

70531-8

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CASE # 70531-8-1

COURT OF APPEALS OF THE STATE OF
WASHINGTON

DIVISION ONE

MICHAEL RODERICK JR, *Appellant*,

v.

BRENDA JEANNE LYNN, *Respondent*

BRIEF OF APPELLANT

Michael Roderick Jr

Representing Elizabeth Joan Roderick and himself (Michael Roderick Jr) *pro se*,

Under protest and by order of the court

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INTRODUCTION

This appeal follows a decision in King County Superior Court in a dispute over custody of Elizabeth Joan Roderick, aged 3, between her mother Brenda Jeanne Lynn, aged 37, and her father Michael Roderick Jr, aged 39. Brenda Jeanne Lynn filed a petition for a parenting plan and child support. Michael Roderick Jr filed a petition to challenge the affidavit of acknowledgement of paternity and to establish a parenting plan. A judge issued an order of consolidation but afterward the challenge to the affidavit was not given due process as the trial court focused upon enforcement of temporary orders filed by counsel for Brenda Lynn. The temporary orders restricted and strained the relationship of father and daughter and unjustly aided the petition of Brenda Lynn while crushing the petition of Michael Roderick Jr, as well as his efforts to afford representation for his daughter and himself. The original temporary orders required

Brenda Lynn to pay for visitation supervision but were amended without hearing.

Several different judges presided over the case over its relatively short span, until it was finally presided over by Judge Sean P. O'Donnell unlawfully, as he assigned himself to the case four days after ruling upon it. His order of assignment is actually dated four days after his ruling.

Evidence was manufactured contemptuously and tortuously throughout the process, as Mr. Roderick Jr would be denied a hearing and then later be told that he did not appear for it, or he would appear for a hearing, the courtroom would be closed, locked and no one inside it, yet later the record would state he did not appear. One hearing a pre-trial conference, was remarked as a hearing he did not appear for, but he did and he spoke with both Judge Darvas and her bailiff, and Brenda Jeanne Lynn did not appear. In trial when Mr. Roderick Jr attempted to speak about this and other issues he was told to be silent, to wait, and he could address it later but he was never even given enough time to question his witnesses.

Brenda Jeanne Lynn was extremely uncooperative and deceptive in cross-examination and consumed much time asking questions to be repeated and giving complex answers to simple questions asking for a yes or no.

Brenda Jeanne Lynn and her counsel laughed throughout proceedings, appearing unconcerned for Elizabeth's rights, interests or future and for recorded testimony describing her abuse, her rape, and threats to her life involving loaded firearms. The court's attitude towards the volatile issues was occasionally serious, but mostly jocular and cruel. At one point Brenda Lynn forgot the year Elizabeth was born, mistook it twice

and then laughed, as did Judge O'Donnell. Counsel for Brenda Lynn, Laura Groves, initially talked to a non-existent court reporter until she realized there was no court reporter and then she laughed. The atmosphere of the trial and the attitude of Brenda Lynn, her counsel and the judge was insensitive, extremely biased, mocking, cruel and mentally unsound. After testimony describing a catheterization of then one year-old Elizabeth, Laura Groves sounded amused, was smiling and Brenda Lynn laughed. Regardless of whether they felt that what happened to Elizabeth was a rape or not, the occasion of an infant being catheterized is never pleasant or enjoyable except to very sick, criminally unsound people whom should lose custody trials, not win them. Mr. Roderick Jr suffered extensively throughout the trial and was narcotized by Vicodin, prescribed for an infection in his mouth following a root canal. Mr. Roderick Jr was advised not to make legal decisions or drive under the influence of the narcotic, and he was also taking antibiotics for the infection from which he had a fever. He suffered from all of these conditions as well as anxiety for his daughter's safety, health and emotional well being while being psychologically tortured and confused by the teaming of Laura Groves and Judge O'Donnell.

At the end of the trial, during which Judge O'Donnell repeatedly lied to Mr. Roderick Jr, interrupted him, coerced him into answers and laughed frequently, Judge O'Donnell unlawfully diagnosed Mr. Roderick Jr as paranoid and delusional, despite having no license or education to do so and no evidence to support these statements of slander and deep personal insult and legal abuse.

In the course of the trial Brenda Jeanne Lynn defended herself against allegations of pointing a loaded gun at her child and abusing her child and assaulting Mr. Roderick Jr.

She testified poorly at best, often contradicting details of her testimony in very rapid spans of time. She created several different stories and refused to produce a chronological narrative. The judge displayed no interest in receiving an intelligible narrative, instead badgering and interrupting both witnesses continually and frequently. Brenda Lynn never made any explanation for why Mr. Roderick Jr should not have custody and why she is a better parent, if she even claims to be. She contended that Mr. Roderick Jr had an impairment to parenting, but never explained it or proved it. Despite these facts, Judge O'Donnell surprised Brenda Lynn and Michael Roderick Jr with his ruling which in effect halved the custody and visitation requested in Brenda Lynn's parenting plan for Michael Roderick Jr.

Mr. Roderick Jr seeks full custody of Elizabeth Joan Roderick and wants her to be safe from any form of abuse and from adults or any other individuals whom her mother allows to endanger her or violate any of her rights. Mr. Roderick Jr does not see resolving a home invasion robbery by two federal agencies and the custody of his child as two discrete, entirely separate issues. Mr. Roderick Jr wants to raise her in Israel. He feels that due to the improper response from every form of government and law enforcement to his daughter's plight and due to the overwhelming nature of the violations of her rights and his rights, living freely and happily will best be achieved in Israel and protected by Israeli law and government. Mr. Roderick Jr cannot accept any form of abuse of his daughter or any perversion or interference with her development. Mr. Roderick Jr wants to raise his daughter with love, respect, kindness, happiness, confidence, structure, consistency, rationality, reasonableness, and the community of co-believers, heritage, traditions, culture, language, religion and values of Judaism. Mr.

Roderick Jr feels that no one is taking the violence and abuse committed by Brenda Lynn seriously and it is such a significant issue that it impairs communication and due process.

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I. ASSIGNMENTS OF ERROR

Assignment of Error No. 1

The trial court erred in allowing Mr. Roderick Jr. to represent himself *pro se*.

Issues Pertaining to Assignment of Error No. 1

Whether the trial court failed to find that Mr. Roderick Jr was mentally competent to proceed.

Whether the trial court failed to heed opposing counsel's protest that Mr. Roderick Jr was both unqualified as an attorney and not mentally competent to represent himself *pro se*.

Whether the trial court used any process of finding or determining facts to conclude that Mr. Roderick Jr was mentally competent to proceed in *pro se* representation.

If the trial court used any process of finding or determining facts to conclude that Mr. Roderick Jr was mentally competent to proceed in *pro se* representation, whether that process was adequate or lawful or in accordance with accepted and established standards and practices.

If the trial court used any process of finding or determining facts to conclude that Mr. Roderick Jr was mentally competent to proceed in *pro se* representation, whether that process and subsequent treatment of Mr. Roderick Jr was unconstitutional, biased and exhibits unfair and unequal treatment of Mr. Roderick Jr and opposing counsel, despite the court's stated standard of treating Mr. Roderick Jr as an attorney equal to Mrs. Laura Groves.

Whether the trial court should have appointed a guardian ad litem.

Whether the trial court should have ordered a mental health evaluation of either or both parents.

Whether the trial court should have ordered a parenting evaluation of either or both parents.

Whether the trial court should have ordered CASA (Court Appointed Special Advocate) involvement before or during the trial.

Whether the trial court violated Mr. Roderick Jr's rights of due process of law by forcing him to proceed despite lack of

competency and with continued abuse committed against his child, while his child was unlawfully kept from him in violation of established court order.

Assignment of Error No. 2

The trial court erred in denying representation for Elizabeth Joan Roderick.

Issues Pertaining to Assignment of Error No. 2

Whether the trial court reviewed the allegations and evidence of abuse in findings of fact and conclusions of law.

Whether the trial court reviewed the allegations and evidence of abuse in assessing a need to consider or appoint a Guardian Ad Litem.

Whether the trial court reviewed the allegations and evidence of abuse in assessing a need to consider or appoint CASA involvement.

Whether the trial court considered the interests, safety or rights of Elizabeth Joan Roderick.

Whether the trial court considered the equal access to due process of law for Elizabeth Joan Roderick, especially considering the extremity of circumstances of danger and threat to life and limb she has been placed in by choices made by Brenda Jeanne Lynn.

Whether the trial court considered the mental health and competency of Brenda Jeanne Lynn or Michael Roderick Jr , especially in regard to representation of Elizabeth Joan Roderick's interests, rights and access to due process of law.

Assignment of Error No. 3

The trial court erred in its stated objective guiding trial outcomes: "In order to get through this in an efficient manner," rather than in the State's standard of "in the best interests of the child and for her welfare and safety."

Issues Pertaining to Assignment of Error No. 3

Whether the trial court ever applied the correct standard for deciding the trial.

Whether the trial court applied the correct standard for determining outcomes as a result of the trial.

Whether the trial court interfered with testimony for the sake of efficiency.

Whether the trial court interfered with evidence for the sake of efficiency.

Whether the trial court interfered with discovery for the sake of efficiency.

Whether the trial court interfered with cross-examination for the sake of efficiency.

Assignment of Error No. 4

The trial court erred in failure to consider or apply RCW. 26.09.520.

Issues Pertaining to Assignment of Error No. 4

Whether the trial court abused its discretion in regards to the 11 statutory factors required under RCW 26.09.250:

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

(2) Prior agreements of the parties;

(3) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

(10) The financial impact and logistics of the relocation or its prevention; and

(11) For a temporary order, the amount of time before a final decision can be made at trial.

Assignment of Error No. 5

The trial court erred in abuse of due process by restricting due process with the parenting plan.

Issues Pertaining to Assignment of Error No. 5

Whether the trial court considered the effects of the parenting plan upon due process.

Whether the trial court deliberately restricted visitation unlawfully to abuse due process.

Whether the trial court considered the Mandated Reporter Act in restricting the parenting plan.

Whether the trial court could have made a parenting plan without abuse of due process.

Whether the trial court prevented Mr. Roderick Jr or Elizabeth Joan Roderick from benefit of counsel through the burdensome application of costly visitation supervision, demands for costly mental health evaluation and treatment and child support.

Whether the trial court denied Mr. Roderick Jr's petition without a hearing.

Whether the trial court gave Mr. Roderick Jr's petition an outcome.

Assignment of Error No. 6

The trial court erred in violating 14th Amend. Rights to equal protection under the law for Elizabeth Joan Roderick and Michael Roderick Jr by restricting the parenting plan.

Issues Pertaining to Assignment of Error No. 6

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Whether the trial court considered the Mandated Reporter Act in restricting the parenting plan.

Whether the trial court could have made a parenting plan without violating 14th Amend. Right to equal protection under the law.

Whether the trial court considered the best interests of Elizabeth Joan Roderick in restricting the parenting plan.

Whether the trial court could have made a clear standard for any restrictions of the parenting plan that would preserve 14th Amend. Right to equal protection under the law.

Assignment of Error No. 7

The trial court erred in abuse of its discretion.

Issues Pertaining to Assignment of Error No. 7

Whether the trial court applied an equal standard to weighing evidence and testimony.

Whether the trial court applied a standard to weighing evidence and testimony.

Whether the trial court deliberately interrupted Mr. Roderick Jr's testimony and cross-examination of witnesses.

Whether the trial court unnecessarily interrupted Mr. Roderick Jr's testimony and cross-examination of witnesses.

Whether the trial court aided Mrs. Laura Groves in her cross examination of witnesses.

Whether the trial court aided Brenda Jeanne Lynn in her testimony.

Whether the trial court misdiagnosed Mr. Roderick Jr.

Whether the trial court was lawfully able to diagnose Mr. Roderick Jr, or anyone, in the State of Washington or anywhere in the United States.

Whether the trial court should have declared mistrial after diagnosing Mr. Roderick Jr as paranoid and delusional.

Whether the trial court should have continued to allow for appointment of counsel for Mr. Roderick Jr after diagnosing him as paranoid and delusional.

Whether the trial court violated its own stated intent "... to treat both parties equally..." despite diagnosing Mr. Roderick Jr as paranoid and delusional.

Whether the trial court violated its own rules for opening statements and its own stated intent "... to treat both parties equally..." by interrupting Mr. Roderick Jr's opening statement.

Whether there was a need to interrupt Mr. Roderick's opening statement.

Whether or not the trial court should have threatened to hold Brenda Jeanne Lynn in contempt of court, either during cross-examination or during trial as a result of violations of visitation.

Whether or not the trial court should have charged Brenda Jeanne Lynn with perjury.

Whether or not the trial court listened to testimony and questioning of witnesses.

Whether or not the entire trial was recorded as required by law.

Whether or not parties in the courtroom threatened or harassed Mr. Roderick Jr while he was attempting to either listen or speak, and whether those parties should have been threatened with contempt of court.

Whether or not the trial court should have been concerned with whether "...you and I don't get sideways..." as stated by Judge O'Donnell.

Whether the trial court allowed hearings for Mr. Roderick Jr's motions.

Whether the trial court allowed hearings with oral argument for Mr. Roderick Jr's motions.

Whether the trial court interfered with pre-trial motions.

Whether the trial court dismissed motions without reason or cause.

Whether the trial court assessed extraordinary circumstances for prevention of a substantial injustice.

Whether the trial court should have granted subpoenas, particularly to the USMS.

Whether the trial court should have continued for expert testimony.

Whether the trial court considered Brenda Jeanne Lynn's diagnoses or mental health.

Whether the trial court could have or should have defined "erratic behavior."

Whether the trial court could have or should have defined "negative incidents."

Whether the trial court sufficiently proved any claims of "mental health concerns," "erratic behavior," or any limitation under RCW 26.09.191.

Whether the trial court showed discrimination and abuse of discretion by altering the parenting plan to restrict visitation more than in the proposed parenting plan of Brenda Jeanne Lynn.

Whether the trial court abused discretion in ignoring the fact that Mrs. Laura Groves testified to her own delusion of the presence of a court reporter [there was no court reporter at any time in the court room] despite making a baseless determination that Mr. Roderick Jr was paranoid and delusional.

Whether the trial court recognized errors, discrepancies or falsehoods in Brenda Jeanne Lynn's testimony.

Whether the trial court abused discretion in allowing Brenda Lynn to refuse to answer questions and then sustaining Mrs. Laura Grove's objections ("answered, asked") to subsequent questions, despite different questions.

Whether the trial court abused discretion by interrupting Mr. Roderick Jr's questions, at one point even causing him to forget a vital question, without a clear need or reason for the interruption.

Whether the trial court deliberately used announcements and recesses to interrupt or interfere with cross-examination of witnesses or testimony.

Whether the trial court displayed a bias in attempts to lead Mr. Roderick Jr in questioning by the court.

Whether the trial court displayed a cognizance of Mr. Roderick Jr's incompetency through its own questioning of Mr. Roderick Jr.

Whether the trial court allowed evidence describing conversations between parties other than witnesses.

Whether the trial court attempted to rename Mr. Roderick Jr, for any purpose.

Whether the trial court subjected Mr. Roderick Jr to psychological or emotional torture.

Whether the trial court considered Brenda Jeanne Lynn's actions placing Elizabeth in risk and Brenda Jeanne Lynn's attitude towards risk to Elizabeth's health and development.

Whether the trial court considered the effects of Elizabeth's prematurity, her pain and difficulty feeding and the effect of LexiPro upon her health and especially her reflux and nursing.

Whether the trial court considered the judgement of Brenda Jeanne Lynn regarding Elizabeth's safety and health.

Whether the trial court assessed the credibility of Brenda Jeanne Lynn's testimony.

Whether the trial court assessed Brenda Jeanne Lynn's love for her child.

Whether the trial court understood the testimony.

Whether the trial court should have required proof from Mrs. Laura Groves that she followed the rules of evidence and provided Mr. Roderick Jr with the opportunity to review exhibits before trial.

Whether the trial court should have granted a continuance for discovery in the absence of proof that Mrs. Laura Groves provided Mr. Roderick Jr with her exhibits prior to trial.

Assignment of Error No. 8

The trial court erred in not producing detailed findings of fact and conclusions of law.

Issues Pertaining to Assignment of Error No. 8

Whether the trial court assessed facts and evidence and demonstrated a reasonable conclusion to support the existence of a limitation of parenting functions under either RCW 26.09.191 or 26.09.004 for Michael Roderick Jr.

Whether the trial court failed to assess facts and evidence and demonstrate a reasonable conclusion to support the existence of a limitation of parenting functions under either RCW 26.09.191 or RCW 26.09.004 for Brenda Jeanne Lynn.

Whether the trial court could have or should have included the details of its conclusions regarding Mr. Roderick's mental health concerns.

Whether the trial court failed to assess facts and evidence and demonstrate a reasonable conclusion to support the absence of a limitation of parenting functions under either RCW 26.09.191 or RCW 26.09.004 for Brenda Jeanne Lynn.

Whether the trial court showed detailed findings of fact and conclusions of law for assessing 100% decision-making for religious upbringing for Brenda Jeanne Lynn.

Whether the trial court showed detailed findings of fact and conclusions of law for assessing 100% decision-making for education decisions for Brenda Jeanne Lynn.

Whether the trial court showed detailed findings of fact and conclusions of law for assessing 100% decision-making for non-emergency health care for Brenda Jeanne Lynn.

Whether the trial court considered evidence regarding mediation.

Whether the trial court considered evidence regarding negotiation of visitation and alternatives to meetings at a park at a Renton public elementary school.

Whether the trial court considered the relative risks of loaded firearms and allegations of erratic behavior.

Whether the trial court considered the abusive use of conflict by Brenda Jeanne Lynn.

Whether the trial court considered the allegations of violence committed by Brenda Jeanne Lynn and her attitude towards threats to Elizabeth Joan Roderick.

Whether the trial court allowed Mr. Roderick Jr to conduct sufficient cross-examination of witnesses.

Assignment of Error No. 9

The trial court erred in violating the 1st Amend. Rights of Elizabeth Joan Roderick and Michael Roderick Jr.

Issues Pertaining to Assignment of Error No. 9

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Whether the trial court could have preserved the 1st Amend. Rights of Elizabeth Joan Roderick and Michael Roderick Jr in a parenting plan that still considered the possible or actual existence of a limitation of parenting functions under either RCW 26.09.191 or 26.09.004 for Michael Roderick Jr.

Whether the trial court displayed anti-Semitic discrimination, prejudice or bias against Elizabeth Joan Roderick and Mr. Roderick Jr in its dismissal of their ability to attend worship, to pray or to celebrate Judaism together.

Whether the trial court considered the lack of religious convictions of Brenda Jeanne Lynn and the deeply avowed Jewish faith of Mr.

Roderick Jr and his desire to raise Elizabeth Joan Roderick with his Jewish beliefs, as a Jewess.

Whether the trial court considered Mr. Roderick Jr's requirements as a Jew not to accept a false report or to bear false witness.

Whether the trial court considered the best interests of Elizabeth Joan Roderick and 1st Amend. Rights of Elizabeth Joan Roderick and Michael Roderick Jr in removing any religious decision-making regarding Elizabeth Joan Roderick from Michael Roderick Jr.

Whether the trial court should have allowed Mr. Roderick Jr to have Brenda Jeanne Lynn sign a valid affidavit of acknowledgement of paternity to be filed with the State of Alaska in accordance with Alaska statutes governing the affidavit Brenda Jeanne Lynn claimed to supply to the trial court.

Whether the trial court violated Mr. Roderick Jr's right to file a valid affidavit of acknowledgement of paternity with the State of Alaska.

Whether the trial court violated Mr. Roderick Jr's right to petition for a redress of the invalidity and errors of the affidavit supplied by Brenda Jeanne Lynn.

Whether the trial court interfered with or violated Mr. Roderick Jr's exercise of free speech, either during his testimony, his cross-examination of witnesses, or in answering the court.

Assignment of Error No. 10

The trial court erred in violating Mr. Roderick Jr's 5th Amend. Right not to be compelled to be a witness against himself.

Issues Pertaining to Assignment of Error No. 10

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Whether the trial court should have required evidence regarding Mr. Roderick Jr's geographic location in Alaska.

Whether the trial court should have allowed the mental health evaluation of Michael Roderick Jr ordered and conducted by the Seattle Municipal Court.

Whether the trial court should have required Mr. Roderick Jr to hear false testimony regarding his former employment and whether that testimony should have been allowed or required.

Whether the trial court abused due process and violated Mr. Roderick Jr's 5th Amend. Rights by requiring him to explain various circumstances and complain and report them to receive due process, yet denying due process to hear them and instead use these reports, complaints and testimony as supposed yet misconstrued evidence against his sanity, when simple investigation and due process granted these reports and complaints will and has proven them wholly and only depictions of reality and fact.

II.STATEMENT OF THE CASE

For the sake of legibility all references to the record used in this statement are to Mr. Roderick Jr's memory and Clerk's Papers, and are considered constant for each reference.

Brenda Jeanne Lynn abused and harassed, deceived and manipulated Mr. Roderick Jr for unknown reasons from a few months after becoming pregnant until present. Early in their relationship she told Mr. Roderick Jr she had been diagnosed with depression many times and by six different mental health care providers over a period of more than a decade. She said she had never successfully completed treatment but had not felt depressed for years and felt confident she was cured of her depression. Several months later she became pregnant and her mental health, behavior and their relationship all deteriorated. After Elizabeth's birth Brenda Lynn displayed a detachment from Elizabeth, often refusing to hold her at the hospital and attempting to create nonsensical arguments and hurtful conversations in her presence. Neighbors in the duplex which Brenda Lynn and Mr. Roderick Jr shared often shouted about having sex with Brenda Lynn while Mr. Roderick Jr was home, whether or not Brenda Lynn was also home. The neighbors also had loud fights that Brenda Lynn witnessed with Mr. Roderick Jr, although she repeatedly denied hearing the neighbors shouting about having sex with her. Mr. Roderick Jr anticipated some kind of planned violation of his rights and an attempt to take full custody as a possible unifying

explanation yet assumed nothing. He continued working, visiting his child in the hospital and paying all of the family's bills. He did not have time or money to hire an attorney and in retrospect would have filed a petition for a parenting plan, but he was exhausted from his work, the harassment and abuse and from Brenda Lynn's psychological and emotional abuse and manipulation. The neighbors also deprived him of sleep on a daily basis. Having no witnesses to assist him in legal action, he endured in hope of support from family or a change in Brenda's behavior or a confession from Brenda Lynn, and subsequent reconciliation and constructive arrangements for custody and life-planning.

Once Elizabeth came home from the hospital Brenda Lynn immediately began to abuse her, to the incredible shock of Mr. Roderick Jr. The very first evening at home, right after Mr. Roderick fed Elizabeth her first bottle at home, Elizabeth was sleeping in his arms with her head in the crook of his right arm and feet towards his left bicep. Brenda Lynn, for no reason and with no warning, grabbed Elizabeth's tiny legs by her ankles in both hands and pulled her from his arms. She shook her violently upside down and Elizabeth vomited undigested milk and formula. Elizabeth choked on the fluid in her nose as Brenda Lynn shook and swung her by

her little legs. Mr. Roderick Jr begged Brenda Lynn to let him clear Elizabeth's airway and to give her back to him. Brenda Lynn threatened him and Elizabeth, telling him she could do whatever she wanted to Elizabeth and if he told anyone, they would never believe him, help him or do anything. Brenda Lynn said if he reported her then when he was at work she would vanish with Elizabeth and he would never see her alive again. She finally gave Elizabeth back to Mr. Roderick Jr and he burped her and cleaned her mouth, nose and face gently with a warm, moist baby wash cloth. Elizabeth's eyes had opened wide in terror for the first time Mr. Roderick Jr had seen them like that. She had been choked by her own mother on her own vomit in her own home. Brenda Lynn knew Elizabeth's medical condition and diagnoses. Brenda Lynn was a trained and mandated reporter of abuse. Brenda Lynn was entirely criminally culpable and premeditated and cruelly, viciously, violently brutal in her predatory attacks and threats to Elizabeth and Mr. Roderick Jr. She shook Elizabeth like that daily. Mr. Roderick Jr was always afraid and confused and exhausted. Mr. Roderick Jr was harassed all day at both of his jobs by seeming strangers. He knew if he reported the harassment he would either be disbelieved or the people he had to tell were either participants or would use his

reports against him to support claims against his credibility and/or sanity. The motives for all of this escaped Mr. Roderick Jr completely, however he did work with a large number of law enforcement personnel who frequently verbalized displeasure with his political views. He was nicknamed "Obama" by coworkers because he voted for the President and no one else even respected him. The work environment was extremely sexist and hostile, but his job paid over thirty dollars an hour and he was literally turned down by every fast food restaurant and countless businesses in Anchorage. He had reported being harassed to the FBI and that was how he got his job as a security guard. He guessed it was possible that a number of criminals employed within law enforcement were in some bizarre and evil, hurtful relationship with Brenda Lynn but he knew without evidence any attempt to confront that situation would be disastrous. He hoped one of the law enforcement agents in his work environment would help, but he was afraid to report Brenda's actions without knowing Elizabeth would be safe. He also anticipated a legal battle where discussion of these facts would be used as false evidence against his credibility and sanity, and felt helplessly trapped.

On August 19, 2011 two US Marshals and Mike Shaw, former Alaska Regional Director for the US Federal Protective Service, accompanied by John Platnico, kicked in the front door of the home shared by Brenda Lynn, Mr. Roderick Jr and Elizabeth Joan Roderick. It was a sunlit day, partly cloudy, and the time was between 11 am and 12 pm. John Platnico was scheduling supervisor for Inter-Con Security Systems, Inc. at the local contract office of that global security corporation. As soon as the door was open John Platnico attempted to walk inside, stopping just in the entry way in front of Mr. Roderick Jr. To John Platnico's left was Mike Shaw of the USPS, still standing on the porch. To John Platnico's right was a US Marshal in a bulletproof vest with a USMS badge on his right chest flap. He was armed but had no gun drawn. Behind him was another Marshal, dressed similarly and similarly armed. He also had his hand on his weapon but it remained holstered. Mike Shaw appeared unarmed, as did John Platnico. John Platnico was not a law enforcement officer at that time or in any law enforcement capacity. He was Mr. Roderick Jr's work supervisor at one of his two jobs. Upon forced entry, John Platnico raised his left arm and pointed his left index finger and spoke. He said "I would fuck her." Those were the first words spoken by

anyone after the door was kicked in. Mr. Roderick Jr looked over his own right shoulder. Behind him was Brenda Lynn midway down their stairs from the top floor, carrying Elizabeth in her outstretched hands. It was the poorest, unsafest way to carry a baby Mr. Roderick had seen other than when Brenda Lynn shook Elizabeth. Her hands were in Elizabeth's armpits, supporting her by her tiny little arms and squeezing her in Brenda's hands. She was holding Elizabeth far from her body and on her own face was an expression of disturbed sarcasm, an insane and misplaced smirk. Mr. Roderick Jr was completely shocked and bewildered and appalled at the rapid and severely disturbing chain of unexpected and traumatizing events. Mr. Roderick Jr asked Mike Shaw if he heard John Platnico say that and Mike Shaw said that he did and he would "...take care of it later." Mr. Roderick Jr asked them why they were there and insisted that Mike Shaw do something about John Platnico and what he said to Elizabeth. Mike Shaw said he was there to talk about work and wanted to have permission to enter. Mr. Roderick Jr argued with the three men at the door about why they were even there, what right they felt they had to be there, and why they would even come to his home at all. While arguing Brenda Lynn was shouting and questioning Mr. Roderick Jr. She

was threatening to leave with Elizabeth “right now and I’ll never come back.” Mr. Roderick Jr begged her not to take his baby but asked if he could leave with his baby or if they could all leave. The men breaking into the home refused to allow Mr. Roderick Jr to leave the doorway, threatening to simply enter if he moved away from the door. Mr. Roderick Jr suggested Brenda could leave through the garage with Elizabeth if necessary, but expressed clearly to all that he desired foremost for Elizabeth’s safety and to leave with her. Mr. Roderick Jr asked the men to admit that they had no warrant, no arrest warrant, no allegation of any crime committed, no allegation of any administrative law or policy violated, no work rule, regulation or policy broken or violated and no legal pretext to be at or in the home. Mike Shaw and the Marshal at the door admitted all of those facts, loudly, with many neighbors in the street witnessing. The three men continued, however, to insist they enter and talk inside the home. Mr. Roderick Jr found them insane and told them so, asking Anchorage Police who had arrived for assistance. The Anchorage Police Officer on the scene said the agents and John Platnico were both trespassing and breaking and entering, but that since they were Federal agents and John Platnico was accompanied by them, he could not cite or arrest any of them.

Then the US Marshal asked Mr. Roderick Jr for his gun, without explanation. Mr. Roderick Jr refused and insisted they leave. Brenda Lynn called a lawyer at Mr. Roderick Jr's request and he told Mr. Roderick Jr to just continue to refuse entry and all requests. He said he would go to the home but would need a retainer of several thousand dollars, which Mr. Roderick Jr did not have. John Platnico instructed Brenda to get the gun and give it to him. The gun was locked, unloaded and kept in a closed gun case with a snap closure. It was never left unlocked or loaded and the case was never left open. Ammunition was kept separately in boxes. The gun was Mr. Roderick Jr's property, issued by his employer in exchange for a \$400 deposit, returnable upon return of the gun after end of employment. If employment ended and the gun was kept, the deposit was not returned. The value of the gun, used, was slightly less than the deposit. It was a Taurus .40 Smith and Wesson semi-automatic pistol, Police and Military. It was issued with an 18 round magazine and hollowpoint rounds. Brenda held Elizabeth in her left arm while talking to John, whom she called "John" and seemed very friendly and familiar with him. Brenda went into the bedroom upstairs with Elizabeth and found Mr. Roderick Jr's gun lock keys. She opened the gun case, unlocked the gun,

loaded it and cocked it. The magazine being placed into the magazine well in the grip and the slide being released forward both loaded and cocked the handgun, chambering a round and preparing the hammer to strike the round. .40 S&W is a caliber larger in diameter than .38 or 9mm, and also more powerful. The gun firing accidentally or deliberately, anywhere near Elizabeth could damage her ears and hearing at the very least. It could instantly kill her, easily. Brenda held Elizabeth hostage in the bedroom with the handgun for perhaps five minutes, although it seemed an agonizing eternity. Mr. Roderick Jr was afraid, confused, betrayed, bewildered and wondering how best to protect his daughter and his custody of her, especially resolved to rescue her from her insane mother. He wondered how he would resolve this situation with no one to help him and the paralyzing limiting factors of armed federal agents breaking the law openly and an insane abusing co-parent holding his baby and a deadly weapon she had no (supposedly) familiarity or training with, for no reason at all. Brenda finally appeared at the top of the stairs but shouted for Mr. Roderick Jr to help her and to come upstairs. Mr. Roderick Jr did not want the men to enter but also did not want Brenda to hurt Elizabeth. Mr. Roderick Jr did not want the men to use an excuse to

storm into the home and shoot anyone. Mr. Roderick Jr did not want Elizabeth to be shot. Mr. Roderick Jr begged everyone, including Brenda, to let him leave with Elizabeth since everyone else was interested in everything else but her. The Marshal said they would stay at the door while he went upstairs. As Mr. Roderick Jr walked upstairs just a few steps, Brenda pointed the gun at Mr. Roderick Jr then at Elizabeth in her left arm and back again. She did this rapidly, multiple times. Just before doing it her face looked insane: anger and tight muscles in her neck and face but a wide grin and all of her teeth in a smile and tears in her eyes. She was breathing very hard and laughing. "I will take her away from you forever!" she shouted. None of it made any sense to Mr. Roderick Jr and particularly with three federal agents at the doorway. He wondered if this was planned to get him into a situation where they could shoot him, and why they would do that. The agents all looked every way but at Brenda, proving they had to be aware and yet showing they were going to deny and ignore what was happening. Mr. Roderick Jr just begged Brenda to give Elizabeth to him. Brenda gave the gun to the agents, along with a security guard license that was Alaska State property, and then she placed Elizabeth Joan Roderick in Michael Roderick Jr's arms and he held

her close and comfortably against his chest with her head resting on his shoulder. Brenda Jeanne Lynn left through the front door with Mike Shaw, John Platnico and the two US Marshals. She drove in h SUV and they left in two different vehicles. The Anchorage Police left last. Michael John Roderick Jr stood in the door way holding Elizabeth Joan Roderick and wondering what happened, why, and what was happening. He wondered where Brenda Lynn was going and if she was going to be arrested. He wondered if he left right now with his daughter would he be arrested for kidnapping. He was scared, confused, poor and without any counsel. Elizabeth was warm and comfortable and happy and smiling. Mr. Roderick Jr went inside their home and fed her and took care of her for the next 24 hours. She needed changed and bathed and fed and went to sleep several times. She also played with Michael Roderick Jr on the floor and watched children's television with him during this period. Mr. Roderick Jr called Brenda Lynn's cell phone once per hour or two hours the entire time, asking her what was going on, if she was alright and if she needed bail or anything. She always sounded irritated to be called, talked about being controlled and insulted Mr. Roderick Jr and said she would come home if and when she felt like it. She said she wasn't

sure she would come home. Mr. Roderick Jr asked her if she would give up custody and she ended the call abruptly. In the background of all of the calls were the voices of other people, mostly men but some women, and the sounds of music, television, cans opening, glasses touching glass or other surfaces, and laughter. Brenda would often laugh during the calls. Brenda did not answer her phone after the attempt at a discussion of custody. Brenda returned home after 12pm the next day, August 20, 2011. She did not speak or explain anything. She took a bath and went to sleep, closing the bedroom door on Mr. Roderick Jr and Elizabeth, both in the living room. Later she said they were all moving to Washington State. She said that she was moving in with her parents in Renton and if Michael Roderick Jr ever wanted to see Elizabeth again he needed to move to either Renton or Seattle. She would not explain or discuss it. She said she was ending their engagement and relationship and that the official date would be September 30, 2011, the last day of their lease for the duplex. They prepared for the move together and on Sep. 30, 2011 Mr. Roderick Jr left the home without his daughter and hoped Brenda was not lying. He knew if she was then he would finally have enough to ensure help from some police. He expected her to be arrested by Federal agents and

assumed she was fleeing arrest. He did not expect to remain long in Washington and planned to sue Inter-Con and also continue to work via his union.

Mr. Roderick Jr did sue Inter-Con Security Systems, Inc. He filed a lawsuit in the 9th Dt. US Ct. against Inter-Con, the Dept. of Homeland Security, the US Federal Protective Service and the US Marshals Service for wrongful termination and for extreme harassment and abuse. He obtained the right to sue from the Equal Employment Opportunity Commission. Brenda Lyn was named in the EEOC complaint as a witness and a defendant. The day that complaint was filed she assaulted Mr. Roderick Jr and Elizabeth and kidnapped her and ended the informal custody arrangement they had shared. Mr. Roderick Jr reported these events to police, FBI, Dept. of Justice and all federal agencies named in the suit. He reported the abuse to Alaska authorities and to Washington authorities. He sought help from his family, friends and from non-profit organizations in Washington. No one helped. He prepared to file for custody while being stalked and harassed by strangers and without help or counsel. The day he went to file his plan he was approached by a man at his front door. "Michael Roderick?" the man asked and handed him papers. "No, I am Michael Roderick Jr"

he said and insisted the man check his identification to prove it. "This is not service! I am not the party being served!" The man shrugged and walked away. It was Brenda Lynn's petition.

Since then there has been a massive abuse of due process and equal protection under the law. Almost every aspect of Michael Roderick Jr's life and rights has been invaded, violated and interfered with by strangers who seem to be able to identify and discriminate Mr. Roderick Jr for behavior they do not display to anyone else. Seattle Police went into his building and neighbor's apartments for unknown and unprecedented reasons for considerable time while neighbors were attacking his apartment with noise and pounding and stomping on walls and floors. Extreme insults, threats and anti-Semitic hate speech were also used at all times of day and night during this seeming police-supported harassment and threat campaign. Meetings were held with the Mayor, Mike McGinn and police, even in his building, without him. People have harassed him in courts, transit, traffic, restaurants, work and even with Elizabeth when Brenda used to obey the court order for visitation. He has been assaulted by co-workers and fired afterward twice. He has been fired for little or no reason at all from every job in Washington except one, which he quit. There is little

doubt that some kind of campaign related to the events of August 19, 2011 and the lawsuit is being conducted to deprive Mr. Roderick Jr of his rights but all attempts to address the issues are met with immediate assumptions of mental illness, criminal activity or lying, except for occasional honest people who just say they cannot help.

Meanwhile Elizabeth Joan Roderick has been and is being abused by her mother and alienated from her father. She is confused and emotionally, psychologically and developmentally hurt by these crimes and injustices. She deserves to be raised by her father, who has never and will never hurt her and loves her much more than her mother has demonstrated. She deserves to live under the protections and guarantees of government with rule of law and civil rights. She has not had these benefits of citizenship since August 19, 2011.

Israel is the Jewish homeland and a refuge for any Jew. As a convert to Judaism, Mr. Roderick Jr is a Jew and has the Right of Return. As his daughter, Elizabeth may also live as an Israeli and may convert to Judaism. As Israelis, Mr. Roderick Jr and his daughter will be safe from Inter-Con Security Systems, Inc. and the

criminals they have employed. Rights and protections of Israeli law and government will be extended to them as Israeli citizens.

Freedom to live as Jews and practice their religion will be guaranteed in Israel.

To date, these same outcomes have been denied in Alaska and Washington. Elizabeth is not being raised in a happy, healthy, loving environment with her father. Instead she is denied her father and the Jewish faith and any protection from her mother's abuse. Her mother is training her to be a victim and to adjust to living without her father. These are crimes. These are violations of Elizabeth's rights and most cruel because she is at the beginning of her life.

To assume Mr. Roderick Jr's claims have no merit and that he is insane is in itself insane. To investigate even cursorily will prove at least some of his claims and this begs further investigation.

Extraordinary injustice has occurred and is growing in Elizabeth's life and Mr. Roderick Jr's life. Whatever venal arguments are offered to attempt to deny lawful due process to determine the truth and resolve lawful, just remedy and relief are unconstitutional, immoral, hateful and criminal. There is no threat and no danger to

reasonable and lawful investigation and trial by law. There are grave threats to Elizabeth's life and rights, to Mr. Roderick Jr's life and rights and to the rights and health of our republic if these crimes are allowed or ignored.

Mr. Roderick Jr is the fit parent and Brenda Lynn proved that and more when she gave her child to him and walked out the door after a gun, with some men who had just broken into her daughter's home and threatened her. The trial court grievously failed to hold a true trial of law and violated Elizabeth's rights, Michael Roderick Jr's rights and the trust of the public and the law. The outcome of that trial is not a rational or lawful outcome and is not in the best interests of Elizabeth Joan Roderick.

Mr. Roderick Jr filed this appeal as soon as possible after the trial ended and has recently filed a motion for contempt of court due to Brenda Lynn's refusal to participate in visitation and obey the court order. He is representing Elizabeth and himself pro se by necessity.

III. ARGUMENT

Unless otherwise noted all references to the record used in this statement are to Mr. Roderick Jr's memory and Clerk's Papers, and are considered constant for each reference.

This appeal presents questions of law regarding the statutory requirements for a hearing to establish a parenting plan with allegations {CP} under RCW 26.09.191. These questions are new and thus reviewed *de novo*. Questions regarding a parent representing their child and themselves *pro se* without competency, have been answered by *Indiana v. Edwards* and *Turner v. Rogers* in the US Supreme Ct., however these questions still need statutory application in the State of Washington and need answered by the court to provide guidance and standards for *pro se* defendants in civil proceedings, particularly in child custody and child support hearings.

The fact {CP} that appointment of attorney, or waiver of fees, costs and security is provided by the finding of the trial court that Mr. Roderick Jr has a disability, as defined by the ADA, Title 42, Ch. 126, Sec. 12102 (1990, 2010):

“As used in the ADA and implementing regulations, the term ‘disability’ means, with respect to an individual-

-a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

-a record of such an impairment.

-being regarded as having such an impairment.”

Under section 5:172 of the ADA:

“Upon application by the complainant and in circumstances the court deems just, the court may appoint an attorney for the complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.”

This means that the trial court should have been mindful of the decades old ADA and its application given the nature of Brenda Lynn’s petition{CP} to establish that Mr. Roderick Jr had a physical or mental impairment to his ability to function as a parent, meeting the definition of the ADA for a person with disability.

If the trial court had held a competency hearing{CP} and made detailed findings of fact based on admissible evidence, this Court would apply the substantial evidence test in review. However, no competency hearing was made{CP} and no admissible evidence was used{CP} to determine competency and no proper findings were made. Therefore, this Court’s review of the errors of the trial court regarding competency is *de novo*.

The decisions of the Supreme Ct. in *Turner v. Rogers* and *Indiana v. Edwards* apply to Washington courts but how they are to be applied in this case has not been decided and thus review in this Court is *de novo*.

The errors of the trial court {CP} regarding abuse of discretion and abuse of due process have been addressed by *Bay v. Jensen*, No. 37239-8-II, Wa. Ct. Appeals, 147 Wn. App. 641; however the issue of relocation dependent upon outcome and outcome dependent upon proper due process and discretion requires application of standards which this Court must apply in review *de novo*.

The errors of the trial court{CP} regarding freedom of religion and immigration are reviewed by this Court *de novo*.

The Israeli Right of Return:

The Law of Return 5710-1950 was enacted by the Knesset, Israel's Parliament, on July 5, 1950. The Law declares the right of Jews to come to Israel: "Every Jew has the right to come to this country as an oleh." Follow-up legislation on immigration matters was contained in the Nationality Law of 1952. The Law of Return was

modified in 1970 to extend the right of return to non-Jews with a Jewish grandparent, and their spouses.

The law since 1970 applies to those born Jews (having a Jewish mother or maternal grandmother), those with Jewish ancestry (having a Jewish father or grandfather) and converts to Judaism (Orthodox, Reform, or Conservative denominations—not secular—though Reform and Conservative conversions must take place outside the state, similar to civil marriages).

The Torah commands thusly:

Devar (Deuteronomy 6:4-25, 32:44-47)

Deuteronomy 6:4-25

New International Version (NIV)

⁴ Hear, O Israel: The LORD our God, the LORD is one. ⁵ Love the LORD your God with all your heart and with all your soul and with all your strength. ⁶ These commandments that I give you today are to be on your hearts. ⁷ Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up. ⁸ Tie them as symbols on

your hands and bind them on your foreheads. ⁹ Write them on the doorframes of your houses and on your gates.

¹⁰ When the LORD your God brings you into the land he swore to your fathers, to Abraham, Isaac and Jacob, to give you—a land with large, flourishing cities you did not build, ¹¹ houses filled with all kinds of good things you did not provide, wells you did not dig, and vineyards and olive groves you did not plant—then when you eat and are satisfied, ¹² be careful that you do not forget the LORD, who brought you out of Egypt, out of the land of slavery.

¹³ Fear the LORD your God, serve him only and take your oaths in his name. ¹⁴ Do not follow other gods, the gods of the peoples around you; ¹⁵ for the LORD your God, who is among you, is a jealous God and his anger will burn against you, and he will destroy you from the face of the land. ¹⁶ Do not put the LORD your God to the test as you did at Massah. ¹⁷ Be sure to keep the commands of the LORD your God and the stipulations and decrees he has given you. ¹⁸ Do what is right and good in the LORD's sight, so that it may go well with you and you may go in and take over the good land the LORD promised on oath to your ancestors, ¹⁹ thrusting out all your enemies before you, as the LORD said.

²⁰ In the future, when your son asks you, “What is the meaning of the stipulations, decrees and laws the LORD our God has commanded you?” ²¹ tell him: “We were slaves of Pharaoh in Egypt, but the LORD brought us out of Egypt with a mighty hand. ²² Before our eyes the LORD sent signs and wonders—great and terrible—on Egypt and Pharaoh and his whole household. ²³ But he brought us out from there to bring us in and give us the land he promised on oath to our ancestors. ²⁴ The LORD commanded us to obey all these decrees and to fear the LORD our God, so that we might always prosper and be kept alive, as is the case today. ²⁵ And if we are careful to obey all this law before the LORD our God, as he has commanded us, that will be our righteousness.”

Deuteronomy 32:44-47

New International Version (NIV)

⁴⁴ Moses came with Joshua son of Nun and spoke all the words of this song in the hearing of the people. ⁴⁵ When Moses finished reciting all these words to all Israel, ⁴⁶ he said to them, “Take to heart all the words I have solemnly declared to you this day, so that you may command your children to obey carefully all the words of

this law. ⁴⁷ They are not just idle words for you—they are your life. By them you will live long in the land you are crossing the Jordan to possess.”

The errors of the trial court {CP} regarding issues of abuse of discretion, parental alienation, abusive use of conflict and contempt have been addressed in Hollingshead v. Wilson, No. 26593-5-III, Wa. Ct. Appeals, Div. III. The matter of assessing the court’s decision regarding those issues and allegations of impairment under RCW 26.09.191 and RCW 26.09.004 is reviewed by this Court *de novo*.

The government guarantees citizens the right to hear grievances addressed against the government (1ST Amend. US Const.) and to receive due process and equal protection under the law in hearing those grievances. To be penalized for filing a lawsuit and truthfully answering questions about that lawsuit and testifying truthfully about real events by an unqualified and illegal diagnosis of paranoia{CP} given by a judge is a violation of due process in every sense and creates a *de facto* mental illness Inquisition, where instead of medical providers educated and licensed to diagnose and treat, citizens are tried by judges with no jury and given

stigmatic and severely discrediting slanderous labels without findings of fact or any medical or other science. Diagnoses cannot be findings of fact when provided by judges rather than doctors, due to both the lack of training necessary to provide diagnosis and the inherent lack of proper focus of a judge both diagnosing parties in a dispute and deciding the dispute and ruling upon objections, the record, etc. In addition, it unlawfully subjects citizens to the unlawful penalty of psychiatric language used by non-psychiatric lay people as a part of civil proceedings not sought for psychiatric issues. It removes proper focus from the court upon findings of fact and conclusions of law and instead places new and unqualified, unlegislated focus upon medical and psychiatric issues the court is not assigned for, designed for or qualified to resolve. The trial court erred in labeling Mr. Roderick Jr {CP} as "erratic," "paranoid," and "delusional." The trial court refused to allow expert witness testimony{CP} which was admissible under Washington law and rules of evidence{CR 35, 36}. The trial court refused to continue trial despite Michael Roderick Jr's illness and medications{CP}. The trial court refused Mrs. Laura Groves' protest and testimony that Michael Roderick Jr was not competent for either representing *pro se* or for trial or testimony{AUDIOFILE, CP}. The trial court refused

Mr. Roderick Jr's protests of incompetence and requests to leave the courtroom{AUDIOFILE, CP}. The trial court refused Mr. Roderick Jr's motions for continuance to obtain representation{AUDIOFILE, CP}. The trial court refused to issue subpoenae for admissible evidence to refute the court's claims,(not the petitioner's) that Mr. Roderick Jr's testimony was evidence of mental illness{AUDIOFILE, CP}. The trial court's ruling{AUDIOFILE, CP} including the unlicensed and unlawful, slanderous diagnoses should be overturned.

Requiring a parent to pay expenses which outweigh their ability to afford representation as a result of their participation without representation in due process civil proceedings in excess of their ability to pay and afford even necessities such as rent, transportation, food and utilities is an outcome of the errors of the trial court in this case and has been addressed in Turner v. Rogers and Indiana v. Edwards. The requirement of a higher level of competency for self-representation was already established in Indiana v. Edwards. The Supreme Court thoroughly provided clear criteria for the court to have used to determine Mr. Roderick Jr should have had counsel, yet the trial court not only failed to address competency but refused Mr. Roderick's repeated motions

and requests for counsel, for evaluation and for continuance to obtain counsel, all without sufficient cause to explain refusal to allow oral argument. Not once was Mr. Roderick Jr given an evaluation for competency{AUDIOFILE, CP}, either according to standards of *Indiana v. Edwards* or not. Not once was Mr. Roderick Jr given the opportunity to argue for evaluation of competency or for counsel to be appointed{AUDIOFILE, CP}. The trial court {AUDIOFILE, CP} illegally and incorrectly determined that Mr. Roderick Jr was paranoid, erratic and delusional, yet did not determine he could not represent himself, nor determine that he could{AUDIOFILE, CP}. No findings of fact at all were used to decide to require Mr. Roderick Jr to represent himself{AUDIOFILE, CP}. In addition, since the issue {AUDIOFILE, CP} of the petitioner regarding Mr. Roderick Jr was his mental health, requiring him to represent Elizabeth Joan Roderick in trial while *prima facie* determining he is not mentally capable was clear violation of due process and equal protection under the law, as well as *Indiana v. Edwards*. The coherent communication requirement within *Indiana v. Edwards* was clearly failed by Mr. Roderick Jr, given his oral infection, swelling, pain, slurred speech and swollen tongue, and narcotized speech and mind, not to mention the mental health

concerns acknowledged as fact by the trial court {AUDIOFILE, CP}without due process and the evaluation ordered and conducted by the Seattle Municipal Court which declared Mr. Roderick Jr unable and incompetent to assist counsel. As stated in Turner v. Rogers, "We consequently hold that the Due Process Clause does not *automatically* require the provision of counsel at civil contempt proceedings to an indigent individual who is subject to a child support order,even if that individual faces incarceration (for up to a year). In particular, that Clause does not require the provision of counsel where the opposing parent or other custodian (to whom support funds are owed) is not represented by counsel and the State provides alternative procedural safeguards equivalent to those we have mentioned (adequate notice of the importance of ability to pay, fair opportunity to present, and to dispute, relevant information, and court findings)." The trial court was aware of the following facts: Brenda Lynn was represented by counsel; Mr. Roderick Jr was subject to a child support order; Mr. Roderick Jr was unemployed, required to pay for visitation supervision and child support and that total costs including rent, utilities and excluding food aor any other even basic costs would exceed his budget and therefore preclude even hourly consultation or representation by

attorney {AUDIOFILE, CP}. Given the mental health concerns raised by Brenda Lynn herself and the aforementioned factors specifically addressed in *Turner v. Rogers*, the trial court should have at the least appointed either Court Appointed Special Advocate or other evaluation for competency, if not simply appointed counsel as multiply requested or granted continuance for obtaining representation {AUDIOFILE, CP}. The trial court had these options, indeed these options were used and are used by the trial court. The trial court refused to consider any options with argument or to select one of them, and abused due process grossly in doing so {AUDIOFILE, CP}. The consolidation of Mr. Roderick Jr's petition with Brenda Lynn's, given that Mr. Roderick Jr's petition raised all of the very questions included in both *Indiana v. Edwards* and *Turner v. Rogers*, incidentally, abused due process and discretion.

All other assignments of error not specifically covered by the previous arguments can be corrected by this Court simply by its review.

IV. CONCLUSION

The issues addressed by this brief are all governed by principles and standards of our original Constitution and Bill of Rights, as well as the Fourteenth Amendment. There are already long traditions of application of the law for each one of the questions raised by my assignments of error. There are new or different circumstances requiring standards set and applied, or principles given statutory definition or factors for equitable findings by the courts. The matter of Mr. Roderick Jr's combination of factors in no way excludes any or all of those factors from being addressed and decided by the court. In fact, the courts were created for the very reason of deciding outcomes for problems too complex for individuals or even groups without the expertise and skill and authority of the court. To deprive anyone, or Mr. Roderick Jr, from due process because of the number or complexity of factors involved in his petitions and motions before the court is to say that we do not have due process or that we need to improve the due process we do have, if it is unable to solve or hear or decide. That is a *prima facie* admission for a review by this Court. The trial court should have provided Mr. Roderick Jr and Elizabeth Joan Roderick with much more options, evaluation and assessment, opportunity for counsel and opportunity to review, challenge, provide and submit admissible evidence,

especially in regard to their own ability to represent themselves *pro se*. To assume the interests and future and life of Elizabeth Joan Roderick is represented by the party alleged to be the very danger to her by the Mr. Roderick Jr, while assuming the he is at once incompetent yet responsible for representing both himself and prosecuting the allegations against Brenda Lynn is to avoid even the beginning necessary for due process for those interests. They must be represented. The court should create clear rules governing appointment of counsel, appointment of expert evaluation of competency, and appointment of guardian ad litem, especially in circumstances of abuse and/or firearms and domestic violence. At the very least the court should vacate the decisions of the lower court and fully restore all of Mr. Roderick Jr's parental rights. The custody, care, decision-making and interests of Elizabeth Joan Roderick are best determined and provided for by Michael Roderick Jr but at the least should not be removed from Mr. Roderick Jr and given entirely to Brenda Jeanne Lynn, especially without due process and extensive findings of fact, after and including considerations of competency and counsel.

Elizabeth Joan Roderick should be raised by Michael Roderick Jr and the decisions of the lower court vacated.

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AFFIDAVIT OF MAILING

STATE OF WASHINGTON

COUNTY OF KING

STATE Ct. OF APPEALS, Div. 1

I Michael Roderick Jr [Michael Roderick Jr], according to law,

attests and says:

I, Michael Roderick Jr [Michael Roderick Jr], attest and

state that on Feb 11, 2014, I have personally mailed, a(n)

Appellant's brief, a copy of which is attached to this Affidavit, by Certified US

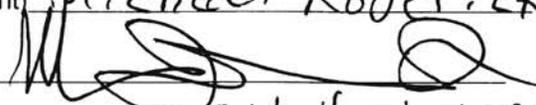
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