent

Approved for entry:  
Notice of presentation waived:

*CS*

CHARLES SZURSZEWSKI  
WSBA # 8300  
Attorney for Petitioner