

THE COURT OF APPEALS OF THE
STATE OF WASHINGTON

96387-8

CASE NO. 76377-6-1

FILED
COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2018 SEP 12 PM 3:40

RITA CAGLIOSTRO

PETITIONER,

v.

PETITION FOR REVIEW

CHARLES ALEC WINTON

RESPONDENT.

FILED: *Sept 12, 2018*

PETITION FOR REVIEW

Rita Cagliostro has filed Pro Se as "Petitioner for Review" and resides in Seattle, Washington, King County. The petitioner has three grown brothers and other family who also reside in Seattle Washington area. The petitioner asks for the review of:

1.

Appellant petitions for review from the Court Of Appeals on personal jurisdiction over the case. Court of Appeals has denied personal jurisdiction in affirming of the Superior Court in King County. The court cited out of jurisdiction due to location where child resides. Appellant disagrees.

2.

Appellant petitions for review from The Superior Court in King County that entered a filing on a decision that accepted petitioner's "Order for returning child to petitioner" signed by a King County (Judge or Commissioner) and stamped by Henry H. Judson. The actual Order and additional Order was signed on November 15, 2016 set for a hearing on contempt of court on December 8, 2016.

3.

The petitioner filed a motion for reconsideration of the Order signed, in the King County Superior Court and was denied due to personal jurisdiction. The issue is whether the court failed to exercise its authority on personal jurisdiction when Charles Alec Winton voluntarily appeared in court after his motion to attend via phone was granted. As stated the U.S. Constitution requires that the party has certain minimum contacts with the forum in which the court sits. Charles Alec Winton provided that minimum contact when he mailed in his motion to attend via phone and mailed in his declaration. Charles Alec Winton attended the hearing via phone as the so called long arm law allows.

A CONCISE STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

Petitioner's reaction to an erroneous citation "act" by King County of "Order" signed at King County by which a person is summoned to and cited as in this cause for "Contempt of Court" including "Other Orders" is an upsetting error due to:

1. Courts error in use of the UCCJEA Long Arm law for allowing the attendance by phone of the Charles Alec Winton. Then backing down on the other half of "Other Orders" to return child to mother?
2. The court errors on only authorizing half the "Order"?
3. The "Order" was not a "Motion", the document was signed on November 15, 2016 and reads clearly as "Other Orders"?
4. The King County court error of ignoring and overlooking petitioners citing of the subject matter jurisdiction law. Petitioner claims then Nevada court could not and did not have jurisdiction to modify as clearly put in Rule (h) **unless the court of Oregon no longer had jurisdiction to modify**. Making the farce Oregon order of October 24, 2013 a reckless con job by respondent's Oregon attorney as full of errors and being presently sued by Rita.
5. The King County Superior Court errors in that the respondent Charles Alec Winton may not understand that the law may have been correct in an "Order" for "Temporary Emergency Custody on Immediate Danger Order" upon following the condition of the law pursuant to **UCCJEA Section 204 and ORS 109.751** that clearly states child would had to have been **present in the state of Oregon and if not**, then a Pro Hac Vice admission and a filing fee, by his attorney Forrest R. Collins would have had to have been submitted to the Board of Law/Bar Examiners of Nevada. Charles A. Winton's attorney Forrest R. Collins failed to pay a filing fee and motion for admission into Nevada.
6. The King County Superior Court errors in overlooking that in addition, there would have had to have been an Actual emergency, immediate danger present in "Nevada" where child was enrolled in school and taken from her classroom.

STATEMENT OF THE CASE

Rita Cagliostro brought a family law suit before King County Superior Court for the purpose to effectuate her Fifth Amendment rights due process of the law and of granting her order for mother to gain custody of child on or before December 08, 2016. Rita Cagliostro moved to Seattle Washington from Nevada to be closer to family and child but away from the domestic violence issues she was experiencing in Oregon. Rita Cagliostro and child were illegally evicted on Friday September 13, 2013 and upon this incident left to Nevada to seek safety with family in Nevada. The Multnomah Circuit Court erred in court actions that led to denying Rita Cagliostro motion to attend a spontaneous set up hearing on October 24, 2013 after Charles Alec Winton was denied emergency custody on the declared statements his attorney and he made at a "Status Quo" hearing on September 19, 2013. The Multnomah Circuit Court also erred when it also held a non-conferred ex-parte hearing on October 24, 2013. The issue for review is the error of not providing to Rita Cagliostro her Fifth Amendment Right to due process of the law that barred her phone attendance for the "Status Quo" hearing. Things got worse for Rita Cagliostro when that status quo hearing turned into a secret ex-parte that led to child being removed from Nevada school classroom without being properly served by police as stated on their Nevada School Police report. Rita Cagliostro went into mental shock from child gone missing. Rita Cagliostro came forward in appearance in King County Superior Court after numerous mental health therapy treatments on the shock on top of an auto accident neck/head injury she was already receiving treatments for prior to child gone missing.

WHY REVIEW SHOULD BE ACCEPTED

A petition for review will be accepted by the Supreme Court only pursuant to Fifth Amendment of the Constitution, for a fair trial pursuant to due process of the law. For the " Status Quo"

hearing on October 24, 2013 Multnomah Circuit Court that denied the phone attendance of Rita Cagliostro and held a secret Ex-Parte that same day granting a "Temporary Emergency Custody on Immediate Danger Order" Jurisdiction Order that was farce because child was not in Oregon, we resided in Nevada.

Now the King County Superior Court errors on the Order clearly signed as an Order to Go to King County Superior Court for Contempt Hearing (Order to Show Cause), "Other Orders" mother to gain custody of child on December 08, 2016. Charles Alec Winton was properly served and chose to attend via phone. Which the King County Superior Court graciously granted respondents Charles Alec Winton's motion to attend via phone December 08, 2016.

Furthermore, on the Order to Go to King County Superior Court for Contempt there was additional order for the " Other Orders" ... Respondent to bring child to court with him. Return child to petitioner/appellant/mother. Mother to gain custody of child on December 08, 2016, or before at hearing December 08, 2016. This part of the "Other Order" signed Rita wants it to be enforced.

Petitioner's reason why review should be accepted pursuant to " The pertinent provision in *Cannon* was S 901(a) which, in relevant part, provides: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" *Id.* S 1681(a). " Petitioner argues including Federal Child Support.

Petitioner argues that she cannot be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial

assistance which is referenced to child support. That also meant the string of activities from Multnomah Circuit Court in Oregon on October 24, 2013 that denied phone attendance of Rita Cagliostro and non-conferred secret ex parte that day also. Plus, not being served by the police in Nevada who removed child from classroom October 29, 2013 as stated on their report.

Petitioner argues pursuant to: "1981, Congress adopted the Parental Kidnapping Prevention Act (PKPA) for much the same purpose. The peculiarities of prior law, allowing easy modification of custody orders, were largely peculiarities in the interpretation of the Full Faith and Credit Clause of the Constitution of the United States." Rita's argument that Multnomah Circuit Court in Oregon erred in the Full Faith and Credit Clause of the Constitution of the United States.

Rita Cagliostro further argues in analysis with the Long-arm statute and as such example:

"Due process does permit state courts to exercise personal jurisdiction over nonresidents who have "minimum contacts" with the forum state. "Minimum contacts" means the relationship between the nonresident and the forum state is such that the exercise of jurisdiction does not offend "traditional notions of fair play and substantial justice" under the U.S. Constitution's Fourteenth Amendment Due Process Clause. (*International Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 158 (1945).) The "minimum contacts" doctrine provides no mechanical yardstick. Rather, personal jurisdiction depends on the facts of each case . . . the test being whether, under those facts, California has a sufficient relationship with the defendant and the litigation to make it reasonable ("fair play") to require him or her to defend the action in California courts. The following factors are usually considered:

The extent to which the lawsuit relates to defendant's activities or contacts with California; The availability of evidence, and the location of witnesses; The availability of an alternative forum in which the claim could be litigated (defendant's amenability to suit elsewhere); The relative costs and burdens to the litigants of bringing or defending the action in California rather than elsewhere; and Any state policy in providing a forum for this particular litigation (e.g., protection of California resident, or assuring applicability of California law). See *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 292, 100 S.Ct. 559, 564 (1980); and *Fisher Governor Co. v. Sup.Ct. (Prestwich)*, 53 Cal.2d 222, 225-226, 1 Cal.Rptr. 1, 3-4 (1959)."

The argument that Rita Cagliostro presents for review is the long arm statute cannot be allowed to deny Rita phone attendance in Oregon from Nevada and denied her due process. In arguing the long arm statute is then allowed of Charles Alec Winton to attend by phone in King County Superior Court Seattle, Washington from Oregon for the purpose of furthering a farce order from October 24, 2013.

CONCLUSION

In conclusion petitioner seeks review over the issues stated and the errors of the King County Superior Court. Petitioner seeks review to return to the King County Superior Court signed "Other Orders" and for the court to honor the signed orders from November 15, 2016.

APPENDIX

1. A copy of the Court of Appeals decision
2. A copy of the Order signed on November 15, 2016
3. (Three pages)-copies of the denied actions by the King County Superior Court.
4. A copy of the police report of Las Vegas, Nevada
5. A copy of the Denied phone attendance of Rita Cagliostro

STATUTES AND CONSTITUTIONAL PROVISIONS

UCCJEA Section 204 and ORS 109.751

28 U.S. Code § 1738A Full Faith and Credit Given to Child Custody

31 CFR 5.10 (a)(2)

RULE 6 Argument Pro Hac Vice

No. 76377-6-1/2

The Fifth Amendment

XIV Amendment

UCCJEA Long Arm Statute

Rita Cagliostro v. Forrest R. Collins (Case No. 2:18-cv-00425 RSM)

The Big Tucker Act

Dated: September 12, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rita Cagliostro", written over a horizontal line.

Signature [Appellant]

Rita Cagliostro,

212 Alaskan Way S205

Seattle, WA, 98104

503-960-6345

Cc: Charles Alec Winton

FILED
KING COUNTY, WASHINGTON

NOV 15 2015

SUPERIOR COURT CLERK

EXP07

Superior Court of Washington, County of King

In re:

Petitioner/s (person/s who started this case):

Rita Cagliostro

No. 16-3-05790-3 SEA

Order to Go to Court for Contempt Hearing
(Order to Show Cause)

(ORTSC)

Clerk's action required: 2

And Respondent/s (other party/parties):

Charles Alec Winton

**Order to Go to Court for Contempt Hearing
(Order to Show Cause)**

1. Findings

The court has reviewed the Motion for Contempt Hearing filed by the (check one):

Petitioner Respondent and finds there is reason to approve this order.

2. The court orders (name): Charles Alec Winton to:

Go to court on: December 8, 2016 at 9:00 a.m. p.m.
date time



at: 576 Third Avenue in W291
court's address room or department

Family Law
docket/calendar or judge/commissioner's name

At the hearing, you must show why the court should not approve the requests made by the other party and find you in contempt.

Warning! If you do not go to the hearing, the court may:

- Approve the other party's requests without hearing your side, and
- Issue a warrant for your arrest.

If the other party has asked the court to send you to jail, and you cannot afford a lawyer, you may ask the court to appoint a lawyer to represent you.

CASE NO. 16-3-05790-3SEA

CASE NO. 76377-6-1

CASE NO. C18-425RSM

P. 2

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
FAMILY COURT

Winton, Charles
Petitioner,

v.

Cagliastro, Rita
Respondent.

Case No. 0903-62138

ORDER

Respondent's Motion for Attendance
by phone is hereby denied.

Respondent
denied attendance
for 10/24/13
Emergency
Custody
held
10/24/13
A-180

10/23/13
Date Signed

[Signature]
Circuit Court Judge (Signature)

SVETKEY
Print or Type Name of Judge

Case No. 0903-62138

Case No. 16-05790-3SEA

CCSDPD Crime Report

Case No. 1310-05665
Report No. 1310-05665.1
Report Date: 11/8/2013

CCSDPD
120 Corporate Park DR
Henderson, NV 89074
702 799-7830

1

Page 1 of 1

Exhibit A-G

Case No. 76377-6-1

Subject: S447A - CUSTODY DISPUTE

Case Report Status: A - Approved

Date Entered: 11/8/2013 9:41:10 AM

Reporting Officer

391 - Mulvey, David

Occurred On (and Between): 10/29/2013 8:00:00 AM
10/29/2013 11:38:00 AM

Entered By: 501 - Owens, Johan

Date Verified

Verified By

Date Approved: 11/12/2013 9:04:20 AM

Approved By: 292 - Kurak, George

Connecting Cases

Assisted By

501 - Owens, Johan

501 - Owens, Johan

Location: 2637 E GOWAN RD

Jurisdiction: NLV - City of North Las Vegas

Disposition: Inactive

Clearance Reason

Date of Clearance

Reporting Agency

CCSDPD

Charlie Division

Division

Notified

Grid: C1

Sector: NEC

Map

Census/Geo

Call Source

Telephone

Vehicle Activity

Vehicle Travelling

Cross Street

Means

Other Means

Motive

Other Motives

Report Narrative: On 10/29/2013 at approximately 1136 hours, Officer D. Mulvey P#391 and myself were dispatched to Cox E.S., located at 2637 E. Gowan Las Vegas, NV 89030 in reference to a custody dispute.

Upon my arrival, I met with Charles Alec Winton, who stated to me that he was here to pick up his daughter Angel Winton from school. He also provide me with a Domestication Nevada Court order that stated that he shall have primary custody until the hearing, due to Rita Cagliostro was in violation of their Oregon State court order regarding custody of Angel Winton.

Charles Winton, also stated that he would go to North Las Vegas Police Department to informed them that he was going to take custody of Angel Winton and so that they can serve Rita Cagliostro with the court order.

In this report is a copy of Charles Winton Oregon State Driver License that properly identifies him. Angel Winton was released to her father Charles Winton due to the Nevada State court Order. I also made an attempt to contacted Cagliostro to inform her that she has a court order regarding her child, but was unable to reach her. I then cleared with no further incident.

Offense Detail: S447A - CUSTODY DISPUTE

Offense Description: S447A - CUSTODY DISPUTE

IBR Code

IBR Group

Crime Against

Using

Criminal Activity

Weapons/Force

Location

22 - School/College

Offense Completed?

Yes

Hate/Bias

88 - None (No Bias)

Domestic Violence

No

Cargo Theft

No. Prem. Entered

Entry Method

Type Security

Tools Used

Force Level

UNLAWFUL DISSEMINATION of this Restricted Information is PROHIBITED. Violation will subject the offender to Criminal and Civil Liability.

Rel. To: Rita Cagliostro

Date: 12.8.14

CCSD POLICE DEPARTMENT

BY: uburgess

RECEIVED
2015 APR -8 PM 1:30

ED/CCR
REGION 2

NRS 199.210
ORS 162.295

Tampered evidence due to unavailability until 12/8/14 discovery date (pk)

Case No. C18-425KSM
P.8

Case No. 0903-62138
Case No. C18-00425PSM

Case No. 76377-6-1

FILED
KING COUNTY WASHINGTON

DEC 08 2016

FAM01

SUPERIOR COURT CLERK
BY Ayako Sato
DEPUTY

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

Winton, Charles

vs

Cagliostro, Rita

No: 16-3-05790-3 SEA

Order on Family Law Motion

RE: Motion for Contempt

Clerk's Action Required

The above-entitled court, having heard a motion

for order to show cause contempt.
The order alleged to be violated is
registered in Washington, although it is

is hereby ordered a Multnomah County Superior Court
in Oregon.

The father (custodian) and child reside in
Oregon.

mother requests contempt. The court
has no in personam jurisdiction over
the father to address contempt. The hearing shall

Dated: 12/8/2016

Presented by: _____

Appeared by telephone
Attorney for Petitioner/Petitioner

Commissioner

Leonid Ponomarchuk

Copy Received:

Leonid Ponomarchuk

Appeared in court
Attorney for Respondent/Respondent

Case 0903-62138

Case No. 76377-6-1

Case No. C18-00425 RSM

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

Charles Alec Winton
Petitioner

NO. 10-3-05790-3 SEA
^{Penying}
Order On Family Law Motion Revision

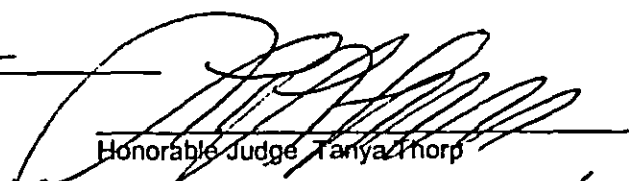
vs

Rita Cagliostro
Respondent

The above-entitled Court, having heard a motion for revision of Commissioner
Ponomarev's December 8, 2016 order of ~~dismissal~~ ^{striking}
striking contempt

IT IS HEREBY ORDERED that the motion for revision is
denied and the Commissioner's ~~order~~ ^{dismissal}
dismissal ~~is affirmed~~ ^{striking} the contempt
hearing.

Dated: 1/27/17



Honorable Judge Tanya Thorp

appeared by ~~petitioner~~
Attorney for Plaintiff/Petitioner WSBA# _____

appeared in Court
Attorney for Defendant/Respondent
WSBA# _____

Case No. 0903-62138

Case No. 76377-6-1

Case No. C18-00425RSM

16-3-05790-3SEA

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

Rita Castrosko
Petitioner

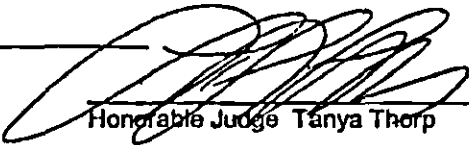
NO. 16-3-05790-3 SEA

Order On Family Law Motion Denying
request to waive fees
on appeal

vs
Charles Alec Winter
Respondent

The above-entitled Court, having heard a ^{ex parte} motion ~~affidavit as no motion~~
~~was included to waive fees presumably for the~~
~~filed appeal and no evidence presented to show~~
~~the review has probable merit and the party~~
~~has a constitutional or statutory right reviewed partially or~~
IT IS HEREBY ORDERED that ^{wholly or partially} ~~wholly or partially~~
~~pursuant to Rule of Appellate Procedure~~
~~15.2(c) the affidavit and presumed motion~~
~~is denied.~~

Dated: 2/17/17


Honorable Judge Tanya Thorp

Attorney for Plaintiff/Petitioner WSBA# _____

Attorney for Defendant/Respondent
WSBA# _____

2018 JUL 16 AM 8:32

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

CHARLES ALEC WINTON,)	No. 76377-6-I
)	
Respondent,)	DIVISION ONE
)	
v.)	UNPUBLISHED OPINION
)	
RITA CAGLIOSTRO,)	
)	
Appellant.)	FILED: July 16, 2018

PER CURIAM – This case arises from a child custody dispute initially litigated in Oregon. The mother, Rita Cagliostro, subsequently moved in King County Superior Court to have the father, Charles Winton, held in contempt under the terms of the Oregon court’s decision. A court commissioner denied the motion, ruling that the court lacked personal jurisdiction over Winton. The superior court denied Cagliostro’s motion to revise the commissioner’s ruling. We affirm.

Although the procedural history of this case is not entirely clear, it appears to stem from child custody orders entered by the Multnomah County Circuit Court in Oregon. Those orders pertain to Cagliostro’s child, who resides in Oregon with the child’s father and custodial parent, Charles Winton. Based on the terms of those orders, Cagliostro commenced this action in King County Superior Court, alleging that Winton violated the Oregon orders and should be held in contempt.

A court commissioner denied her contempt motion, finding that Winton and the child resided in Oregon and that the court lacked personal jurisdiction over Winton. The superior court denied Cagliostro's motion for revision. Cagliostro appeals.

Pro se litigants are held to the same standards as attorneys and must comply with all procedural rules on appeal.¹ Failure to do so may preclude review.² An appellant must provide "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record."³ Arguments unsupported by references to the record or citation to authority need not be considered.⁴ Appellate courts are not required to search the record to locate the portions relevant to a litigant's arguments.⁵ And conclusory claims presented without meaningful argument or relevant authority need not be considered.⁶ Finally, briefs should contain a table of contents, a table of cases, and assignments of error.⁷

Cagliostro's brief repeatedly violates these rules. The brief contains no assignments of error, table of cases, or table of contents. Although she filed

¹ In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993).

² State v. Marintorres, 93 Wn. App. 442, 452, 969 P.2d 501 (1999).

³ RAP 10.3(a)(6).

⁴ Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992).

⁵ Mills v. Park, 67 Wn.2d 717, 721, 409 P.2d 646 (1966).

⁶ See State v. Rafay, 168 Wn. App. 734, 843, 285 P.3d 83 (2012).

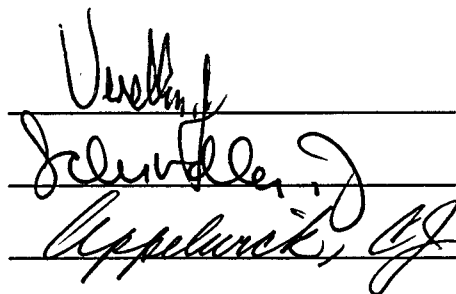
⁷ RAP 10.3(a).

clerk's papers, her brief fails to cite them or any other part of the record. Many of her arguments are not supported by relevant authority, and the majority of her brief discusses matters unrelated to the appealed orders. The unrelated matters include alleged deficiencies in the Oregon court orders and claims that Winton's former counsel committed torts and violations of the rules of professional conduct. Taken together, these violations of the RAP are fatal to the appeal.

In any case, Cagliostro's brief fails to demonstrate any error in the superior court's determination that it lacked personal jurisdiction.⁸ The brief makes no mention of personal jurisdiction, and while Cagliostro mentions the UCCJA's section on "Temporary emergency jurisdiction," RCW 26.27.231(1), she mentions it in the context of matters involving the Oregon courts, not the King County Superior Court.

Affirmed.

FOR THE COURT:



The image shows three horizontal lines representing a signature line. The first line contains a handwritten signature that appears to be "V. ...". The second line contains a handwritten signature that appears to be "Schubert, J.". The third line contains a handwritten signature that appears to be "Appelwick, CJ".

⁸ Cagliostro also presents several arguments in her notice of appeal. To the extent those arguments are not raised again in her brief, we deem them abandoned.