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STATE OF WASHINGTON
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Supreme Court No. 98576-6
Court of Appeals No. 80165-1-I

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

Christy Crabtree

Plaintiff,

vs.

Donald Crabtree,

Appellant

PETITION FOR REVIEW

PRESENTED BY:
DONALD C. CRABTREE, MAJOR, USAF
PETITIONER, B.S., M.S, M.A, Pro Se.

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STATEMENT OF THE IDENTITY OF PETITIONER

Abstract, contextually

This case began in South Carolina as the Appellant departed the active duty of the U.S. Air Force. The Husband of 17 years and father of 4 was the primary source of financial provision willed to establish a platform for volunteer networking; however, the wife and primary care taker of the children was triggered with anxiety by the risk of uncommon pursuits. Though the couple had agreed to this course of action prior to the transition, the wife became severely symptomatic of fear and became excessively controlling to see him follow conventional employment. The Husbands efforts to reason, or to mitigate costs such as relocation and suspending private school of the children were subverted. The wife rapidly established a demonized narrative leveraging stereotypes to undo the confidence of the husband's dreams of purpose filled work. She attacked his faith and he defended it. When he did not capitulate to her homewrecking and resisted she " fled for her life " taking the children to construct implications for cause and force hardship. Conceptually she took on that hateful spirit as seen in a recent viral video of 2020 of the woman in New York Central Park who called the police to report that a black man was threatening her life, because as a bird watcher, he insisted that she collar her dog. It is well understood the false accusations are now permissible as an angry party entitlement despite the gravity of their consequence, it is overlooked though it is the very substance of a hate crime. The husband continues to pursue his sense of calling despite the efforts of the Court to coerce him to pay $1,600 monthly alimony. The basis for the alimony on a foundation of fault for faith. The Alimony was awarded in a no-fault divorce ruling, but treated the same as fault as the Court found the Husband's use of his faith to protect himself from hate was cause for the wife to flee the marriage. It was necessary for the Court to fabricate

some faith hate reasons since the psychological evaluations heavily favored the husband. Because no evidence supported the wife's entitlement to children or money. This is the fruit of a Feminist hate combined with a Judge originating from Berkley California operating in South Carolina and trying to please her peers. The matter is on Appeal in South Carolina. The Husband has been sentenced to prison 3 times for contempt of Court as he has seemingly been uncooperative to the manipulations of a Court demonstrating contempt for the way of life provisioned by the constitution.(U.S. Const. amend I) He has continued to fight for his 4 children to have access to their father and to have a rearing role for their development, and for matters of contempt of court he has appealed all false or hateful rulings since the time of the final divorce trial.

I am the Petitioner and Husband of this case. I was Born in Bellingham Washington, raised in Maui Hawaii where I attended Catholic School. I Attended University in Fort Collins Colorado at Colorado State University and degreed in Mechanical Engineering. I married Christy, the Respondent, in 2000. In 2001 I was Presidentially Commissioned as a 2nd Lieutenant to the U.S. Air Force. I was active duty for 13 years and we moved every few years, we had 4 children together. I regularly volunteered in ministry type activates and when I left the Air Force I wanted to start a non-profit type outreach system. But when I departed the Air Force my wife of 15 years decided that putting her anxieties and validating fear was my husbandly mandate and sought to coerce and control stating that my confidence to do otherwise was unloving as a byproduct of my religion. So we failed to navigate the career transition, but such a simple failure would seem to shallow since she also seeks to associate with Christianity. So, she leveraged faith hate to facilitate an external condemning narrative to justify her urges to indulge a basic lack of personal character, fortitude, and resilience to circumstantial changes.

COURT OF APPEALS' DECISIONS

I request full review, or DE NOVO, of the Court of Appeal's decision that affirmed Court finding in Christy Crabtree v. Donald Crabtree Case No. 80165-1-I, filed 20 April 2020. The primary fault of the Appellate Court is to ignore the prevailing law of the land embodied in the 1st Amendment of the United States Constitution (U.S. Const. amend I). The South Carolina Divorce Order, for which my failure to abide clearly condemns my exercise of faith as a basis for financial burden. Citing the Husband's use of faith as cause for the failure of the marriage, and also as the basis for imputation of alimony equating it to that of a fault-based determination for presence of faith.

The Court of Appeals decision here would suggest that the Courts are bound to enforcement of unconstitutionality, putting the traditions of the Court above the law. Whereas a Court may recognize proceedings of jurisdiction, the Court has no entitlement to ignore an unconstitutional basis. It implies a war of ego superiority between the judicial and legislative branch. A rebellion and contempt for the people.

Additionally, The Court of Appeals excuse for failing to reverse the lower Court's decision are a sad defense. The ruling pivoted on the idea that there was substantial evidence to support the imputation of income. Yet, due to the out of state transfer of the Order being enforced, there is no accompanying evidence included in the case record. Leaving the Appellate Court looking incompetent or evil for saying their decision was supported by evidence. Which embodies the foolishness of the Courts these days to pick a trajectory and then make excuses to justify it, which then show them to be either unable to reason, or unwilling. Add to this the fact that the order displays contempt for the 1st Amendment of the United States Constitution, demonstrates how substantially compromised the order is. This demonstrates that the lower court's commissioner is also compromised by her recognition of the Order's narrative and it's

embedded anti-ideology used to trigger and signal hate for masculinity. This is not a matter of competency of the court but rather ulterior motive. It is a hater's dream, just like that woman in New York of the recent viral video. Whereby she failed to collar her dog and when corrected by a black man she witfully put her trust in the ease of accusation to leverage his gender and his ethnicity. How did she know this would be such an easy pathway to vindicating herself, if the Courts didn't have a reputation for gleeful endorsement of false allegations.

ISSUES PRESENTED FOR REVIEW

I request that the Washington State Supreme Court review the full original briefs by which the Appellate Court issued its ruling, which are attached. Some itemized issues are:

1) Commissioner Pamela Englett failed to read declared documents
2) Commissioner Pamela Englett failed to be judicial
3) Commissioner Pamela Englett failed to listen
4) Commissioner Pamela Englett interrupted and spoke over the Defendant
5) Commissioner Pamela Englett refused to allow exculpatory tax evidence
6) Commissioner Pamela Englett refused relocation as a change of circumstance
7) Commissioner Pamela Englett hates PRO SE people and feeds her young
8) Commissioner Pamela Englett perpetuated injustice.
9) Commissioner Pamela Englett exacerbated injustice.
10) The basis of the S.C. order is in direct violation of the U.S. Constitution.

STATEMENT OF THE CASE

The case begins as an emergency Complaint filed by the Respondent on November 10, 2015 (hereinafter "Wife") against the Appellant (hereinafter "Husband" or I in the first person). The Husband was served the following day and resourced an attorney that same day for a hearing to occur two (2) days later on Friday the 13th of November, upon which the Husband provided

his Answer and Counterclaim and digital evidence. Both parties filed motions for temporary relief. At the time of the hearing no testimony was taken due to Judge McFaddin's case load. Upon those affidavits, a Temporary Ruling was issued (12) days later on November 25, 2015, finding the Plaintiff to be credible and evicting the Husband, giving him restricted supervised visitation with his children, ordering support of imputed income by his active duty military pay of the career he had departed 10 months earlier, payment of the mortgage, private school tuition, amounting to approximately $5,000 per month.[1] The Temporary Order was filed on 30 December (IBID) and the Husband filed a lengthy Motion to Reconsider on 19 January 2016 itemizing and transcribing dialogue from digital evidence in marital a recording and family videos that had been included in his Answer at the Temporary Hearing.(IBID)

The Court did not respond for 42 days to the Husbands Motion to Reconsider until March 2, 2016, during which time, the Husband had not maintained the Court Ordered support amounts and for which a Rule to Show Cause had been issued on January 28, 2016 and for which Hearing date was set for March 2, 2016. The Court denied the Husband's Motion for Reconsideration on the date of the Hearing to Show Cause, and the Hearing to Show Cause proceeded that day.[2] The Hearing resulted in the Husband being found in contempt and sentenced to 180 days with immediate incarceration and was handcuffed at that time.(IBID)

Judge George McFaddin after stating the Plaintiff showed her case prima facie the following:

> "I'm going to get his attention, now. Making him concentrating on going to work, I hope. Because as of now he will be in the custody of the Sheriff's Department and he shall serve no less than 180 days in jail, until he purges himself – " (IBID)

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[1] CP Sub Document 14 page 4

[2] CP Sub Document 14 page 5

This Ruling was contested by the Husband's attorney, was given less than 24 hours to purge himself for which payment would be allowed by check from the Defendant's attorney's office, which was accomplished the following day. (IBID)

The Husband Petitioned for Supersedeas on 23 March 2015 to stay similar events on account of the support demands imposed with respect to the facts of the case. (IBID) By the time of Appellate review the Husband had found work. In the Wife's response to Supersedeas she argued that change in circumstance as the Husband had gained employment (IBID), for which the Appellate Court remanded the income matter and held other matters in abeyance until final hearing. (IBID) A month later the Psychological Evaluations that had been mandated by the Temporary Order were conducted on the Husband and Wife on September 13th and 14th respectively[3]; and upon those reports, the Husband made motion for reversal of child custody. (IBID) The Child Custody Hearing took place on 17 January, 2017 where the Mother objected to the Psychological Reports that were taken as evidence, agreed at that time to removing supervised visitation constraints but the Court choose to hold the remanded financial income matter in further abeyance. (IBID)

From that same Custody hearing on 17 January, 2017 the Defendant only achieved the removal of "supervision" requirement. (IBID) At this time, the Defendant relieved his counsel of record and proceeded pro se by order dated 10 March, 2017. In response to the limited custody adjustment the Defendant made Motion for Reconsideration including a Drafted Order, financial arguments, and a timeline to show causality in the acrimony. In his Motion, the Husband corrected a statement of the order saying the wife was seeking divorce, for which at time she was not. The Husband clarified that the complaint of the Plaintiff was yet to be seeking divorce and

[3] CP Sub Document 14 page 6

made implications as to why. In his attached drafted order, the husband offered a drafted ruling he felt reflected the evidence. (IBID)

The Husband's consultant work ended when the government contract expired in November of 2016, and the Husband began to fail to pay the mortgage beginning in January on the marital home. The Wife made Motion for Rule to Show Cause due to this on 10 March, 2015 for which a hearing was scheduled for 22 May, 2018. Prior to the Hearing on 22 May, 2018 the Wife filed Amended Complaint requesting divorce on grounds of 1 year continuous separation and also asking again to impose supervised visitation[4]. On this same day a Hearing for Rule to Show Cause resulted in the Defendant being found in contempt and allowed to access marital assets to fulfill reimburse for those missed mortgage payments. Attorney fees of the Plaintiff and retroactive support adjustments requested by the Defendant were both held in abeyance until final trial. (IBID)

The Defendant received the Amended Complaint of the Wife shortly after the Hearing to Show Cause. In response, the Husband provided a very long answer outlining the culpability of the wife, and attacking the Court's obtuse ability to be influenced by evidence exercised by Judge McFaddin in the situation at hand. On 23 June, 2017 the Wife filed a Motion to Strike all of the Defendant's response except for the first portion for which the Husband consented to the Wife's request for Divorce. (IBID) On 24 July, 2017 at the Hearing the Husband agreed to the Motion to Strike and requested that he might resubmit.

At Final trial on Oct 2, the 2017 the Husband provided a pre-trial memorandum making his requests known for primary placement and equal time parenting and recommending changes to visitation schedules for families with many children. (IBID) He also resubmitted his answer to

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[4] CP Sub Document 14 page 7

the Amended Complaint which was objected and sustained for lack of an approved Motion to be permitted to do so. The Final Trial ran three days in duration. The ruling was given 8 November, 2018. Judge Pincus, the Trial Judge, found the Plaintiff to be credible and finding grounds to state the Plaintiff suffered 15 years of Faith Based Abuse on account of Judge Pincus feeling troubled by faith related content.[5] The Defendant received the Final Order on Dec 14 further outlining the Defendant's use of his Christian faith toward Mother as main cause of the demise of the marriage (IBID) and also finding no statutory grounds for fault ground applicable to this case. (IBID)

The following day the Defendant filed a 35 page Motion for Reconsideration highlighting manifest evidence regarding as to how the Wife could not be found credible. (IBID) The Wife also filed a Motion for Reconsideration on 20 Dec, 2018 requesting a contingency lien on Husband's property. Judge Pincus ruled on 8 January, 2018 approving the Wife's Motion for Reconsideration in its entirety and rejecting the Husband's Motion for Reconsideration in its entirety. In light of these motions the Amended Final Order was revised, which included Judge Pincus' own act of Reconsideration where she increasing the Plaintiff's alimony allocation from $1,300 to $1,600. (IBID)

On 20 February, 2018 the Husband gave notice of Appeal to the Supreme Court on account of the new "Faith Based Abuse" concept, but the matter was remanded to the Appellate Court. Since this time the Appellate Court has granted limited remand to allow for the sale of the couples homes and this has been approved by the Family Court via a Consent Order. (IBID) The Appeal in South Carolina is fully briefed with a Record on Appeal that is over 1700 pages long. The Matter has been pending scheduling for almost a year.

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[5] CP Sub Document 14 page 8

From the Case demonstrating the lack of credibility of the wife were given during testimony from the Court Resourcedd Psychologist who had evaluated both parties: Dr. Marc Harari was the psychologist resourced by Mr. Stoddard for the Court ordered Psychological evaluations. During testimony of the final trial he contrasted our results saying:

Dr. Harari Regarding the Wife:

> "Her presentation was fairly typical. There was a tendency to externalize responsibility for – kind of blaming M. Crabtree for the demise of the marriage and the conflict that has gone on since. There was some inconsistency between her reports to me, compared to some of the information, collateral information she provided."[6]
> "And in the terms of a specific area that I found was there was inconsistency about fearing for her life and physical safety that was written in some of the complaints and the affidavits but was not relayed to me during the interview." (IBID)

Dr. Harari Regarding the Husband:

> "in my opinion, Mr. Crabtree was somewhat defensive and also a tendency to externalize responsibility and minimize his role in the conflict; however, he did produce collateral information that was supportive of his perspective."[7]

Dr. Harari Regarding the Wife:

> "Reviewing the validity data on the psychological inventory between Mr. Crabtree and Mrs. Crabtree the accumulation of findings suggest that he is generally responded in a more candid manner." (IBID)

Dr. Harari Regarding the Husband:

> "from the accumulation of data, I did not see overt personality dysfunction or psychological dysfunction. One of the allegations was you're highly aggressive, violent, narcissistic, and the test data that I acquired didn't support those qualities that I saw." (IBID)

Dr. Harari making a contrast:

> "I measure faking good or defensiveness. On two of them, she had elevations where – that were high on social desirability. And on yours, your evaluation, your responses presented as candid and reasonable, meaning they weren't elevated. So it's just one way of comparing one aspect of your presentation comparing one aspect of your presentation compared to hers was that I found your test data more, you know, reasonably interpretable, where I found that I needed some caution interpreting her test data due to possible symptom minimization." (IBID)

How Mrs. Crabtree presented to the MMPI 2 Evaluation:

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[6] CP Sub Document 14 Page 20

[7] CP Sub Document 14 Page 21

> "Mrs. Crabtree presented as a woman that can be passive and submissive in her relationships, she tends to – or endorse where she doesn't assert herself appropriately and maybe engage in withdrawal tendencies rather than face conflict. That's how she kind of views herself, according to the MMPI results. There's also a tendency to be overly dependent on others." [8]

Based on her results and self presentation as a submissive woman, Dr. Harari recommended that Christy continue therapy because of the situational stressors, help improve her assertiveness and reduce passive behavior in terms of dealing with the conflict. (IBID)

Final Trial

It took two years to get to final trial where we had a three day trial where I had numerous witnesses, the Court selected Psychologist, and multiple audio recordings to show that I had been mischaracterized solely on account of her will not being done. The Judge Monet Pincus' order was very contradicting. It based my use of Faith as the Cause of the Demise of the Marriage. It found that I failed to lend credence to the complaints of my wife, but it directly also failed to lend credence to her and found I was a loving father. So, it was humorous in a sick way and anti-constitutional (U.S. Const. amend I).

> **"13. The children's cultural and spiritual backgrounds are not an issue in this case. The parties profess a strong Christian faith, but the fathers use of his Christian faith toward Mother in this regard was the main cause of the demise of the marriage."** [9]
>
> **"Husband made it impossible for Wife to remain in the marriage and she needs alimony."** [10]

Relocation

I motioned for reconsideration and Appealed the Final Ruling for which the Initial Brief is included. During the Months from January of 2018 following the Final Trial and June of 2018 Christy Crabtree took me to Court on Contempt for failure to pay the $3,004 dollars in

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[8] CP Sub Document 14 Page 22

[9] 2020-04-20, Initial Brief Page 5

[10] 2019-04-20, Initial Brief Page 6

alimony and child support. I defended myself there where the Judge Thomas Bultman, took the matter under advisement but then ruled that I had 30 days to pay or 30 days in jail. I needed to sell the House in Spokane WA in order to gain the funds and I put the home up for sale. The Appellate Court allowed for that to transpire. I also had Reserve Duty in Colorado to gain income but not in such short order and I could not pay in time, but Christy and the Kids and I both relocated to Whatcom County during that 30 day period which had been discussed in the contempt hearing and for which Court was aware and in-part facilitated with the 30 day period. Once I sold the House in October Christy received her funds. But a month earlier, in September she motioned for a warrant for my arrest in South Carolina, and though she was paid shortly thereafter she continues to refuse to confirm with the S.C. Court that the monies were paid and thus the Warrant remains in effect which is problematic for traditional employment. And though traditional employment is not my avenue, the refusal to alleviate the technically purged warrant is reflective of the woman's disposition and lack of concern to increase financial opportunity.

Contempt of Court

Once I had sold the House and paid the funds to Christy I had remaining funds that went to all my creditors. Once I had paid all the Credit Cards and my parents back for carrying the mortgage payment on the Spokane House and for the preparations it needed for sale. I had no further funds. About 6 months after relocation to Washington State Christy had the foreign order from South Carolina registered in Whatcom County and Moved for the Contempt Hearing for the payment since the Sale of the Spokane Home. It was her presumption per these Appellate Briefs that I should have plenty of money. But all the debts I had incurred to survive during the divorce process also needed to be payed from the proceeds of the sale. These

creditors on ethical grounds were also more deserving because they had not lied to create their debts.

ARGUMENT

Conflict

The primary issue of this case is contempt of a different sort. And the reason for it is a division about what is reasonable. For one person they simply want to survive, avoid pain and unnecessary trouble. The idea of God, principles, and philosophy is approached with caution. This is because ideals are useful for manipulation of the masses. Religion is commonly perverted to manipulate. It is thus quite troublesome when the rationale born from pragmatism or self-interest attempts to compel the type of rationale born of Christ oriented servitude. There is an inherent battle where arguments cannot land well on the opposing party due to their perception of their purpose in life.

Contempt

In response to such conflict there is a predictable response from the party advocating self-interest. If there is no relational tie between two people, then the conflict of ideals may allow a dispassionate conversation. But if there is significant consequence due to relational interdependencies such as a family, and consensus is required between the two people, and yet they are divided at heart over the purposes governing their lives. It is impossible for the matter to remain dispassionate.

First Blood

My religious expectation within the realm of mutual-faith was that I should be able to serve God with my vision to network volunteers. I additionally felt that my wife who vowed to support and aid me would choose purpose over ease. I also operate with a sense of God's faithfulness that he is at work and has good purpose for me. So, I perceive that my former wife

is in contempt of God, her vows, and me. That I am not at fault for the use of my faith. And the idea that faith is wielded against my wife is a reversal of it's defensive role in that it served to buttress the pursuit of my purpose against her accusation and condemnation. It was used against her accusations, but not against her. My refusal to validate the person attacking my prerogative is basically a defense of my right to choose work. Yet the Court found that I failed to validate anxieties or the worry forcing my wife to betray me emboldened by my faith. The fabrications, this break in faith from the truth regarding my character, in her original pleadings was cruelty, abandonment, and with constructive effort to bring harm. I have acted in good faith without contempt for her, for God, for Country, and nor contempt towards the Court. The issue of contempt is directed in fact towards the US Constitution (U.S. Const. amend I).

Projected Contempt

It appears to me that the person who is overcome with a spirit of contempt predictably accuses the other of it. Once this battle shapes up it is not uncommon for the guilty party to escalate their efforts to provoke a reaction so as to gain evidence to validate their lie. Additionally, by creating trouble for the target, any trouble that does transpire is useful as reinforcing fodder. Making an external enemy in order to fail to see the internal/eternal enemy in the fear at heart.

Truth as Perception

It is said that the victor gets to write the history books. That is no different in this case. Despite all my efforts to evince the merits of truth in my case, I was condemned for my faithfulness to my faith and it was found to be contemptable. My faith appears intolerant of fabrications and inherently precludes validating such invalid perspectives. Look at the case of Christian Cooper in New York Central Park who indicated that Amy Cooper was in the wrong

for her unleashed dog. See how she accused him eagerly and put her trust in the ability to leverage stereotypes. Without his video evidence her efforts would have jailed him. His crime, attempting to enforce standards, and her reaction a willingness to project fault instead of accept fault. And the fault she was willing to project had little restraint.

Vindication

Vindication is like a perpetual black hole. It sucks in all the light and bears no light. It warps the light and it can only be seen by looking closely to see how the light has been manipulated around it. So, the truth is bent to serve the purpose of vindication. Thus, the most effective lies are the ones that cherry-pick facts to manipulate and fabricate a meaning. The person who has compromised their integrity, because they don't think their soul matters, do not emit light, they consume it and bend it. And those who need love, instead of becoming love, they feed on others. Therefore, love going into a man does little, but love coming out of man is life eternal. Like a star emitting light. And both these stars and black holes have something in common, they have influence of gravity, affecting those around them. *(Man is both male and female mankind)

Momentum

So, the victor writes the history books. But it does not mean the history written is true. Without the facts, and without the trial record, a spun story without the thrash or conflict leading up to it must be approached with a review.

Appellate Court

The Appellate Court acknowledged:

"In Short, and although the commissioner's findings on this point should have been more thorough, there is substantial evidence in the record to support the trial court's finding of contempt." [11]

Appellate Court is in error regarding any evidence whatsoever because there is no record of the case in Washington, let alone the phrase "substantial evidence," because the Divorce Order was transferred from South Carolina, without any evidence for Pamela Englett. The only matter held by the Court was the Order to be enforced. The `history written` = The Order, of this narrative accompanied with an Appeal by me citing manifest error she chose not to read. The Finding of Contempt was entirely absent of all the evidence. Which is why it is prudent for Pamela Englett to have had a "hearing" where she could "hear," and "weigh" and "consider" and act judiciously. This was her primary failure to do her job. Which then brings about either her contempt or her laziness or both. Is Pamela Englett incompetent or is she hateful or both. Hatefulness can lead to laziness, and perhaps vice versa. Which raises another question, do the Courts police their own? Or are they like a brood of vipers covering for one another? What loyalty is there to the Constitution once a vain person takes offense and makes vindication their primary purpose?

The remaining arguments concocted by the Appellate Court are superfluous to this primary issue regarding lack of effort by the Commissioner, and only serve as general fodder of excuses mounded on a false foundation.

The Odor

What I see is that the human condition is hard at work here. The more shallow a person is, the more easily they are triggered / reviled. The more that they have compromised themselves with respect to justice, that is to love, or to do unto others as they would want done

[11] 2020-04-20, Ruling Page 9

unto them. They of course have well developed rationalizations for their `us v.. them` prejudices. Add to this the case of attorneys, have they facilitated hate of self-interest, do they indulge vindictive hate as a guise of duty? These compromised souls become quite self-concerned and their reality informs their will / desires corrupts their rationalizations. Their will becomes enslaved, dedicated to preserving a reality that makes excuse for self interest and self justification. This leads to the spirit of contempt and vindication. This gives birth to identity death as a primary substance to a person's purpose in life where truth is threatening, and those who represent truth are threatening. Thus the need for article 1 of the us Constitution (U.S. Const. amend I). So that the personal enslavement of the human condition can be put in check.

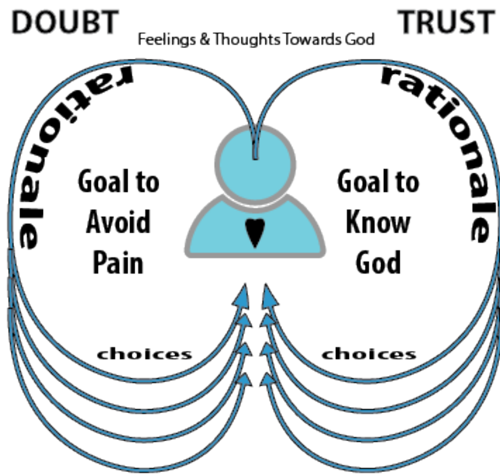
The War

It has become quite evident to me that there is a war playing out between good and evil. There are emotional tells in people on either side of this war. The false person, regardless of political affiliation, invite an evil spirit into themselves when they use truth but do not produce truth. This is rationalized in some manner by receiving an offense, and letting that offense grow in them, and when they choose to lie, they tell themselves that everyone lies. The truthful person, prove if they fear God by their inherent fear of manipulating the truth as may have been done to them. So they reject letting the hurts and offenses grow in them. This is the difference between those who are triggered and those who are resilient. There is also a laziness to this process due to the challenge of discovery of truth versus the ease of fabricating a perception. At the core of this war is a dedication to justice, because to do unto others justly is to love. That golden rule "to do unto others as we would want done unto us."

But once a person starts to manipulate the truth they begin to burn and harden their conscience, their hearts and often motivated by their sense of image, ego, aka. Vanity. That is

the fear of man, male or female, because vanity fears by perception and thus fears everyone other than God.   Such that vanity produces anxiety and fear; whereas, genuineness produces peace, and confidence, and love.

The Primer



Fruit of Life or Death at Heart

Constrasting Evidence

Hurry	Wait
Anxious	Peace
Vindication	Forgiveness
Compromising	Absolute
Independence	Dependence
Wild	Domesticated
Smart	Heart
Nice	Kind
Ego People Pleasing	Convictions
Confused	Understanding
Competitive	Compassionate
Forgetful	Remember
Self Loathing	See God in Me
⬇	⬇
Pattern in Fear Hate People Eternally DEATH	Pattern in Faith Love People Eternally ALIVE

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The Solution

In this diagram it depicts the characteristics and emotional tells of a person who doubts God and a person who trusts God. The Person who trusts God is willing to endure challenges and manifest courage to overcome hardships.   The Person who doubts God also doubts themselves and therefore others. Their goals are to avoid pain, especially the pain of reality about their unjust ways. In the beginning God made man in his image, both male and female mankind. Now apparently God wanted mankind to be as he is, to be like him.   But that evil serpent suggested that God was actually deceptive and was holding out on them, and rather that they might achieve self-actualization through character avoidance. Such as Abraham Maslow's hierarchy of needs making the physical appetites foundational, versus the identity and character as last priority. Thus the tree of tricks versus tree of life.   Jesus says to eat of or consume him such

that he gives life to the heart. The tree of tricks suggests we can all be gods unto our self-interest, that life is lies and an art to be leveraged. Therefore, the human condition is the outcome of mistrust for God and indulging doubt that he actually wants narcissistic relations. But the fact is he never held out on us, he provided the tree of life, fashioned us in his image for fellowship. Even Jesus, the Lord of this year of 2020 calls those who do the Father's will Brother and Sister, thus sons and daughters of God. Meaning the door to being like God is desired by God that we be as he is…loving, truthful, just.

So then, the feelings of peace and joy and all these fruit of trusting God is what is looks like for those who exchange the doing of injustice in this world. That if they hate the shallowness and petty squabbles and the ease of offense. The Tree of life is available again for any who wish to reject the overarching deception of this world and all the generations it has deceived and return to the Father as children who were deceived into treachery and alienated from their father. Thus, Jesus says anyone who does not hate mother, father, brother, sister, etc, even their own life is not worthy of him. He means suckling from the people around us for their validation and approval. That as Sigmund Freud framed the super-ego, Jesus is saying for freedom we must make God our super-ego goal and Jesus is the way, the truth, the light for that. Such that we do not fear the rejection of mother, father, brother, sister or anyone in this world. And thus, not controlled by our fear of rejection. Then when we do not fear this world, we are able to love fearlessly because its rejection holds no sway over us.

CONCLUSION

It would appear that my convictions for truth through the lens of Christ centered purpose is the primary reason for all my troubles. If I could have simply heeded my wife's rationale and validated her projection of faults, then my opinion and purpose would take second seat to her reasonable demands and I wouldn't be in this mess. Judge Monet Pincus made it clear, that the

true culprit in my betrayal, my burden to pay alimony, and fund my betrayer is catalyzed by my use of Faith to Defend my purpose and attempt to not agree with my former wife's need to control me. It would appear that there is a political bandwagon of gender favor I'm going against to think that I should be enslaved by the ease of lies by easily offended wickedness.

Pamela Englett apparently read the Order and really enjoyed the picture it painted. Perhaps she also hates people who abuse her reality with compelling arguments. She took no issues with the statement that the use of faith could justify someone being entitled to permanent alimony of $1,600 a month. Maybe Pamela Englett hates military men? Or maybe she hates men? Or maybe she hates Christians? Or hates Pro Se litigants. Regardless of which prejudice, her actions and blindness are inherently a burden and threat to the people of Washington who exercise freedom. Whether by her bias, or lazy review, or sympathizing favor. She would burden whomever she pleased, and make the Court and enemy of the people. Her actions indicate an unwillingness to give a hearing, or weigh maters according a way of life intentionally created by Constitutional protections (U.S. Const. amend I). She failed to weigh the information, or to consider the greater law of the land. The Order she is willing to enforce violates the Constitution by its own verbiage and she appeared to love it, she didn't read anything further. And the fact that she approached enforcement of the Order with zero concern for the fact that the matter is on appeal, failing to read the Defendant's brief at her fingertips demonstrates this.

The Appellate Court failed by supporting Pamela Englett, when it asserted that the weight of supporting evidence was brought to bear on this case, and this is a failure because there was no evidence at hand. All the evidence was in South Carolina. The Trial Court, if attempting to be reasonable, could have easily given time for a follow-up hearing and collected the necessary

evidence to ensure a just and fair weighing of the facts. The Appellate Court failing to police its own.

As military officer, I am held culpable if I execute an anti-constitutional order, even if that order comes through proper channels and is fully adjudicated. The presence of immoral and non-constitutional basis trumps, defeats, and destroys the Order. Such that Officer of the Executive Branch of Government are held to a high standard of reason and accountability. I would venture the Officers of the Judicial branch of government enjoy no further privilege to indulge, execute, or perpetuate unlawful anti-constitutionally founded orders. This agenda-behavior makes the Court a significant enemy of the people by being an enemy of the freedom principles of the Constitution. And the Court should never put its traditions above the law.

If the Supreme Court's interest is in deciding upon matters that have significant impact upon the interests of the public (RAP 13.4(b).4). Or if the Supreme Court addresses matters of the Constitution (RAP 13.4(b).3). This is a perfect opportunity for the Supreme Court to police its maverick Judges, to protect people who are enslaved by means of falsehood. Additionally, it is an opportunity to make a distinction that religious freedom is the exercise of that freedom versus its antithesis: freedom from religion. To assert that Judges need to exercise the skill of giving a hearing during a hearing, and to be reasonable. And on a personal introspective note, ask ourselves how could anyone hate truth so much, unless they are apart from it and thus threatened by it.

APPENDIX / ATTACHMENTS

1. Appellate Court Ruling
2. U.S. Const Article 1
3. RAP 13.4
4. Initial Brief
5. Reply Brief

Donald C. Crabtree.
Petitioner Pro Se.

FILED
4/20/2020
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Marriage of CHRISTINE CRABTREE, Respondent, and DONALD CLINTON CRABTREE, Appellant.	No. 80165-1-I DIVISION ONE UNPUBLISHED OPINION

SMITH, J. — Donald Crabtree appeals an order finding him in contempt for failing to pay child support and alimony to Christine Crabtree under a South Carolina divorce decree. We hold substantial evidence supports the trial court's contempt findings and the trial court did not abuse its discretion by ordering Donald[1] to pay a remedial sanction of $100 per day for each day that any past-due amounts remained owing, after the date set forth in the court's order. Therefore, we affirm.

FACTS

Donald and Christine were married in Washington in 2000 and divorced in South Carolina in January 2018. In its "Final Order and Decree of Divorce

[1] Because the parties share a last name, we refer to them by their first names for clarity.

(Amended)," entered January 26, 2018 (South Carolina Order), the South Carolina family court imputed income to Donald in the amount of $80,000 per year. It also ordered Donald to pay child support in the amount of $1,404 per month and alimony in the amount of $1,600 per month. In dividing the marital estate, the South Carolina court awarded the parties' South Carolina home to Christine; awarded a house in Medical Lake, Washington, to Donald; and ordered Donald to make an equalization payment to Christine in the amount of $37,957, payable on "the earlier of the refinance or sale of [the Medical Lake property] or 120 days from the date this Order is filed."

Donald appealed the South Carolina Order to the South Carolina appellate court. In June 2018, after Donald filed his notice of appeal, the South Carolina family court entered a consent order in which both parties indicated that they intended to sell the property awarded to them but acknowledged that they were prohibited from doing so while Donald's appeal was pending. Specifically, the consent order explained that "the effect of the [South Carolina Order] regarding equitable distribution . . . is stayed pending the appeal." In the consent order, the parties agreed that notwithstanding the stay, Donald could list the Medical Lake property for sale and that "the money owed to [Christine] shall be deducted from any sale proceeds from the sale of this property and paid directly to [Christine] at closing." The parties also agreed that Donald "currently owes [Christine] $64,588.66 ($37,957 by way of equitable division and $26,631.66 as attorney's fees, costs and reimbursement)." Donald later sold the Medical Lake property, and in October 2018, Christine received $86,036.01 upon the sale of that

property. According to Christine's later declaration, "[t]he breakdown of the proceeds distributed to [her] was $28,881.66 for attorney fees, costs, appellate fees, and other reimbursements; $37,957.00 in equitable distribution; $4,719.40 in past due child support; $12,295.75 in past due spousal support; and $2,182.20 in attorney fees from a contempt hearing in July, 2018." Christine also declared that Donald approved this breakdown, as evidenced by his signature on an October 8, 2018, e-mail from the title closer for the sale of the Medical Lake property.

At some point, Donald and Christine each moved to Washington. On March 20, 2019, Christine filed in the trial court a request to register the South Carolina Order, a notice of registration, and a motion for contempt. The same day, she obtained an order directing Donald to appear and show cause with regard to her contempt motion. The request to register, the notice of registration, Christine's motion, and the show cause order were served on Donald on March 21, 2019. In her motion for contempt, Christine alleged that Donald had not paid child support or alimony for five months and, thus, was $7,020 behind on child support and $8,000 behind on alimony. She also requested remedial sanctions, including an order that Donald "[p]ay a fine for each day the court's orders are not followed."

Donald did not request a hearing to contest the validity or enforcement of the South Carolina Order, but in a declaration filed April 10, 2019, he contended that Christine was "up to speed on Child Support and Alimony." He asserted, specifically, that the $37,957 equalization payment under the South Carolina

Order was “automatically held in abeyance” pending his appeal and that because he nonetheless paid that amount to Christine following the sale of the Medical Lake property, Christine was “paid up with the [$]37,957 . . . up until Mid December of 2019.” Donald further contended that Christine “has not provided any statement or receipt that all financial contended matters have been satisfied when she received the $86,036.01”; that in terms of employment, he was in the process of “launching a platform for organizing volunteers for outreach” that was “not a pipe-dream so to speak, [but] is at hand”; and that the South Carolina court imputed income to him based on his being a “‘professional engineer’” even though he was not. He also asserted that past psychological evaluations “showed [him] to be candid and Christ[ine] to be exaggerating and many other useful facts supporting [his] case.” He asked the trial court to give him an “opportunity to file for a retro-active reduction in spousal support in accordance with his limited earnings these years to make support payments sustainable for both parties,” and he attached a copy of his opening brief in the appeal of the South Carolina Order “so that the Court might understand the injustice [he’s] suffered.” He also attached financial declarations purporting to show the debts that the proceeds of the Medical Lake property were used to satisfy and why he was unable to make payments as set forth in the South Carolina Order.

In her reply declaration, Christine pointed out that under the June 2018 consent order, the parties agreed that the $37,957.00 equalization payment would be made notwithstanding the stay pending appeal. Christine also asserted that even after closing costs, the proceeds paid to Christine, and a loan payoff,

Donald was left with $123,978.99 in proceeds from the sale of the Medical Lake property. She asserted that in December 2018, Donald acknowledged by text message that he continued to owe her support payments and even requested her bank account information so that he could pay the support owing for October, November, and December 2018. Thus, Christine contended, Donald "had the ability to pay his ongoing support obligation, which he even expressed his intent to do in December, 2018. Unfortunately, he simply chooses not to do so." Christine also declared that Donald "has been previously held in contempt three separate times for failing to pay support and follow court orders: April 6, 2016, May 23, 2017, and most recently on July 25, 2018." Christine attached copies of the relevant contempt orders to her declaration.

The trial court held a contempt hearing on April 26, 2019, and heard argument from Christine's counsel and from Donald, who appeared pro se. At the hearing, the commissioner initially stated that she had "read everything." But when Donald asked the commissioner whether she had read the South Carolina appeal brief that he attached to his declaration, the commissioner responded that she had not, indicating that the brief was "irrelevant."

Donald argued at the hearing that his ability to seek out employment had been inhibited by an outstanding South Carolina bench warrant and indicated that to have the warrant removed, "it would be good if [he] had something notarized" from Christine saying that she had been paid for what she was owed in 2018. Donald also argued that the income imputed to him under the South Carolina Order was based on credentials he did not have and a job offer that

ultimately did not come to fruition. He acknowledged that he was "not up-to-date" on payments to Christine but contended that he did not have the ability to pay her and that his failure to pay was not willful. Donald offered to provide tax returns to show his actual earnings, and the commissioner responded, "No because courts can say different things about imputed earnings and whether you're working up to your [full potential]."

In response to Donald's argument, Christine argued, through counsel, that "[d]espite the fact that the warrant out of South Carolina may or may not be preventing him from seeking employment, . . . the record is clear . . . that he just has not sought employment over the last three years." Christine pointed to findings made by the South Carolina court in the prior contempt orders that were attached to her reply declaration, contending, "they all say the same thing of [Donald] just repeatedly saying that this is what my plan is and he unfortunately just does not execute on that plan."

The trial court ultimately found that Donald was able, but not willing, to follow the South Carolina Order and held him in contempt. The court entered judgment in Christine's favor for $7,020.00 in past-due child support, $9,600.00 in past-due alimony, and $3,720.00 for attorney fees and costs.[2] The court also ordered that the "[j]udgment shall be paid in full within 30 days. If not, an additional fine of $100 per day shall be imposed until the full judgment amount is paid." Donald appeals.

[2] The amount of the money judgment took into account both (1) additional past-due amounts that accrued after Christine filed her contempt motion and (2) a single child support payment that Donald made before the contempt hearing.

ANALYSIS

Contempt Order

Donald contends that the trial court erred by finding him in contempt and ordering him to pay $100 for each day that his payment of the contempt judgment was late. We disagree.

Because Christine registered the South Carolina Order in Washington, it was "enforceable in the same manner and [was] subject to the same procedures as an order issued by a tribunal of this state." RCW 26.21A.510(2). To that end, under the law of this state, "[i]f an obligor fails to comply with a support or maintenance order, a petition or motion may be filed . . . to initiate a contempt action as provided in chapter 7.21 RCW." RCW 26.18.050(1). Under that chapter, "[c]ontempt of court" means, as relevant here, "intentional . . . [d]isobedience of any lawful judgment, decree, order, or process of the court." RCW 7.21.010(1)(b). If, in a contempt hearing involving a support or maintenance order, "the obligor contends . . . that he . . . lacked the means to comply with the . . . order, the obligor shall establish that he . . . exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself . . . able to comply with the court's order." RCW 26.18.050(4).

Upon a finding of contempt, "[a] judge or commissioner of . . . the superior court . . . may impose a sanction for contempt of court." RCW 7.21.020. As relevant here, on the motion of a person aggrieved by contempt, "[i]f the court finds that [a] person has failed or refused to perform an act that is yet within the person's power to perform, the court may . . . impose . . . [a] forfeiture not to

exceed two thousand dollars for each day the contempt of court continues." RCW 7.21.030(2)(b). In reviewing a contempt order, "[w]e review the trial court's factual findings for substantial evidence and then determine whether the findings support the conclusions of law." In re Marriage of Myers, 123 Wn. App. 889, 893, 99 P.3d 398 (2004). "Evidence is 'substantial' when it is 'sufficient to persuade a fair-minded person of the truth of the matter asserted.'" In re Marriage of Black, 188 Wn.2d 114, 127, 392 P.3d 1041 (2017) (quoting In re Marriage of Chandola, 180 Wn.2d 632, 642, 327 P.3d 644 (2014)).

"Punishment for contempt of court is within the sound discretion of the trial court, and this court will not reverse a contempt order absent an abuse of that discretion." In re Marriage of James, 79 Wn. App. 436, 439-40, 903 P.2d 470 (1995). "A trial court abuses its discretion by exercising it on untenable grounds or for untenable reasons." James, 79 Wn. App. at 440.

Here, the trial court's contempt finding is supported by substantial evidence. Specifically, Donald himself acknowledged at the contempt hearing, "I don't deny that I'm not up-to-date." And although he contended that this was because he lacked the means to pay the amounts set forth in the South Carolina Order, substantial evidence in the record supports a finding that he did not exercise due diligence in rendering himself able to comply with that order. Specifically, Donald did not present any evidence to the commissioner to contradict Christine's declaration that Donald received more than $120,000 in proceeds from the sale of the Medical Lake property. Furthermore, Christine presented evidence, in the form of three prior contempt orders entered in South

Carolina, that Donald did not exercise due diligence in seeking employment. In the first of these orders, from April 2016, the court found Donald in contempt for failing to pay child support and the children's tuition payments. In doing so, the court also found that Donald "should have found employment by this time"; that his "failure to find employment is through his own inaction"; and that "[t]he marketing of his business prototype . . . has not been successful for over a year although [Donald] has hopes that it will be successful." The court also "d[id] not believe there is a business of [Donald]'s, or hopes of a successful business, that would be negatively impacted by his obtaining employment elsewhere commensurate with his skills."

In another order from May 2017, in which the court found Donald in contempt for failing to make house payments as set forth in the South Carolina Order, the court observed, "If [Donald] feels he can not afford to make these payments, then he should seek employment commensurate with his education, employment history, and ability to earn." And in a third order from July 2018, in which the court found Donald in contempt for failing to pay child support and alimony, the court wrote, "[I]nstead of looking for employment based on his educational background and past work experience, [Donald] continues to work on developing computer software programs which have not resulted in much income in the past three (3) years and he has the ability, experience and educational background to earn sufficient income to timely pay his alimony and child support obligations."

In short, and although the commissioner's findings on this point should

have been more thorough, there is substantial evidence in the record to support the trial court's finding of contempt. Therefore, the trial court did not err by finding Donald in contempt for failing to pay child support and alimony as set forth in the South Carolina Order. Furthermore, Christine expressly requested remedial sanctions in her contempt motion. Given Donald's documented history of failing to comply with the South Carolina Order, his documented lack of diligence in seeking employment, and the absence of any evidence that he made efforts to seek employment, the trial court did not abuse its discretion by imposing sanctions of $100 per day for each day that any part of the contempt judgment was late.

Donald raises a number of arguments in support of reversal, but none of them are persuasive.

First, Donald contends that his failure to comply with the South Carolina Order was not willful because he lacked the means to comply. To this end, he also argues that the South Carolina bench warrant "eclipses all his standard opportunities for the type of income being demanded of him." But as discussed, an obligor who contends that he lacked the means to comply with a support order has the burden of establishing that he "exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself . . . able to comply." RCW 26.18.050(4). Donald points to no evidence that he made an effort, bench warrant notwithstanding, to seek employment or otherwise render himself able to comply with the South Carolina Order. He also points to no evidence to support his assertion that employment was denied to him as a result

of the bench warrant. Therefore, his contention fails.

Donald also argues that the amount of income the South Carolina court imputed to him was unfair and not valid. He argues further that he has "been enduring ongoing mischaracterizations and claims that have prevented him from succeeding" and points to the psychological evaluations that he asserts show Christine as being not credible and Donald as being candid. He asserts that the South Carolina Order was contrary to this "manifold evidence that [Christine] is not credible." But Donald's complaints about the South Carolina Order are not properly before the court in a proceeding for violation of that order. See RCW 26.21A.530(1)(e) (providing, as relevant here, that a party contesting the validity or enforcement of a registered support order has the burden of proving that "[t]here is a defense under the law of this state to the remedy sought"); see also In re J.R.H., 83 Wn. App. 613, 616, 922 P.2d 206 (1996) ("According to Washington's 'collateral bar' rule, 'a court order cannot be collaterally attacked in contempt proceedings arising from its violation, since a contempt judgment will normally stand even if the order violated was erroneous or was later ruled invalid.'" (quoting State v. Coe, 101 Wn.2d 364, 369-70, 679 P.2d 353 (1984))).

Donald next argues that the trial court was biased because the commissioner told him that his defense regarding ability did not matter. He contends in support of this argument that "[i]f the [South Carolina O]rder put its basis for imputed income upon a unrealized and informal job offer that did not pan out, then the Court must be willing to re-address the income upon the change of circumstance, especially during enforcement, because the foundations

to the basis of that ruling have changed." But this contention amounts to an assertion that the trial court should have considered retroactively modifying the South Carolina Order. Yet, even setting aside the fact that retroactive modifications are disfavored, see In re Marriage of Cummings, 101 Wn. App. 230, 234, 6 P.3d 19 (2000), Donald did not petition to modify the order. Therefore, the trial court was without authorization to do so. See RCW 26.21A.510(3) ("Except as otherwise provided in this chapter, a tribunal of this state shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction."); see also RCW 26.21A.550, .560 (setting forth the requirements for modification of a foreign child support order). Thus, by steering Donald away from his ability argument and toward the arguments that it could actually consider, particularly given that Donald had only five minutes to make his argument, the trial court did not exhibit bias.

Donald also argues that the trial court was biased because the commissioner refused to consider his tax records, did not read his South Carolina appeal brief, "did not approach a foreign order with caution, even one on appeal," repeatedly interrupted him during the hearing, and admitted when questioned that she had not read everything. But Donald did not file any tax records with the court, and in any event, the commissioner correctly observed that those records were not relevant to whether Donald was in contempt. And Donald cites no authority for the proposition that foreign orders, even those that are on appeal, must be approached "with caution." Rather, once registered, such orders are "enforceable in the same manner . . . as an order issued by a tribunal

of this state." RCW 26.21A.510(2). Additionally, it is clear from the hearing transcripts that the commissioner interrupted Donald on multiple occasions not because she was biased against him, but in an attempt to redirect him, in the limited time he had to make his argument, toward arguments the court could actually consider in the context of a contempt proceeding. Finally, the commissioner was correct that the South Carolina appeal brief was not relevant to the sole issue before the court, i.e., whether Donald was in contempt. Thus, although the commissioner should have reviewed all of the materials presented to her, a failure to do so under these circumstances does not constitute evidence of bias. For these reasons, Donald fails to establish that the trial court exhibited reversible bias. Tatham v. Rogers, 170 Wn. App. 76, 96, 283 P.3d 583 (2012) (observing, in context of the appearance of fairness doctrine, that because trial court is presumed to perform its functions without bias or prejudice, the party asserting bias "'must produce sufficient evidence demonstrating bias, such as personal or pecuniary interest on the part of the decision maker'" (quoting In re Pers. Restraint of Haynes, 100 Wn. App. 366, 377 n.23, 996 P.2d 637 (2000))).

Donald next contends, as he did below, that the equalization payment he made to Christine upon the sale of the Medical Lake property should be treated as an advance on child support and alimony until Christine provides proof that the amounts she received were applied as contemplated in the title closer's October 8, 2018, e-mail. But he cites no authority for the proposition that Christine is required to provide such proof, much less that her failure to do so

should excuse him from complying with the South Carolina Order. Therefore, his contention fails.

Donald next argues that the court acted "vengefully versus justly" in imposing the $100 per day sanction for each day that payment of the contempt judgment was late. But as discussed, Christine expressly requested remedial sanctions in her contempt motion. Furthermore, under the circumstances presented here, those sanctions were well within the trial court's discretion to impose in order to coerce Donald to comply and thus avoid paying the sanction. Therefore, Donald's argument is not persuasive.

Finally, Donald contends that the South Carolina Order is unlawful. He asserts, in essence, that because it was "founded on the novel idea of religious abuse," the order—and thus the enforcement thereof—infringe on his constitutionally protected rights to free exercise of religion and freedom of speech. But this argument is being raised for the first time on appeal. See RAP 2.5(a) ("The appellate court may refuse to review any claim of error which was not raised in the trial court."). Furthermore, it is not adequately briefed to discern whether any alleged constitutional error was manifest, much less to warrant consideration on the merits. Therefore, Donald's contention fails. See RAP 2.5(a)(3) (party may raise for the first time on appeal a manifest error affecting a constitutional right); Norcon Builders, LLC v. GMP Homes VG, LLC, 161 Wn. App. 474, 486, 254 P.3d 835 (2011) (appellate court "will not consider an inadequately briefed argument"); see also Westberg v. All-Purpose Structures Inc., 86 Wn. App. 405, 411, 936 P.2d 1175 (1997) (pro se litigants are held to

same standards as attorneys).

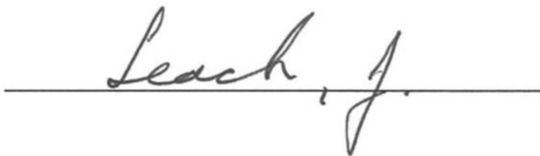
Attorney Fees

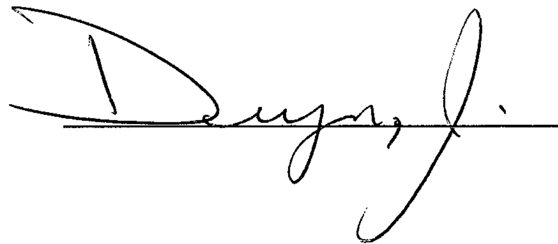
Christine requests attorney fees on appeal. Under RCW 26.18.160, the prevailing party in an action to enforce a support or maintenance order "is entitled to a recovery of costs, including an award for reasonable attorney fees." This entitlement applies to appellate fees. In re Paternity of M.H., 187 Wn.2d 1, 13, 383 P.3d 1031 (2016).

Because Christine is the prevailing party, we grant her request for attorney fees subject to her compliance with RAP 18.1.[3]

We affirm.

WE CONCUR:





[3] Because Christine is entitled to fees under RCW 26.18.160, we do not address her contention that she is also entitled to fees under RAP 18.9 because Donald's appeal is frivolous. We note, however, that although Donald's arguments ultimately do not entitle him to relief on appeal, it was not, as Christine contends, "difficult to ascertain" the reasons why Donald believed the trial court's order was erroneous.

Handout 3: Bill of Rights
Ratified by the states on December 15, 1791

Preamble

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Amendment I

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.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but

upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

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 offence 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.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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Rules of Appellate Procedure

RAP 13.4
DISCRETIONARY REVIEW OF DECISION TERMINATING REVIEW

(a) How to Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must serve on all other parties and file a petition for review or an answer to the petition that raises new issues. A petition for review should be filed in the Court of Appeals. If no motion to publish or motion to reconsider all or part of the Court of Appeals decision is timely made, a petition for review must be filed within 30 days after the decision is filed. If such a motion is made, the petition for review must be filed within 30 days after an order is filed denying a timely motion for reconsideration or determining a timely motion to publish. If the petition for review is filed prior to the Court of Appeals determination on the motion to reconsider or on a motion to publish, the petition will not be forwarded to the Supreme Court until the Court of Appeals files an order on all such motions. The first party to file a petition for review must, at the time the petition is filed, pay the statutory filing fee to the clerk of the Court of Appeals in which the petition is filed. Failure to serve a party with the petition for review or file proof of service does not prejudice the rights of the party seeking review, but may subject the party to a motion by the Clerk of the Supreme Court to dismiss the petition for review if not cured in a timely manner. A party prejudiced by the failure to serve the petition for review or to file proof of service may move in the Supreme Court for appropriate relief.

(b) Considerations Governing Acceptance of Review. A petition for review will be accepted by the Supreme Court only:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or

(2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

(c) Content and Style of Petition. The petition for review should contain under appropriate headings and in the order here indicated:

(1) Cover. A title page, which is the cover.

(2) Tables. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with reference to the pages of the brief where cited.

(3) Identity of Petitioner. A statement of the name and designation of the person filing the petition.

(4) Citation to Court of Appeals Decision. A reference to the Court of Appeals decision which petitioner wants reviewed, the date of filing the decision, and the date of any order granting or denying a motion for reconsideration.

(5) Issues Presented for Review. A concise statement of the issues presented for review.

(6) Statement of the Case. A statement of the facts and procedures relevant to the issues presented for review, with appropriate references to the record.

(7) Argument. A direct and concise statement of the reason why review should be accepted under one or more of the tests established in section (b), with argument.

(8) Conclusion. A short conclusion stating the precise relief sought.

(9) Appendix. An appendix containing a copy of the Court of Appeals decision, any order granting or denying a motion for reconsideration of the decision, and copies of statutes and constitutional

provisions relevant to the issues presented for review.

(d) Answer and Reply. A party may file an answer to a petition for review. A party filing an answer to a petition for review must serve the answer on all other parties. If the party wants to seek review of any issue that is not raised in the petition for review, including any issues that were raised but not decided in the Court of Appeals, the party must raise those new issues in an answer. Any answer should be filed within 30 days after the service on the party of the petition. A party may file a reply to an answer only if the answering party seeks review of issues not raised in the petition for review. A reply to an answer should be limited to addressing only the new issues raised in the answer. A party filing any reply to an answer must serve the reply to the answer on all other parties. A reply to an answer should be filed within 15 days after the service on the party of the answer. An answer or reply should be filed in the Supreme Court. The Supreme Court may call for an answer or a reply to an answer.

(e) Form of Petition, Answer, and Reply. The petition, answer, and reply should comply with the requirements as to form for a brief as provided in rules 10.3 and 10.4, except as otherwise provided in this rule.

(f) Length. The petition for review, answer, or reply should not exceed 20 pages double spaced, excluding appendices, title sheet, table of contents, and table of authorities.

(g) Reproduction of Petition, Answer, and Reply. The clerk will arrange for the reproduction of copies of a petition for review, an answer, or a reply, and bill the appropriate party for the copies as provided in rule 10.5.

(h) Amicus Curiae Memoranda. The Supreme Court may grant permission to file an amicus curiae memorandum in support of or opposition to a pending petition for review. Absent a showing of particular justification, an amicus curiae memorandum should be received by the court and counsel of record for the parties and other amicus curiae not later than 60 days from the date the petition for review is filed. Rules 10.4 and 10.6 should govern generally disposition of a motion to file an amicus curiae memorandum. An amicus curiae memorandum or answer thereto should not exceed 10 pages.

(i) No Oral Argument. The Supreme Court will decide the petition without oral argument.

[Originally effective July 1, 1976; amended effective September 1, 1983; September 1, 1990; September 18, 1992; September 1, 1994; September 1, 1998; September 1, 1999; December 24, 2002; September 1, 2006; September 1, 2009; September 1, 2010; December 8, 2015; September 1, 2016.]

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THE STATE OF WASHINGTON
In The Appellate Court

APPEAL FROM WHATCOM COUNTY
Family Court

PAMELA ENGLETT, Commissioner

Family Court Case No. 19-3-00167-37
Appellate Case No: 80165-1

Christine R. Crabtree . . . . .Respondent,

vs

Donald Clinton Crabtree . . . . .Appellant.

INITIAL BRIEF OF APPELLANT

Donald C. Crabtree

APPELLANT

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STANDARD OF REVIEW

May this Appellate Court review this case anew and apply the de novo standard of review based on the breadth of issues raised. Your Appellant asks that if his Arguments would better be re-phrased by the Court to capture the argued content, that the Court identify the perceived disputes and capture in their review the nature of the case and the disputed matters. That is to say, that if the content doesn't match the headings, that the Court would not dismiss the nature of the case for lack of the Appellant's ability to label it. And that the Court would identify the matters that best match the content presented.

ASSIGNMENTS OF ERROR

1. That the Family Court Demonstrated Prejudice with respect to courtroom conduct, changes of circumstances regarding the basis for imputed income in the Ruling, the facts surrounding the case on appeal, and the financial status of the Defendant.
2. That the Defendant was not willfully in contempt for lack of means and change in circumstances for which his imputed income was based.
3. That the Court did not act judiciously nor equitably, but rather by some other spirit as evidenced by its unjust and seemingly pre-disposed beyond the prejudice of error #1 and with seeming vengeful assignment of unsubstantiated damages with cavalier ease.
4. That the Foreign Order is unlawful in its imputation of Alimony or Spousal

Maintenance because the basis for these amounts is steeped in the novel idea of Religious Abuse for which the matter is also on Appeal in South Carolina. That by its own language, the order is unenforceable because the higher law of the land removes the foundation for the basis of the finding being imposed.

STATEMENT OF THE ISSUES ON APPEAL

1. WETHER THE FAMILY COURT DEMONSTRATED PREJUDICE?
2. WETHER THE DEFENDANT WAS WILLFULLY IN CONTEMPT?
3. WETHER THE COURT ACTED VENGEFULLY VERSUS JUSTLY?
4. WEHTER THE FOREIGN ORDER IS LAWFUL IN PART?

AUTHORITIES

OTHER AUTHORITIES

WA CODE OF JUDICIAL CONDUCT, CANNON 1 6

WA CODE OF JUDICIAL CONDUCT, CANNON 2 6

CONSTITUTIONAL PROVISIONS

U.S. Const. Amend. I. 16

STATEMENT OF THE CASE

The ruling under review is on the matter of Contempt regarding Alimony and Child Support. This was brought to the court as a foreign order from South Carolina for enforcement. The order being enforced is on Appeal in South Carolina. The Situation pertains to a former family of 6, a husband and wife and 4 children, 3 boys and a girl. The former couple have been Washington residents since 2001 but the former husband was the active duty military member with the Air Force. He separated from the Air Force at the beginning of 2015 and the former wife initiated an emergency separation with him through the court that year claiming she feared for her life. The Couple endured a 2 year custody battle and the Court concluded the wife was forced to flee due to 15 years of faith based abuse.

The former husband, referred to hereafter as the appellant, appealed to the South Carolina Appellate Court arguing that his credentials had been misrepresented for the over imputation of income particularly with respect to ease of earnings for lack of such credentials, and that the psychological evaluations showed his credibility and exonerated him from the misrepresentations he endured. He provided a copy of an Initial Brief of the Appeal in South Carolina with his Declaration for this hearing in review.

Since the final divorce order in South Carolina, this foreign order was appealed in February. The former couple agreed for both homes to be sold during the appeal and the Appellate Court of South Carolina remanded the matter for the Family Court. The former wife motioned for a contempt hearing in the meantime for non-payment and the former husband was given 30 days to comply and following that 30 days in jail for non-compliance in July. Both parties moved to Washington State following this ruling and the Husband did not comply with

the amounts until he was able to sell the house. Shortly thereafter he sold the house in Oct of 2019 and was able to come current on his financial obligations to the former wife and to his creditors.

In the meantime a bench warrant for his arrest was issued in September of 2019 in South Carolina, which is still pending to current due to a lack of confirmation to the South Carolina Courts that the Plaintiff was indeed paid.[1]

The detailed Statement of the Case from the time of the emergency hearing where the Respondent "fled for her life" until Psychological Evaluations, which lead to reinstatement of Father's access to the children and so forth are outlined in the Defendant's Declaration Clerks Pages 99 – 114.[2]

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[1] 2019-04-26, Hearing Transcript, page 9 lines 2 - 5
[2] 2019-04-10, C.P. 127

ARGUMENT

I. WETHER THE FAMILY COURT DEMONSTRATED PREJUDICE?

There is a multitude of dynamics that are demonstrative of bias pertaining to the hearing in question:[3]

1) The Court refused to consider the Defendant's tax records over the previous years.[4]
2) The Court did not read or familiarize it's self with the Defendant's Initial Appeal.[5]
3) The Court did not approach a foreign order with caution, even one on appeal.[6]
4) The Court told the Appellant that his defense regarding ability did not matter.[7] [8]
5) The Court repeatedly interrupted the Defendant to invalidate the basis of his response.[9]
6) The Court said that she had read everything, but when questioned, admitted not so.[10] [11] [12]

Each of the above statements represent themselves quite succinctly, but number (4)

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[3] 2019-04-26, Hearing Transcript
[4] 2019-04-26, Hearing Transcript, page 10, lines 6 - 14
[5] 2019-04-26, Hearing Transcript, page 7, line 5 - 9
[6] 2019-04-26, Hearing Transcript, page 7, lines 8 - 9
[7] 2019-04-26, Hearing Transcript, page 7, lines 13 - 15
[8] 2019-04-26, Hearing Transcript, page 11 line 17 – page 12 line 18
[9] 2019-04-26, Hearing Transcript, page 6 line 21 - page 15 line 5
[10] 2019-04-26, Hearing Transcript, page 3, line 20
[11] 2019-04-26, Hearing Transcript, page 6, lines 14 - 15
[12] 2019-04-26, Hearing Transcript, page 7, line 5

deserves an added foot-stomp. If the foreign order put its basis for imputed income upon a unrealized and informal job offer that did not pan out, then the Court must be willing to re-address the income upon the change of circumstance, especially during enforcement, because the foundations to the basis of that ruling have changed. For the Court to say that the imposition of the order should be dogmatically followed without the benefits of what a "HEARING" should garner, the situation becomes a basic failure to judicial purpose rendering the value of a hearing as moot. This court might well bypass the formality and go straight to sentencing.

A Judge shall uphold and promote the independence, integrity, and i**mpartiality of the judiciary**, and shall avoid impropriety and the appearance of impropriety. [13]
A Judge should perform the duties of Judicial Office **Impartially, Competently, and Diligently**.[14]

Rule 2.2: Impartiality and Fairness

Comments [4]: It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.[15]

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[13] WA CODE OF JUDICIAL CONDUCT, CANNON 1.
[14] WA CODE OF JUDICIAL CONDUCT, CANNON 2
[15] WA CODE OF JUDICIAL CONDUCT, CANNON 2, Rule 2.2, Comment [4]

II. WETHER THE DEFENDANT WAS IN CONTEMPT?

There is a basic understanding in these arguments that Contempt must be proven by ability and then knowingly not complying with the order therefore leading to the conclusion of willfulness, a motive of contempt. That if a person is unable to comply with an order, perhaps due to change of circumstances etc, illness, mischaracterization, falsification, that they are not able thus making enforcement problematic.

Your Appellant asks that this review include a reading of his declaration provided to the Court. The following contributors are pertinent to finding him able and willful; however, this first point is simply a matter of need for clarity that went miss understood.

1) Your Appellant posited a simple point that was missed by the Court and mischaracterized by the Respondent as false and misleading. The point being that attorney's fees according to the order were to be disbursed directly to the Respondent's attorney by the Title Agent and this was not done. Therefore, the way things worked out, the Plaintiff was given the amounts due to her attorney, but she has yet to provide any proof of satisfying the requirements of the order on the Appellant's behalf.
    a. The Respondent could easily quell or satisfy the matter by showing proof of payment on the Appellant's behalf and that she satisfied the demand of the order.
    b. In the alternative scenario, the Respondent could have collected the monies as

"memorialized" in the email expectations,[16] but expectations are not orders. It is entirely possible she skipped distributing those funds to her South Carolina Attorney thus leaving the Defendant in continued indebtedness according to the specifics of the order. His only defense when visiting South Carolina would be the emails "memorialized," which would be insufficient.

c. The matter here has little to do with the remanded matters of the Appellate Court's ruling to allow the parties to sell their homes, other than the fact that upon selling the homes, funds were made available for satisfying debts.

d. Your Appellant was accused of false and misleading[17] in presenting this point; however the fact is that these parties bypassed the terms of the order, did not have the title agent transfer funds directly to the Attorney's office, and that there is no record that the terms "memorialized" in the emails were satisfied.

e. It might seem somewhat outlandish to think of a scenario where the Respondent collected monies, but might not disperse them as expected. But the fact that there is still a bench warrant for the Appellant in South Carolina on account that the Respondent is unwilling to confirm that she was paid upon completion of the Sale of the home in Spokane, would suggest there are some maleficent motives at work. To assuage the unlikely event that the Respondent collected funds for a given obligation, but did not commit those funds to the designated purpose would easily be resolved by proof of payment. The burden of proof being that of the Respondent.

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[16] 2019-04-24, C.P. page 142 line 23

[17] 2019-04-26, Hearing Transcript, page 5 line 9

Thus it is possible if that unlikely scenario / concern of the Appellant were true then those funds he gave her in good-faith would equate to an advance. Both the Respondent and the Court demonstrated a lack of understanding of the simple point and the simple courtesy of providing proof of payment. During argument the Respondent's attorney argued that the Appellant was false and misleading on this matter and **the Court said "right,"** demonstrating the premature and false finding of fact.[18] Yet when the Appellant pointed out that it would be good if he could be provided some proof of payment, perhaps a notarized document the Court seemed to think such an idea was reasonable. The logic should carry that getting a notarized proof of payment for removing the bench warrant would also be handy for resolving the matter of attorney's fees having been paid-on-behalf.

8 MR. CRABTREE: And he's still looking for –
9 he's not sure if it'll be sufficient, but it would be
10 good if I had something notarized saying it's been
11 paid. I can get rid of that warrant.
12 THE COURT: Sure.
13 MR. CRABTREE: It would be helpful. But even
14 if I try to work on my credentials, which I don't have
15 the types. Like I have a degree in mechanical
16 engineering, I got 2.16 GPA and 15/16 years ago. [19]

2) Your Appellant is not a professional engineer and does not have those credentials and so he is not so generally employable by the ease of that stereotype.[20] Also having the bench warrant eclipses all his standard opportunities for the type of income being demanded of him. Also the fact that his GPA from his degree for engineering some

[18] 2019-04-26, Hearing Transcript, page 5, lines 9-10
[19] 2019-04-26, Hearing Transcript, page 11, lines 8 - 16
[20] 2019-04-10, C.P. pages 126 - 131

16 years ago is not conducive to easy employment.[21]

3) The Job the Appellant was "offered" at the USAF Academy was highly unique was not a formal offer and didn't work out. The basis of the foreign order relied on speculation for that specific opportunity for the imputation of income.[22] If the basis of imputed income is no longer valid, then is the imputed amount valid? If Credentials were the basis they would likely still stand, but if a speculation is the basis, and that speculation doesn't pan out, then neither does the basis to the ruling, it becomes undermined the by the change in circumstances. This is why it is problematic that the Court would not take the taxes from the Defendant and consider his earnings.[23] Perhaps an even more problematic challenge to this case is that the South Carolina Court by its final order defied its own statutes in imputing income to the Defendant by using non-local opportunities such as the potential opportunity in Colorado, which was only realistic if the Father gained custody of the children.

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[21] 2019-04-26, Hearing Transcript, page 11, lines 15 - 16

[22] 2019-03-20, C.P. page 15 line 22 – page 14 line 2

[23] 2019-04-26, Hearing Transcript, page 10, lines 9 - 13

5. Potential Income

If the court finds that a parent is voluntarily unemployed or underemployed, it should calculate child support based on a determination of potential income which would otherwise ordinarily be available to the parent.

B. In order to impute income to a parent who is unemployed or underemployed, the court should determine the employment potential and probable earnings level of the parent based on that parent's recent work history, occupational qualifications, and prevailing job opportunities and earning levels in the community.

S.C. Code of Regulations R. 114-4720(5)(emphasis added) [1]58

footnote: [24]

4) Both parties having relocated to new beginnings in Washington as that is where the children are. Your Appellants pursuit of fledgling business in order to attain to the amount of income imputed to him is going to take time, it is not a matter of obstinacy, but a matter of calling, lack of credentials, relocation, and temporary insolvency.

Non-compliance is not synonymous with contempt. The power of the Court is abused when used to coerce and compel if the efforts of the debtor are earnest, sound, and with (good purpose or calling) and demonstrate intentionality. It may also appear evident that the creativity of the Court to impute income by verbal offer out of state is not a fair method given its own statutes. [25]

Because of common vulnerability there are various protections developed to support

[24] 2019-04-10, C.P. page 127

[25] 2019-04-10, C.P. page 127

veterans departing military service due to their vulnerability upon entering the work force. They have skills that may not easily translate to ease their transition. Your Appellant has been dealing with financial demanding-ness since the tie of his departure combined with legal and family loss all on account of the transition due to his former wife's attitudes.

Your Appellant has been enduring ongoing mischaracterizations and claims that have prevented him from succeeding. The findings of the Psychological Evaluations showed the former wife as not being credible, and found this former husband and Appellant to be Candid. The case here is not and attitude of contempt by the Appellant, but rather by the Respondent. It would have behooved the Court to have reviewed the Initial Brief of the Appeal so as to approach this situation with caution. The following excerpt from the Defendant's Declaration demonstrates there is a monster in this madness based on the findings of the Court ordered Psychologist: (The following in Bold taken from Defendant's Declaration pages 43 - 45) [26]

Dr. Marc Harari was the psychologist resourced by Mr. Stoddard for the Court ordered Psychological evaluations. During testimony of the final trial he contrasted our results saying:

Dr. Harari Regarding the Wife:

"Her presentation was fairly typical. There was a tendency to externalize responsibility for – kind of blaming M. Crabtree for the

[26] 2019-04-10, C.P. pages 110 - 112

demise of the marriage and the conflict that has gone on since. There was some inconsistency between her reports to me, compared to some of the information, collateral information she provided.”

“And in the terms of a specific area that I found was there was inconsistency about fearing for her life and physical safety that was written in some of the complaints and the affidavits but was not relayed to me during the interview.”

Dr. Harari Regarding the Husband:

“in my opinion, Mr. Crabtree was somewhat defensive and also a tendency to externalize responsibility and minimize his role in the conflict; however, he did produce collateral information that was supportive of his perspective.”

Dr. Harari Regarding the Wife:

“Reviewing the validity data on the psychological inventory between Mr. Crabtree and Mrs. Crabtree the accumulation of findings suggest that he is generally responded in a more candid manner.”

Dr. Harari Regarding the Husband:

“from the accumulation of data, I did not see overt personality dysfunction or psychological dysfunction. One of the allegations was you’re highly aggressive, violent, narcissistic, and the test data that I acquired didn’t support those qualities that I saw.”

Dr. Harari making a contrast:

“I measure faking good or defensiveness. On two of them, she had elevations where – that were high on social desirability. And on yours, your evaluation, your responses presented as candid and reasonable, meaning they weren’t elevated. So it’s just one way of comparing one aspect of your presentation comparing one aspect of your presentation compared to hers was that I found your test data more, you know, reasonably interpretable, where I found that I needed some caution interpreting her test data due to possible symptom minimization.”

How Mrs. Crabtree presented to the MMPI 2 Evaluation:

“Mrs. Crabtree presented as a woman that can be passive and submissive in her relationships, she tends to – or endorse where she doesn’t assert herself appropriately and maybe engage in withdrawal tendencies rather than face conflict. That’s how she kind of views herself, according to the MMPI results. There’s also a tendency to be overly dependent on others.”

Thus it seems like there is a great deal of prejudice your Defendant is wading through due to the South Carolina Court’s ruling against manifold evidence that the Plaintiff is not credible and is prone to false self-presentation. That is why this whole matter is on appeal. It would appear that the “faith based abuse” concept derived in novel fashion by the Final Ruling has served as a trigger, perhaps leading to the response of the Court during the hearing at hand.

III. WETHER THE COURT ACTED VENGEFULLY VERSUS JUSTLY?

Given arguments I and II, there is an additional injustice added to exacerbate an already poor situation. The Court added $100s per day in damages in perpetuity if nearly $20,000 was not paid in 30 days. The amount due to the former wife is $3,004 per month. The "damages" awarded equate to the amount on a perpetual basis in addition to the 12% interest. Such damages were not incurred, nor alleged, nor argued, nor substantiated and therefore there is no basis for them.

IV. WHETER THE FOREIGN ORDER IS LAWFUL IN PART?

As has been developed the basis for the Imputation of Alimony or Spousal Support is founded on the novel idea of religious abuse. Although such a finding is useful for condemning your Appellant to people who are emotionally pre-disposed to hate such a thing. The fact that exercise of religious freedom in the home was used for basis of the ruling that the Plaintiff was forced to flee the home and thus also garnering her Spousal Maintenance undermines the ability to enforce the order, as the higher law of the land protects both exercise of speech and religion[27]. Your Appellant is a Military Officer and held accountable that despite receipt of a proper order from authoritative sources, the duty of the Officer is to not follow unlawful orders. The way that this would translate to the local Court would be of the same nature. That freedom of Religion and Speech is constitutionally protected[28]. In Fact, your Appellant is sworn to defend the Constitution against all enemies both foreign and domestic. It would follow that damages imposed on someone accused of exercising the rights of the higher law cannot be easily faulted by someone opposing those rights, much less that party be entitled to damages by an alleged offense. So it follows that your Appellant raises to the Court of Appeals this issue of enforcement of an order that is by its basis in opposition to the law of the land. It is problematic for both this Appellant and the Court to enforce such an order as its own basis erodes its merit.

REQUESTED RELIEF

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[27] U.S. Const. Amend. I.
[28] U.S. Const. Amend. I.

Your Appellant asks that the Court reverse the award of attorney's fees for the need of enforcement brought for this hearing. Your Appellant has and continues to work to become solvent and support his family. Your Appellant has not denied any inquiry by the former wife regarding his plans, and therefore demands for the court to remedy are a failure in good faith on her part. Your Appellant also asks that all imputed damages be reversed or nullified by the Court for lack of substance, and finally that the Court would provide limited supersedes protection for the Appellant while he builds the basis making an earning that can meet the requirements of the foreign order.

CONCLUSION

Your Appellant/Defendant is not in compliance with the order, but this does not equate to contempt against it. The matter of good faith matters here, and inability does not equate to refusal or avoidance. This experience has been one as with a School yard bully. The bully takes offense at some perceived inequity. She decides to extract vengeance by placing demands upon the lunch money. But that is not satisfying, so she shoves and trips the target while going to fetch the lunch money.

It would appear by all these aforementioned dynamics that there was no judicial conduct conducted. What should have been a "hearing" was a "telling." It is evident that the Commissioner had made up her mind prior to the "hearing." And if such is possible, then there is no point in the charade of a hearing, it might as well be a bench ruling or a clerk conducting the affirmative enforcement. The conduct during the hearing by the commissioner, the draconian imputation of damages equating to the support in question, demands speculation as to what the Court sympathized with:

Did the Court sympathize with the female plight?

Was the Court inflamed by the findings of "religious-abuse" in the order?

Was the Court inclined to prove effectiveness of employing an attorney?

Regardless of the motive, the bias causing the Court to refuse to weigh circumstances and to dogmatically enforce the foreign order amidst a pending appeal, a change in circumstances, and to assign extreme unclaimed and un-substantiated damages demonstrates a lack of even handed Justice.

Donald Clint Crabtree

December 16, 2019

THE STATE OF WASHINGTON
In The Appellate Court

APPEAL FROM WHATCOM COUNTY
Family Court

PAMELA ENGLETT, Commissioner

Family Court Case No. 19-3-00167-37
Appellate Case No: 80165-1

Christine R. Crabtree . . . . .Respondent,

vs

Donald Clinton Crabtree . . . . .Appellant.

REPLY OF APPELLANT

Donald C. Crabtree

APPELLANT

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ARGUMENT

I. WHETHER THE APPELLANT IS FAIR

In his Response Mr. Allen casts doubt upon the Appellant on two topics. The first being that this contempt finding against the Appellant is valid because of the substantial amount of proceeds from the sale of the Spokane Home. The second doubt, is with reference to the inclusion quoted statements in the Appeal brief pending in South Carolina pertaining to trial transcripts and exhibits of psychological evaluations referenced.

There is an irony in arguing about these facts, because neither were weighed in the basis of Courts initial decision. The Pro-Temp-Commissioner herself acknowledged she did not read declaration attachment of the Initial Brief prior to or during the 'hearing' for this case[1]. So, she did not make herself aware of the potential unhealthy and manipulative nature of the Respondent and the overall nature of the case at hand. Additionally, with regard to financial discovery for the Appellants distributions of funds, so as to clarify the matters, the Commissioner expressed her disinterest in 'hearing' or 'seeing' information, facts, and circumstance that would lend to a judicious outcome [2].

Now, Mr. Todd Allen, Council for the Respondent, takes opportunity to suggest that funds should be assumed to be available for lack of information showing otherwise. But this

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[1] 2019-04-26, Hearing Transcript, page 7, line 5 - 9

[2] 2019-04-26, Hearing Transcript, page 10, lines 6 - 14

argument casts a dim light on Todd Allen's honor regarding forthcoming facts. Since the time of the subject hearing, he received on 26 June 2019, records showing debt payments, at this time he also received copies of both parties psychological evaluations and original trial transcripts. Efforts to discover and satisfy debts following the contempt hearing then uncovered facts that Mr. Allen knows prove that your Appellant paid funds to debtors in the sequence in which the debts occurred and expended the proceeds of the sale of the Spokane home, and that first funds went to satisfy the Respondent to the tune of $80K. Mr. Todd Allen's gamesmanship to cast doubt in his arguments, while being abreast of facts that prove otherwise, demonstrate a dis-ingenuous interest in justice, by gaming the scope of the Appeal by shading truth.

Obviously the "Burden of Proof" is placed upon Appellant to show exhausted funds, which is generally a fair expectation, yet the Commissioner refused your Appellant as he attempted to render that proof, this is due to the conduct of the Commissioner to refuse that which would be exculpatory to the matter. It would have been a simple matter of discovery for the Commissioner to be eager for facts and information versus to be dismissive and disinterested towards supporting documents. Her behavior is likened unto a parent who makes dictates without listening to pertinent circumstances, it wasn't a hearing!

II. WHETHER THE APPELLANT FAILED TO RAISE TIMELY OJBECTIONS

Hopefully the following redress of case issues will not detract from the major catalyst of this Appeal having to do with the conduct of the Commissioner and the circumstances at the time of the hearing, and the need for fair trial. A major push of the Respondent's brief in a multitude

of portions is to assert and re-assert that the Appellant failed to fight the adoption of the Out-Of-State order when the opportunity presented its-self, essentially suggesting that the matter should be moot. This appears to be a primary argument against the Appellant's assertion that the order is not lawful in its unconstitutional basis. And that the Appellant's one-time opportunity to argue such merits has passed.

Yet, it seems self-evident that this argument falls apart upon the statute regarding adoption of out of state orders RCW.26.27.541 [3]. The fact is, unconstitutionality, is not one of the permissible grounds for failing to render reciprocity to out-of-state orders. So, taking a position that this was the missed opportunity to address such a grievance basically is not founded on any substance for the statute. The Statute provides that the following are the only grounds for refusing the order:

RCW.26.27.541 (4) "…the court shall confirm the registered determination unless the person contesting registration establishes that: "

(a) The issuing court did not have jurisdiction under Article 2;
(b) The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under Article 2; or
(c) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of RCW 26.27.081, in the proceedings before the court that issued the determination for which registration is sought.

III. WETHER THE APPELLANT FAILED TO DEVELOP LEGAL FOUNDATION

The Response brief seems to be littered with personal attacks on the Appellant's litigation skills. A pertinent matter being the absence of precedential case law represented in the Initial Brief. So, it would follow logically that your Appellant would not find precedential case law for such a basic violation of the U.S. Constitution, and that's probably because it's not a judicious

[3] Washington State Statute RCW.26.27.541 Registration of Custody Determination

thing for Courts to generate.

After some consideration to the demand for precedence to a matter of ~Abuse via Faith~ may need to go beyond Washington and perhaps the District. There is the matter of case in California where a cake-maker refused to endorse same-sex marriage with their business, which had to proceed to the U.S. Supreme Court to establish the rights of people to refuse one another's way of life.

"By failing to act in a manner neutral to religion, the Colorado Civil Rights Commission violated the First Amendment to the United States Constitution." [4]

Yet, that case presents where combative philosophy is present, yet in this case at hand, both the Respondent and the Appellant claim to be adherents of the Christian Faith which is noted in the findings:

> **"4. Many aspects of the Father's conduct described by Mother and demonstrated by evidence admitted at trial, are peculiar and troubling and have a bearing on the issue of custody. While the Court finds that the Father is a good Father and loves the children and that they are well-bonded with him, the Court cannot ignore certain conduct by Father toward Mother that made it impossible for the parties to co-parent or communicate. Father refused to acknowledge, validate or lend credence to Mother's repeated concerns over the years regarding the parties' relationship. Father's repeated use of the bible in general and specific scriptures in particular …"** [5]

> **"13. The children's cultural and spiritual backgrounds are not an issue in this case. The parties profess a strong Christian faith, but the fathers use of his Christian faith toward Mother in this regard was the main cause of the demise of the marriage."** [6]

It makes the matter all the more interesting if the Court would find that two people

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[4] 137 S. Ct. 2290, 198 L. Ed. 2d 723 - Supreme Court, 2017

[5] 2019-40-10, C.P. 7 para 4

[6] 2019-04-10, C.P. 10 para 13

attempting to resolve their differences using the same playbook, that one abused the other by refence of the shared playbook. It is obvious that the award of Alimony, which is rarely awarded and in used in-particular for fault-based situations, is founded on the apparent application of faith based reasoning in the home.

As one can see, from the case narrative in the Initial Brief, the Plaintiff/Respondent came to the Court making outlandish claims against the Defendant/Respondent. Stating she was fearing and fleeing for her life and making claims of instability of the Husband. Yet, the findings of the Court ordered Psychologist did not validate such claims and specifically addressed allegations of threat, narcissism, and the like and endorsed the Respondent that the Plaintiff was exaggerating and that the Defendant was candid. He explicitly pointed out the fact that during his time with her, that her narrative regarding her perceived threat to her life as presented in her initial declarations was not represented to him as her cause for concern during for her evaluation. Yet the Court faulted the Husband for failing to acknowledge the Wife's claims regarding the relationship.

"Husband made it impossible for Wife to remain in the marriage and she needs alimony." [7]

Instead of concluding that the Plaintiff was unstable, inconsistent, making a power grab, and acting with cruelty of projections of her own issues, Judge Pincus fabricated something of a new nature and created a narrative finding fault by presence of Faith with the Appellant/Defendant. Completely ignoring the conditions that would be created by a falsely alleging spouse, who refuses to take responsibility for their own emotional well-being and their

[7] 2019-04-10, C.P. 18 Line 16

use of accusation to take control of the relationship.

The precedential case for this may be found in the ancient situation of Daniel in the Lion's Den of Babylon under King Nebuchadnezzar. Where the Magistrates (other Judges) could find no grounds for fault, they had to use his prayer as a source for condemnation.[8]

The Court ignores the challenges faced by the falsely accused husband who is forced to either validate and be enslaved to false narratives, or to resist and attempt to encourage, exhort, rebuke, defend and redirect the falsely alleging partner to their mutually agreed source of truth. How is a spouse to get their partner to quit feeding off of him and turn to God instead, and that love overcomes fear and hate. It should seem reasonable, by the psychological conclusions that the if the allegations of the Plaintiff/Respondent/Wife are invalidated by the psychologist, that it is appropriate that the Husband would, and should, also continue to fail to lend credence to her narratives and aspersions. That is why this is a case of abandonment by the Wife/Plaintiff/Respondent and the Court playing a constructive-abandonment role as described in the Initial Brief of the S.C. Appeal.[9]

CONCLUSION

The absence of financial documents, that would normally be the burden of the Defendant/Appellant in this case, that would prove to be exculpatory regarding a finding of "able" to pay and therefore in contempt of Court by not paying; is blocked on the Commissioners refusal to admit his documents during the hearing for proving the circumstantial insolvency.

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[8] Book of Daniel, The Holy Bible

[9] 2019-04-10, CP. 87 Argument 7

With Respect to the arguments regarding the psychological evaluations referenced in the Initial Brief, and as quoted from these Clerks Papers of the included Appeal in South Carolina. Your Appellant will agree here and now for a motion to include both the psychological evaluations, and transcripts of testimony to settle any debate over the truthfulness of all this content. And in this also to include the financial documents as well. The likelihood of the Respondent agreeing to this is doubtful for reason of truth.

Finally, the matter of litigant skill in referencing a multitude of case law and statue to demonstrate learnedness on these matters. Without skill in such the effort to do so may only detract from the matter at hand and complicate the focus by bringing in distracting elements and poor analogies that do not align by attempting to shoe-horn one matter to another. It may be better to stick to the facts and the statutes at hand and the basic expectation for the Court to give a hearing, to be eager to involve evidence and supporting documentation, and to read all the case matter so as to carefully proceed and discover the motivating forces of the parties so as to act the most judiciously in a holistic fashion.

Donald Clint Crabtree

February 14, 2020

DONALD CLINT CRABTREE

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