

COA No. 66656-8-I

COURT OF APPEALS, DIVISION ONE, SEATTLE
STATE OF WASHINGTON

DOMESTIC VIOLENCE/MARRIAGE DISSOLUTION

STATE OF WASHINGTON, Petitioner/Appellee,

vs.

FANTAHUEN M. HUSSEIN, Appellant/Plaintiff

Vs.

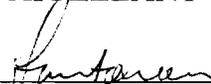
MARINA GLISIC, Respondent/Defendant.

King County Superior Court the Honorable Judge Dean S. Lum

Cause Numbers 09-2-01102-8 SEA

Consolidated with 09-3-07867-3 SEA

OPENING BRIEF OF APPELLANT


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COURT OF APPEALS DIVISION ONE
STATE OF WASHINGTON

I. ASSIGNMENT OF ERRORS

A. **Assignments of Error No. 1**: Trial Court erred in granting respondent's petition for a temporary order of protection when the petitioner Marina Glisic 1) she failed to appear after being granted additional time to "come up with some more" evidence at her first ordered appearance and the hearing based on the same allegations made to the City of Seattle and tried under **SMC Cause No. 544652, [CP 159-169]** in her absence, was continued, affectively, permitting lack of due process against appellant's right to be heard at the first opportunity since his liberty was taken and remained so for the entire period from September 29, 2009 to October 13, 2009 to November 2, 2009 to November 19, 2009 all without any new reported incidents or the so-called evidence petitioner was granted additional time and appellant remained restrained on nothing more than the word of respondent as sworn. **[CP 609]**.

Assignments of Error No. 2: Trial court erred by exceeding its authority in granting judgment to respondent a judgment though she was absent and gave no proof of good cause that would have justified the court granting a decision without her present before the court **[CP** party in a criminal matter, as in this instant matter under **Chapter 10.99 Revised Codes of Washington, section .010**, which states in pertinent part that ***"Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship . . . Appearances required pursuant to this section are mandatory and cannot be waived . . ."*** where both parties had been served and appeared previously and where evidence was lacking to sustain the charge DV Assault and Violation of No Contact Order, which was the basis for the civil proceeding and the substance of protection order petition consolidated with the marriage dissolution now on appeal. **[CP 165 - 166]**.

Assignments of Error No. 3: Trial court erred in denying appellant's motion to vacate temporary order restraining father from children where no evidence whatsoever to support a claim sufficient to meet the threshold for the issuance of a domestic violence protection order, even after court gave respondent approximately three months to produce some of the evidence, which respondent claimed to have at the first appearance for the full hearing on October 13, 2009. **[CP 608 - 609]**.

Assignment of Error No. 4: The trial court erred in granting the appellant to represent himself when there were far too many constitutionally protected issues and complex relationship of conduct
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allowed and prohibited that would be lost though no crime is charge directly against him as a parent, yet he clearly faced issues that would and did result in government exercising authority that prohibited his “God-given” right to parent, have custody and control over his own progeny and knew or should have known that the court should have acted sua sponte with regard to appellant’s counsel’s Notice of Intent to Withdraw and double the error when in denying him to have counsel appointed when his attorney Sharon Blackford withdrew as his counsel. [CP 142, 156].

Assignment of Error No. 5: The trial court erred in granting sanctions requested by counsel of respondent directly against appellant but not his attorney of record at the time and based on procedural error committed after appellant’s counsel withdrew and in granting suppression of all his evidence and witnesses and was unfair and amounted to prejudice that appellant could not overcome, effectively, the error denied appellant the right to be heard, in a meaningful way and at a meaningful time within the meaning of the due process clauses of both constitutions. [CP 143 - 145].

Assignment of Error No. 6: The trial court erred in making findings that were inconsistent with the evidence with regard to “equitable distribution of debts and liabilities”, history of domestic violence, assault occurred a second time, and in setting appropriate findings in how it determined the value of appellant’s settlement amount and any interest owed that was admittedly used by respondent Glisic without any benefit to appellant or his children and denying setoff against claimed back child support during the period when evidence showed both State of Washington and appellant were supporting the children at the same time and respondent sent appellant’s money to her family in Bosnia. [RP, page 168, lines 19 thru 25; 169, lines 1 thru 13].

Assignment of Error No.: 7: The trial court erred and was unfair to appellant in considering appellant’s interest in the joint and separate bank accounts held by Mrs. Glisic that showed no evidence that petitioner got any benefit there from and where those funds were admittedly from appellant’s various accounts of earnings that were solely his when making a fair and equitable division of assets.

Assignment of Error No.: 8: The trial court erred in failing to properly characterize and value the family bank accounts, total sum from which to draw, disbursements from those accounts, to whom the moneys went, for what purpose and provide the basis for its determination that respondent would not be ordered to repay appellant any moneys taken from appellant’s separate funds which did not serve the Appellant’s Opening Brief

marital community to have been fair to appellant. [RP, Page 171, lines 2 thru 25, page 172, lines 1 thru 25].

Assignment of Error No.: 9 : The trial court error in awarding protection order to respondent which included compelling appellant, living in a separate home, paying rent there and at the family residence Court's order to vacate appellant's separate home that was over 500 feet from respondent home overly broad, unfair and punitive in nature and violates eight amendment and cruel and unusual punishment doctrine. [RP, page 174, lines 20 thru 25].

Assignment of Error No.: 10 : The trial court erred in awarding Mrs. Glisic all of the bank balances as of mid May, 2008 and was unfair and inequitable when it failed to consider the evidence that appellant received no benefits from respondent throughout the 14 year marriage nor did the community, thereby causing appellant to pay for the welfare fraud committed by respondent wife and thereby violating appellant's fundamental rights to due process.

Assignment of Error No.: 11 : The trial court erred and violated appellant's statutory and constitutional rights under **Chapters 4.84, 26.16 of Revised Codes of Washington (RCW)** when it presented findings that appellant was not entitled to setoff against any amounts determined owed by appellant to respondent because of alleged back child support against the separate debts taxed against appellant though he was the prevailing party and his wife a judgment debtor in an unlawful detainer action.

Assignment of Error No.: 12 : The trial court erred in calculating the extent of community and separate property debts and liabilities in rendering its decision regarding the transfer payments from appellant's accounts and the separate accounts respondent transferred those moneys into and in reaching a fair and equitable division of property the court made a disproportionate award of community and separate property in favor of the respondent.

Assignment of Error No.: 13 : The trial court erred and was unfair in obligating Appellant to pay costs associated with court ordered anger management, domestic violence counseling, and was double jeopardy because it involved liberty to spend time with his children unfettered instead of supervised visitation as this had already been ordered and accomplished under **SMC Cause No. 520274**, which matter was void. [CP 151 - 153, 170-175].

Assignment of Error No.: 14 : The trial court erred when it order appellant to pay back Appellant's Opening Brief

child support to State of Washington for a period of time he clearly had been paying to maintain his children's living and was unaware that Mrs. Glisic had been getting assistance from the Department of Social and Health Services through their Temporary Aide to Needy Families program and awarding Mrs. Glisic the costs of her health insurance as there was no evidence that could be supported before that court with regard to the sufficiency of evidence related to the protection order issued by Superior Court of Washington based upon evidence that a trial by jury determined in **SMC Cause No. 544652** that appellant was not guilty of any set of facts alleged for which the same conduct was prosecuted in two different venues with two different result, 1) constitutional acquittal by a jury of his peers, 2) under the theory of "discretion of the court" and "absolute immunity" protections for leaving law undone, thereby making the bias of the court obvious and contrary to the laws of the land and was an abuse of discretion and misuse of the authority granted by citizens for public servants to utilize their powers thru the judiciary. [CP 159 thru 169].

Assignment of Error No.: 15: Trial court erred in awarding attorney's fees a) at private attorney rates [CP 288]; b) making public defender a private for profit attorney (as admitted the figures represent what private for profit attorney's are paid) though paid out of the public treasury without regard for profit; and c) in not considering the immunity that extended to appellant based upon equal protection clauses of both constitutions and **RCW 2.50, sections .080 and .110** which states, in pertinent part, that *"No attorney's fee shall be charged to or received from any legal aid client as to any legal aid matter handled by or through the bureau. All attorneys' fees and court costs collected from any third party by the bureau in the name of any legal aid client shall become a part of the bureau's operation funds . . . To disburse such county funds, after receipt thereof, solely for the purposes contemplated by this chapter."* and failing to acknowledge appellant's status as an indigent and his use of counsel by appointment from the Office of Public Defender, which listed appellant as eligible and entitled to representation based upon that determination of indigency under **SMC Cause number 544652**, charging appellant with violation of no contact order issued in May 2008 under **SMC Cause number 520274**, which, had it gone to trial, as the 544652, there was not sufficient evidence of an assault against respondent, [CP 745 & 750] and whereby the court imposed the restrictions challenged herein with regard to the appellant's children, and whose status is still indigent under Superior Court of Washington for King County, Cause Number **11-1-3215-5**
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SEA, see, Appellant's Brief attached as Supplemental Exhibit 1, which is incorporated by this reference as though fully set forth and contained herein, was approved for the appointment of counsel in the nexus matter for the Domestic Violence Petition, filed September 29, 2009, by respondent Glisic and consolidated with the dissolution petition filed by appellant in November 2009 failed to consider that based upon the Domestic Violence Charge, consolidated with this matter, [CP 771] and that appellant had been declared indigent and was a "client" within the meaning of the statute and it was both unfair and prejudicial to the appellant and kept him from having any opportunity to address the complex legal issues, and the connection between his right to privacy and liberty interests necessitated by the fact that marriage dissolution was consolidated with petition for domestic violence protection order, which included his children; (a) the trial court abused its discretion when it not only restricted appellant's time with his children and required supervision based on the allegation made by mother that were, in fact, found not to be true by a jury in a court of competent jurisdiction, [CP under Washington case law and without consideration of the limitations of RCW 26.09.140 in awarding attorney's fees to respondent Glisic's attorney Kristofer Amblad, Northwest Justice Project, a agency established under Chapter 2.50 of the Revised Codes of Washington (RCW).

Assignment of Error No.: 16 : Trial court erred in granting ex parte communications in the form of a motion's hearing in the absence of pro se counsel such that "*THE COURT: "that he be cut off from offering anymore exhibits at this point . . . I will allow you to call witnesses out of order ..."* [RP, page 6, lines 10 thru 19] as appellant was unaware that defendant's case could move out of order and had no opportunity to offer objections or be heard and resulted in prejudice and amounted to trial by surprise which is especially offensive when the court considers that this appellant was both illiterate with respect to both spoken and written English legalize or left with the option to be more confused by having two languages spoken to him at the same time without the interpreter being able to understand what he/she interpreted any more than the other nor was there ever any communications when it was that counsel for appellant spoke with him.

Assignment of Error No. : 17 Did the trial court err in not allowing the testimony of the family banker, who could have set the value on the family funds and give a running accounting of deposit and withdrawals, transfers, debits and credits and to whom each applied, and there was no indication the Appellant's Opening Brief

requirements of the sixth amendment to the constitution for the United States of America were considered?

[CP 508-9]

Assignment of Error No. : 18 Did the trial court err in failing to set forth appropriate findings in how it determined the value of Mr. Hussein's and Mrs. Glisic's bank accounts and by failing to consider the separate nature of Mr. Hussein's personal injury settlements, amounting to over \$40,000, taken by Mrs. Glisic during the period that Mrs. Glisic sought and received Temporary Aide For Needy Families (TANF) such that the State of Washington was entitled to recover from appellant back child support even when it was clear that respondent's children were not a "Needy Family" within the meaning of the law and facts and made the trial court's findings of fact unsupportable at law and evidence? [CP 537 - 551][RP pages 153 - 159]

Assignment of Error No. : 19 Did the trial court err in failing to properly characterize, and value of the family and separate bank accounts of the parties in favor of finding and excusing respondent at the expense of appellant and provide the basis for its determination that was not fair or equitable and abused his discretion in so doing because Marriage Dissolution authority is statutory and must move within the statutory perimeters or is an abuse of discretion, at best, and a void judgment, at worst? [RP page 168, lines 19 thru 25, pg. 169, lines 1 thru 25, pg. 170, lines 1 thru 25, pg. 171, line 1]

Assignment of Error No. : 20 Trial Court erred in granting the respondent's requests for .191 restrictions that included "supervised visits", "paid for by petitioner" and for only "2 hours per week", such that they went beyond the intention of the act, namely to deny mutual decision making to a parent or party who has a history of domestic violence, though the statute nor does this court quantify what constitutes a "history of domestic violence", one incident, two, ten or twenty, and nothing could be more punishing than losing one's authority over their God given right to parent the children born of them and the order of protection lasting for more than five years and going beyond the power of civil authority and evaluated into the criminal arena when trial court required appellant to "be restrained from being 500' from Othello Park", essentially, requiring appellant to move from his home though it is more than the five hundred feet away from the respondent's home, and which is required of most, if not every litigant in a domestic violence or anti harassment protection orders granted in King County since about 2003 in Superior Court of Washington, and thereby far exceeded the standard for a "civil" order and thrashes the Appellant's Opening Brief

clear meaning of the 14th amendment prohibitions against government “*making or enforcing*” laws, **26.09.191 RCW**, “which shall abridge the privileges and immunities of the citizens of the United States, nor shall any person be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the law” but is not inconsistent with order and ordinance that require of the general criminal community to be aware that doing or living and committing certain crimes within 1000 feet of a particular area or not living or working within 1000 feet of children and was a abuse of discretion in not appointing counsel for both parties instead of just one party as it is the duty of the court, first and foremost, to assure that justice is done under the judicial branch of government and not to assure that procedural and legal tactics of the opposing counsel are honored for “gamesmanship“ and justice of public expenditures? [CP 353,507,510,532-6]

II. ISSUES PERTAINING TO ERRORS

Issue No. 1 ___ Whether protection order trial court lacked jurisdiction once party that was properly before the court fails to appear at the next scheduled appearance and leaves court without authority to grant order in favor of party who has absented themselves from the court on their requested hearing day when it granted the December 3, 2010 protection order based upon the petition filed on September 29, 2009? [CP 72 -73, 267-272]

Issue No. 2 ___ Whether, under No. 1, the judgment is void, makes any and every judgment that flows there from or arising there from void as well as those it is used as grounds for further orders connected therewith and are likewise void?

Issue No. 3 ___ Whether appellant’s rights to due process were violated when he lost custody and control over his children, in essence, lost his parental rights and all decision making power when respondent’s counsel failed to show that the laws presumption with regard to custody, “*Custodial changes are viewed as highly disruptive to children, and there is strong presumption in favor of custodial continuity against modification*” In re: The Marriage of McDole, 859 P. 2d 1239, 122 Wash. 2d 604, **reconsideration denied**; and appellant had custody from birth until he was removed from his home based upon Domestic Violence charges and bail, which contained a “no contact” order with regard to his spouse but nonetheless directly impacted both himself and his children unfairly and without regard for the rights protected under our federal constitution, and fitness, appellant was always the custodial parent, and because Appellant’s Opening Brief

of an order of protection that could not be substantiated on its own merits, SOC under SMC 520274 and the one being appealed, but was rather done because City of Seattle had charged appellant with violation of “No Contact” order issued out of City of Seattle Municipal Court, Cause No. 544652? [CP 599].

Issue No. 4 ___ Whether **RCW 26.09.191** was statutorily applicable when the nexus case was on appeal, and at the time of this writing is still so, and judgment may be rendered in appellant’s favor making the No Contact Order null and void presenting trial court without authority to have placed ordered DV counseling, Anger Management counseling, Privately Paid Supervised Visiting services and ultimately denying appellant the ability to make decisions with regard to religion, cultural training, children were born into multi-lingual culture family, and many other decisions necessary for the assurance of the perpetuation of one’s family and culture? [CP 83-84]

Issue No. 5 ___ Whether appellant’s rights to decision making, mutual or otherwise, with regard to his statutory and constitutional protections for the same, was wrongfully deprived him when no evidence was presented that could support a conviction for a history of domestic violence without ignoring the jury verdict of acquittal on the charges that were made by respondent that lead to appellant’s arrest after the incident where respondent and her significant other invaded appellant’s home causing him to flee and seek protection order against the male, Attiba Fleming, and not against his female accomplice, respondent? [CP 135, 138, 140 - 142].

Issue No. 6 ___ Whether the intent of **RCW 26.09.191**, which states, in pertinent part, that “*The permanent parenting plan shall not require mutual decision-making ... if it is found that a parent has engaged in any of the following conduct: ... a history of acts of domestic violence as defined in RCW 26.50.010(1) ... or ... The parent’s residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: ... a history of acts of domestic violence as defined in RCW 26.50.010 ...*” but not both and is therefore only to sever the bonds between a custodial parent and his children based solely upon a finding in the trial court or any other court in the United States of America of competent jurisdiction that a disputed incident, arguing because wife refused to give husband his separate property consisting of over \$50,000, was domestic violence “history“ within the meaning of the intent of the legislature and not the intent of the court?

Issue No. 7 ___ Whether trial court erred when it refused to hear evidence related to respondent Appellant’s Opening Brief

mother created a danger of serious psychological damage to the children when she engaged with Attiba Fleming and attacked appellant at his home on September 12, 2009, for which appellant filed a petition for an ant harassment order against Mr. Fleming but was left without recourse with regard to Mrs. Glisic's attacks because she was in possession of a protection order and a no contact order against appellant, such that appellant should have had the right, and the court had a duty, to offer that relationship and its nuances, in the form of evidence and testimony of whatever kind and manner where children who do not have counsel will be impacted by the decision as to with whom, including Mr. Fleming, the children would be residing and not residing with at the portion of the trial that statute which grants authority to make decision with regard to custody and control over one's flesh and blood, strictly complying with parenting plan and residential schedule statutory requirements, and trial court's suppression of all evidence presented with regard to father's claims of right to custody and control over the children even if court left no contact order in place on behalf of mother, in accordance with respondent's motion in limine was unfair and prejudiced appellant from being able to have a meaningful opportunity to be heard in a matter that did not involve a crime or right's violation per se, unless, the criminal portion, 10.99 claims were actively imposed against appellant? [CP 159-175,209,211-218]

Issue No. 9. ___ Whether the judges in every state are bound by the federal constitution such that no state law or act to the contrary is enforceable and that ruling without the need to strike down unenforceable law within the meaning of the **14th Amendment of the Constitution for the United States of America?**

Issue No. 10 ___ Whether when taken collectively, procedures, availability of information and services was equal within the meaning of the **Legal Aid Act** which provided counsel to one of two persons, who, up until the time of dissolution, were financially, the same creature, entitled to the same benefits?

Issue No. 11 ___ Whether under No. 10, if appellant was denied that which respondent was granted, and the granting afforded her a meaningful opportunity to be heard, and in a meaningful manner, is such a deprivation a violation of appellant's rights to "equal protection" of the laws under the law, within the meaning of the Equal Protection Clause of the two constitutions.

Issue No. 12 ___ Whether appellant's acquittal under the charges by a jury, which were also tried by a court commissioner, being in opposition, should have prevailed as final and conclusive as to whether Appellant's Opening Brief

the conduct alleged in the respondent's petition for an order of protection under Superior Court of Washington, Cause Number 09-2-01102-8, was based on provable facts or mere conclusory allegations of counsel as detailed by the respondent?

Issue No. 13 ___ Whether under the circumstances that threshold for issuance of protection orders with children, where no showing of any evidence against conduct of father, appellant, with regard to the children, was presented and again, after respondent failed to appear at prior hearings.

Issue No. 14 ___ Whether court should have required respondent to show good cause for failing to appear after being granted additional time and gave no good cause for not appearing, no offer of proof of any medical treatment for the days respondent failed to appear or any reasonable excuse for not appearing to conclude a temporary order for over 3 months without authority of law nor any incident alleged against the party and the children in the petition meant court lacked jurisdiction over children and could not issue order for party where children were not subject to court's authority and appellant had been custodial and residential parent, with respondent, all the children's lives as a matter of law and due process.

III STATEMENT OF THE CASE

The appellant and respondent began dating in 1996. [CP 88] Mr. Hussein was an unemployed musician and part-time student and Ms. Glisic was here visiting from Bosnia. The couple began living together shortly after meeting and for a brief period were homeless. [RP page 89, Line 6 (1/11/2011)]. However, when Mr. Hussein learned of the upcoming child, his first son, he began a program of working at any odd jobs and labor halls. He was able to save up over \$9,000 before his son was born. It was always that the children to this union would have their futures cared for and financially secured by the saving plan that was started and funded by Mr. Hussein, albeit he would always open joint accounts with Ms. Glisic and that even before they were married. The relationship progressed through some rough periods and they made it through.

The couple later married on December 18, 1999, just prior to the birth of their second child. The marriage was, at best, a marriage of convenience for Ms. Glisic, who didn't believe it was a real marriage, and at worst, a mechanism for an illegal entrant to gain lawful entry into the country through marriage. The marriage went along with the normal progress of family dynamics, uneventful until February 16, 2008 when Ms. Glisic's neighbor called the police at the behest of Ms. Glisic. [CP 89 - 91] The record is not Appellant's Opening Brief

complete as it relates to the responses, witnesses to the events, and any picture evidence and medical and bank records on the issue of equitable distribution of property and debts and liabilities because the court excluded the evidence and witnesses as “prejudicial” [RP page 11, lines 3,4] of the exclusion of evidence and witnesses pursuant to trial court granting motion in limine brought by respondent’s counsel and even though the period for discovery had expired for both parties. [RP page 11, line3 and 4] Nonetheless, the record does indicate that Mr. Hussein began working and seeking better and more secure positions by which he could provide for his wife and children. The record is clear that he has maintained employment through the period of the marriage as well as provide for the education of the children.

Mr. Hussein was injured in an automobile accident that was resolved by settlement in February 2008. In the settlement Mr. Hussein was offered and accepted payment and brought those payments, three separate settlement checks, amounting to \$39,000 home and placed them in the family living room. More specifically, in a magazine on the living room table. When he returned home he anticipated surprising his wife with the settlement checks but found that they were not where he had placed them. After a long inquiry about the checks and finally getting an admission from his wife that she had them. Mr. Hussein asked it be returned to him or at least tell him where they are. Mrs. Glisic refused to do either. Mr. Hussein departed the house taking his car. Mrs. Hussein blocked his way. Jumped in his lap and took the keys out of the ignition. “ She took the car keys because she did not want him to take the kids and then she started to walk out of the house. She knocked on a neighbor’s door and told them to call the police. He still tried to take the keys.” [CP 750] Mr. Hussein followed her back to the house asking for the keys. She refused. At that point he had no choice but to take his keys from Mrs. Glisic. As he was reaching around her a neighbor opened there door and saw, what was described as “a bear hug”, though Mrs. Glisic reported to the police nothing whatever about a “bear hug”. Rather she stated that her **“husband had tried to take their children from the house. She stated that she was not hurt or injured ... she also stated that the kids were not hurt during the incident.”** And described her fear as stemming, not from that incident, but rather she states because **“in 2001 he was arrested for the same thing and was very angry when released from jail”** and on that basis she should be afford sole decision making and custody over children that neither had exclusive custody of, and that decision to be made by police officers acting on statements where no physical or psychological damage was evidence by the time the officer arrived. [CP 750] Mrs. Glisic did, however, Appellant’s Opening Brief

open a separate bank account after opening a new joint account of which her husband was not aware until these proceedings began, and re-deposited those funds into the newly created account bearing her name and authorizing her signature only. [RP page 89-98, 128 thru 142]

As time progressed from that February 2008 with the incident of Mrs. Glisic taking the settlement checks, leading to the argument for which the neighbor subsequently called the police. The police arrived, examined the alleged victim and departed without making any arrest. [CP 750] Mr. Hussein was given a Summons to appear in Seattle Municipal Court some three months later, which is when he first became aware that he had any charges filed by his wife with regard to the events of that day since it was he who had had his property taken and his way was blocked from leaving and she took control over their lives and decisions even with his separate property and by his wife, nonetheless, he received the summons from his wife approximately one day before he was supposed to appear. Mr. Hussein was totally surprised that he was being charged with domestic violence as he was the one that was attacked because Mrs. Glisic did not want him to leave her and take the children and all the money in their bank account. The matter that led appellant and respondent, ultimately, to divorce court, started with the City of Seattle filing a criminal complaint against Mr. Hussein in 04-25-2008 when appellant was charged by the City of Seattle with Domestic Violence Assault in the 4th Degree, Cause No. 520274. During the period under the Municipal protection order, which technically, was not a judgment at all but rather the matter simply had been continued for two years without violating appellant's speedy trial right. During the two years leading up to the second protection order, Superior Court Cause No. 09-2-01102-8 SEA, the family had, essentially remained intact. Mr. Hussein did everything that he could to help facilitate his wife's transition as an American. During the relationship Mr. Hussein maintained employment, Mrs. Glisic did not. In other words, appellant contributed to the entire family and respondent did not make any contributions toward the economic well being of the family household nor did she provide or have hands on homecare for the children. [CP 377-379] Both parents spent time with the children however it was Mr. Hussein that taught them in a formal environment as well as an informal one. Mr. Hussein was concerned with the lack of interest in the family being shown by Mrs. Glisic and the lack of affection being shown him. Mr. Hussein was certain that Mrs. Glisic had lost all affection when he became involved in an automobile accident that left him seriously injured and in need of hospital care and Mrs. Glisic did not come to the hospital at

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anytime and upon Mr. Hussein release Mrs. Glisic did not come to pick him up from the hospital though she had the family car.

The accident was settled. The settlement amount was over \$39,000, delivered in the form checks. The checks arrived and when Mr. Hussein had them all gathered he placed them in a magazine in the family living room. Mr. Hussein left to go to his teaching assignment at his church school where he was a teacher. When he returned home the checks were missing. Mr. Hussein asked Mrs. Glisic where they were. She originally asserted that she did not know, and later confessed that she got the checks, deposited some in joint account they had, and other amounts she kept in separate accounts belonging solely to her. **[RP pages 154 thru 159, line 1 thru 6]** Immediately following this Mr. Hussein concluded that it was time to ask her to seek counseling. They began getting counseling at the family church from one of the qualified ministers and elders of the church. Shortly after it started Mrs. Glisic stop attending when the counseling began to bring up the issue of what was her purpose for taking and concealing Mr. Hussein's settlement checks. It was at this time that the marriage was irretrievably broken and when the alleged assault of Mrs. Glisic occurred. And for which Mr. Hussein was charged criminally and entered into a Stipulated Order of Continuance, continuance revocation, sentencing and serving jail time, along with fines and penalties. Mr. Hussein was not aware that by entering into the stipulated continuance that he had surrendered several of his rights, among them the right to a speedy trial.

After all this Mr. Hussein continue to work through the problems of the family dynamics that many American families address, only his family was American, African and Bosnian. He offered Mrs. Glisic every opportunity and she rejected all efforts at reconciliation that meant that she had to reveal where and what she had done with the settlement checks.

Nonetheless, respondent had failed to assist her husband after he had been involved in an auto accident that left appellant injured and laid up to recover Appellant received multiple settlements, checks, for his injury, pain and suffering, lost wages, etc. Appellant took the checks home to surprise his wife, however, she found them and saw fit to take the settlement checks of appellant and hide them. After hiding them she refused to divulge what she had done with the checks. It was later learned that she simply endorsed the back of the checks and opened a separate account for herself and excluding appellant husband.

While that was the reason for the neighbors hearing them argue, appellant has always maintained that he

never struck, choked or “bear hugged” respondent. There was never a trial where any evidence was presented by the state in support of the allegations of assault dv, rather, it was concluded as a result of the nature of the City function of a stipulated order of continuance being that any violation alleged and the court finds a violation as occurred within the stipulation was the equivalent of being guilty for the charges that had been continued by stipulation. And this all occurred at or by the time it became clear to appellant that respondent had no intentions of acting fairly and decently and only used the section of the **520274** order, the “**No contact order may removed when Ms. Glisic files a motion to terminate ...**”, essentially, because realized that based upon the only “evidence” available of the alleged “bear hug” was the “police report” the court was not concerned that she was in genuine danger or that she met the standard found in law, Chapter 10.99 Revised Codes of Washington.

A separate incident occurred involving appellant, respondent and respondent’s “**significant other**” that completely changed the marital dynamics. [CP 601] Respondent and her “**boyfriend**”, [CP 747] Attiba Fleming, came over to appellant’s home. Both were intoxicated. Both made threats of violence and entered into appellant’s home uninvited. Both assaulted both appellant and his guests, physically and verbally. [CP 50-67, 209, 211-8, 225 - 239] In addition, appellant fled to his friend Kevin Johnson’s house because he believed that the protection order meant that she can harass or assault him, invade his home and the order gave her the power or right to do so and that if he called the police or made a report or attempts to protect himself from attacks that he would be arrested and go back to jail for violating the no contact order. Ergo, he fled.

After the disruption and violence at his home was over he returned. But while there Mr. Fleming had threatened to do serious bodily injury and appellant believed that he intended to carry out his threats on his life and sought and was granted an anti-harassment order against Mr. Fleming. The Court granted, in the TRO issued to Mr. Hussein against Mr. Fleming, that the children should be protected against Mr. Fleming and that he could have no contact with them in the petition filed by appellant, Fantahuen M. Hussein against Attiba Fleming, cause number #09-2-01084-6. [CP 219 -260]. Prior to that filing respondent Mrs. Glisic had made no police calls, did not contact the City Attorney or make reports of any kind to any protective agencies for children nor had she filed any court papers with regard to any acts or conduct of appellant, Mr. Hussein, since the no contact order issued out of City of Seattle Vs. Fantahuen M. Appellant’s Opening Brief

Hussein, Cause # 520274, [CP 585 – 591], which issued in May 2008 as it relates to any fears she held with regard to the children’s safety and well being or her own. However, that changed when Mr. Fleming was no longer allowed to go around appellant’s children. Mrs. Glisic cites in her petition for protection that she was doing so on behalf of her “significant other”, Attiba Fleming.

The matter in City of Seattle Vs. Fantahuen M. Hussein is so intriguingly intertwined into the rulings and considerations of this instant matter that appellant must assert here as a part of the statement of this case the connection and show how it served as the nexus for the ruling of a protection, which is one of the judgments being appealed herein and no decision has been rendered, as relevant in this appeal because of the trial court basing its decision with regard to granting protection orders and restrictions and denying mutual decision making.

In the matter of City of Seattle Vs. Hussein the parties had agreed to a Stipulated Order of Continuance, [CP 592 – 593]. In that order two things occurred. One, appellant waived his right to speedy trial; and two, he surrendered himself to that court’s jurisdiction beyond the statutory one year limit. During the entire period of time appellant attended anger management, domestic violence classes and fully participated in the program and with program staff. He did that for over 38 consecutive weeks. In addition, he paid all the fees required. However, and after over 38 weeks, but more importantly, after respondent, Mrs. Glisic, alleged a violation of the no contact order from Municipal Court of the City of Seattle and appellant was arrested, that conduct violated the Stipulated Order of Continuance’s conditions for release. The City therefore moved to vacate the stipulated order of continuance and proceed to sentencing. At that time appellant argued that he wanted a full trial but only after the trial of the new charges under City of Seattle Vs. Fantahuen M. Hussein, Cause # 544652, [CP 585-591(Exhibit 62)]. If one is to make a fair and unbiased decision as to the imposition of domestic violence restrictions under RCW 26.09.191, then one must look to the “interest of the children” and not allegations made with respect to one’s parenting function which is the statutory authority Superior court is granted by the legislature of the State of Washington, but it is not allowed to opine or incorporate an adverse statute or conflicting statute in the most restrictive way. In the matters that lead to the filing, and then subsequent civil order of protection, it was the respondent who interjected and used the court system to assist her live-in mate, Attiba Fleming, in avoiding being barred from coming near or around the parties’ children or prosecuted for assault against appellant Mr. Appellant’s Opening Brief

Hussein. There was no incident upon which the court could have exercised jurisdiction to grant order of protection to party that fails to appear, as Ms. Glisic. [CP 703 - 709].

During the course of the many hearings had in the various courts, Office of Administrative Hearings, cause number: [RP page 143, lines 4 thru 25, pg. 144, line 1/ CP 585-591].

In response to appellant filing his petition for an anti-harassment order against Mr. Fleming Ms. Glisic filed for a protection order against Mr. Hussein. It is at that time that Mr. Hussein learns that Ms. Glisic and Mr. Fleming are a serious relationship and proceeds to file a Petition for Marriage Dissolution with Children. In the petition Mr. Hussein took the position of a plaintiff because he was alleging malfeasance and moneys owed that had been wrongfully claimed, Garnishment under Superior Court of Washington Cause # 08-2-32570-9SEA, which was a complaint for Unlawful Detainer against the separate estate of Ms. Glisic. In fact, the judgment that issued granting money judgment against Mr. Hussein was vacated. [CP 585-591].

All pretrial motions for relief made by appellant with regard to custody, vacating temporary protection order, striking children from petition for order of protection filed September 29, 2009 by Ms. Glisic without due consideration for the rights of the parties instead court made its rulings based upon procedural failures claimed by counsel for Ms. Glisic, Kristofer Amblad, Northwest Justice Project, a nonprofit legal aid services authorized under RCW 2.52. Court granted respondent motion in limine when the both parties had already past both the discovery cutoff date and the original trial date and the effect was manifest and inevitable prejudice resulted leaving the court without means to carryout the mandate of law, as marriage dissolution is not per se a crime, however, this matter did interject **Chapter 10.99 RCW**, which by its terms is per se "criminal" and made with regard to denying appellant right to call witnesses, get subpoena issued, compel discovery and for continuance for the purpose of completing discovery. [CP 392 -402/508-9] Obviously, the most fundamental right is the right to due process within the context of the "crime" and where the resultant product will be a termination of parental rights the government owes a duty to both the children and the parent such that there is a heightened sense of protection afford such parties and to do otherwise results in a lopsided, legally flawed and procedurally inaccurate case record.

The case proceeded to trial over the objections of appellant. Court moved forward without interpreters being provided for appellant at various junctures, though he had order authorizing the same, Appellant's Opening Brief

released the State of Washington at the inception of the trial even though it knew that appellant was objecting to the State of Washington representation that children of the marriage were, in fact, dependant and “needy” within the meaning of the law; when witnesses had not responded to subpoena of pro se counsel court refused to grant subpoena until appellant effected a picture perfect attorney draw subpoena of materials maintained and held by custodians of records of the bank and hospital that needed the same in order to be present and testify with regard to the parenting ability and skills of the parties with relationship to the question of the residential time of the children involved, parenting functioning and in order to make a “fair and equitable“ division of property, debts and liabilities.

Appellant appealed to the trial court to grant him at least a separate hearing for his 60(b) motion with regard to his claim that a party who fails to appear cannot receive a judgment because court lacks jurisdiction over the petitioner of a petition for a protection order unless such a person “surrender” themselves to the court. Mrs. Glisic did not surrender herself after both filing the petition and getting a continuance and a continued Temporary Order of Protection without providing any basis for the same, yet granting of the protection order and extending it to the children, even temporarily, was a violation of his constitutional rights and was a severe punishment within the meaning of the eighth amendment because appellant suffered the loss of his right to custody and control of his children before a full hearing on the marriage dissolution. The court denied the motion without a hearing. The court also granted sanction against Mr. Hussein based the allegations made by Kristofer Amblad that he did not receive notice of appellant’s motion hearing for vacating TRO and other relief and the court granted sanctions. The record indicates that Mr. Amblad was not the attorney for any other matter than to assist Ms. Glisic in securing the protection order. The court did not find the record sufficient, and while it was and is clearly absent any Notice of Appearance until after the filings made by appellant court still granted sanctions to Mr. Amblad personally, and not the defender’s association that Mr. Amblad worked out of.

The marriage dissolution proceeded to trial. The court granted a motion in limine suppressing all evidence and witnesses listed that Mr. Amblad said he did not receive before the discovery cutoff date. [CP 508-9] In essence, the court suppressed appellant’s entire case and when appellant filed a **CR 41**, which states, in pertinent part, that “(a) *Voluntary Dismissal*.

(1) Mandatory. Subject to the provisions of rules 23(e) and 23.1, any action shall [emphasis added]
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here] be dismissed by the court: . . . or (B) By plaintiff before resting. Upon motion of the plaintiff at any time before plaintiff rests at the conclusion of his opening case.” motion the court denied the motion and was without authority to do so within the meaning of the rule and thus when it proceeded to render its judgments all orders issuing there from were void and which is why this appeal is taken and appellant confident that the operation of the law supercedes the belief of the trial judge that he could do whatsoever he desired once a matter came before his court.

Respondent/defendant, MARINA GLISIC, and Petitioner/plaintiff, FANTAHUEN M. HUSSEIN, were wife and husband, a marital community under the both the laws of his religion and the State of Washington. In February 2008 the husband asked his wife a simple question; **“Where are the settlement checks that I got for my personal injury settlement?”** She refused to tell what she had done with them. The husband departed the home in order to go to work and avoid further confrontation with his wife with regard to discovering what she had done with his checks and why. The wife alleges that while she was outside the home that her purpose was to stop husband from taking family car. A brief argument ensued. The gist of which appears not to be relevant throughout all the subsequent hearings, though it is relevant on appeal and was offered by husband as a defense to the charge of assault, was that husband was provoked into the actions that followed because wife wrongfully continued to withhold his property and to provoked husband into taking car keys.

In taking the car keys, and admitting that he did so, neighbors reported seeing husband “bear hug” his wife. Essentially, that is what the court later found, 1) constituted an act of DV, and 2) husband had waived his right to trial when he entered into a Stipulated Order of Continuance, which appears to be some creature of its own, though it appears to intend the same effect as a “deferred prosecution”, and 3) based upon the allegations leveled by wife, under Cause No. **544652**, the Court found that the conduct described in the complaint, coupled with appellant’s refusal to admit guilt of the charge under **520274** number, that his SOC should be revoked and did so only on the basis of the SOC and found that appellant was guilty of Domestic Violence (DV) without a trial.

Digressing, in May 2008, some three months later, appellant received a summons to appear in the Seattle Municipal Court for arraignment on the charge of simple assault (DV). The charge stemmed from the facts stated above and the police incident report, which is not before the trial court in fact but by Appellant’s Opening Brief

innuendo and declaration of counsel Kristofer Amblad, that respondent had refused to tell what she had done with plaintiff/petitioner's settlement checks, amounting to over \$39,000, though no criminal trial was had on the charges, and in the dissolution trial the court granted a motion of public defender's office on behalf of wife to not allow any evidence submitted for which counsel 'claimed' he received after discovery cutoff schedule order and court agreed to sanction husband by granting the motion and husband could present no evidence or witnesses at the time of trial because he violated Civil Rules of Procedure for family law matters and discovery, albeit, unintentional, the court sanctioned him anyway.

Record indicates that plaintiff/petitioner sought to leave the home to go to work that February day after failing to get any cooperation from his wife. She admits that she did take the keys from his car because she thought he was leaving her without transportation. And those are the essential events of the February argument that lead to criminal prosecution, a quasi-deferred prosecution (Stipulated Order of Continuance is what the municipal attorney uses in place of deferred prosecution because there is no requisite to recite one's guilt before entering into this type of 'agreement' as is required under the statutes which authorizes "plea bargains"), No Contact Order, Orders to attend Anger Management and Domestic Violence program and four temporary order of protection and two permanent orders of protection, saying essentially the same and requiring, essentially, the same judgments against appellant. However, the respondent, after charging petitioner/plaintiff with a "new" charge; to wit; violation of a no contact order and new assault charges were filed by Seattle City Attorney, along with that, the State of Washington assigned a public defender for both parties, husband and wife. **[CP 50 thru 56]**

In the case where the public defender was assigned to assist the husband, SMC Cause Number 544562, stemmed from the charge that appellant had violated the no contact order of SMC Cause Number 520274 and was the wife's charges, which also served as the basis for the petition for protection order consolidated with the marriage dissolution **[CP 771]**, which were being prosecuted by the City of Seattle Attorney, while at the same time, being prosecuted by the public defender's office at a civil protection hearing and then eventually a divorce proceeding. **[CP 761] [CP 72-4]** In the divorce proceeding, as well as the protection order proceeding, both the subjects of this appeal, the state provided counsel to the wife, though it had determined that the husband was, likewise, indigent and entitled to legal counsel at the expense of the public, yet failed to grant appellant counsel and violated the "fair" doctrine of both Appellant's Opening Brief

constitutions.

This became problematic in that the public defender's office would not assist husband in all matters and husband was required to hire paid counsel, [CP 78] though he could not afford them and got nothing for the fees paid; there is no pleadings, filings or papers of any kind on behalf of appellant that was filed by any attorney hired by appellant, saving notice of intent to withdraw and notices of appearance and letter to respondent's counsel [CP 78, 102-103, 112-5, 142, 154-7, 277-8, 283, 396-8, 400-1] because there was a conflict of interest of counsels in the public defender's office. However, that office did prove that petitioner husband was not guilty of the second charge and was fully acquitted by a jury trial. However, the public defender for the respondent wife was able to have that jury verdict nullified through some unknown maneuvers used in the dissolution of marriage and the divorce court judge refused to concede that under the circumstances where wife falsely accused husband that there was a wash between the two charges of the wife. She had falsely accused and charged husband in second incident and the facts determined that.

This is even more troubling when one recognizes that court, at every juncture and opportunity, punished or sanctioned pro se indigent petitioner and did not sanction any of the many counsels, both public and private, that assisted husband at public expense as well as personal expense of appellant when the funds were not available to do what the court ordered on 12/03/2009 and 01/26/2010. [CP72-4, 83-6, For example, husband had attorney of record in the dissolution matter during the time he was sanctioned with costs and had his hearings stricken on procedural grounds though the record indicates that husband's counsel was aware of the procedural deficiencies but did nothing to correct those deficiencies.

There is only one incidence of a domestic violence on record and that incident is being appealed and has not been heard at the time of this briefing, and the additional protection orders and TROs were not reasonable and contrary to the law because in all those matters the court lacked personal jurisdiction over husband when wife failed to appear for several hearings and somehow was able to have matters continued without appearing to make a motion to continue.

Moreover, wife was allowed to simply call the court whenever she didn't appear and was not sanctioned or required to offer proof of good cause why she did not appear nor was she denied the ability to present any evidence as appellant was, and he did call into the court himself, and gave a doctor's note upon return, all unlike that of Mr. Glisic.

However, the trial court having issued an order of protection relied on its own order of protections to cite as grounds justifying that appellant was a person with a Domestic Violence history and therefore and indeed, should be restricted under **RCW 26.09.191**, which, while allowing some type of restrictions, does not allow for the restrictions as found in the order granting a continued protection for an additional five years with regard to seeing his children, who were never a valid part of any protection order and generally, courts accept that the dissolution decree would serve to sever the relationship permanent whereas a domestic violence protection order issues because the parties will get back together at the end of the term of punishment or injunction and restriction of liberty upon the party so enjoined the child visitation restrictions portion requiring supervised visitation and attending and paying for additional DV court ordered classes which were directly related to the Domestic Violence conviction in Seattle Municipal Court, under Cause No. **520274**, which were already attended by appellant for over 38 weeks prior to the new imposition of the same judgment order issued previously under the cause number **09-2-01102-8**. The court went on with it's imposition on Mr. Hussein liberty, though this was not a criminal trial and in fact appellant was denied his request for a jury trial, thereby, that appellant is enjoined from going to his own home which is over 500 feet away from alleged protected person's (alleged because the judgment is void, but no determination or hearing has been had with regard to appellant's claims that the judgment is void) residence and to stay the portion that represents that appellant is not to go to the parks in the City of Seattle and Stay enforcement of the entire judgment pending appeal.

IV Summary of Argument

The courts' core judicial functions and powers are at the heart of our system of government. There is a long heritage of established principles regarding what fairness means in adjudications. These principles are a source of guidance and can inform the Court's analysis of the requirements of **Washington State Constitution, Article I, § 10**, which states, in pertinent part, that "***Justice [emphasis added here] in all cases shall be administered openly, and without unnecessary delay.***" In addition, the courts' duties are a source of judicial power in their own right. See **Iverson v. Marine Bank Corporation, 83 Wn.2d 163, 167, 517 P.2d 197 (1973)** (*waiving filing fees because of court's duties to provide "fair and impartial administration of justice" and "to see that justice is done in the cases that come before the court"*); Appellant's Opening Brief

O'Connor v. Matzdor- 76 Wn.2d 589,600,458 P.2d 154 (1969) (waiving filing fees because of court's duty to see that justice is done). Surely, legally, and possibly morally, the court owed a duty to both father and children of this dissolution to assure that the complex issues were addressed with legal competence of a seasoned family law attorney, or at a minimum, appoint a GAL for the children, which were brought in a parties in the September 29, 2009 petition for protection filed by respondent. It was error and unconstitutional because it violated all the tenants of the constitution at the clauses and phrases and sections that prohibit government from having authority to exercise if due process of law is violated.

Appellant is entitled to a reversal of the judgments granting respondent an order of protection, restricting visitation with children and being denied setoff for separate debts paid through court order, garnishment, on behalf of respondent Glisic in separate other civil litigations that did not involve appellant and for which appellant received no benefit nor was there any benefit to his children based upon the government's violations appellant rights under the laws, including but not limited to, the equal protection clauses and due process clauses of the laws of both Chapter 26.16 RCW, also known as the **Husband and Wife's Act**, as well as the two constitutional protections at the clauses, phrases, sections and paragraphs that prohibit governmental authority to be exercised. This is especially so since there is no expressed right of government allowing congress or any other branch of government to impinge upon rights conferred under our written instruments of granting authority and then giving priority as to the order in which one is higher or lower than the other the Law expressed in the **Constitution for the United States of America**, at **Article VI**, mandates to the *"judges in every state" that they are to be bound by the constitution and "any laws to the contrary notwithstanding"*. Additionally, and to assure that government would not become a "tyrant" the constitution forbade "enforcement" of laws which "abridged" the rights contained in our written instrument, like the **Declaration of Independence** at the clauses, phrases or section regarding the fact that rights are *"endowed by our creator"* are laws which once made by a state legislature that can not lawfully be enforced and thereby entitling appellant to a reversal of the judgments requiring him to move, liberty interest, surrender his parental rights, .191 restrictions takes away his right to make any decisions with regard to his children's upbringing and religion or culture. In the case at bar appellant asserts the rights that are "the supreme law of the land" and that such right are not to be denied. Of those rights not expressed in Appellant's Opening Brief

writing and called laws but rather is expressed as “**Endowed by our Creator**” and contained within the **Declaration of Independence**, whose authority and position appellant relies on for a ruling of reversal and remand to correct the record.. In the absence of a crime punishment is not to be meted out by a court where there is no rehabilitative quality and is only done solely to punish. In this instant matter, this case became one of attorney versus pro se litigant. Court do not give a pro se a fair chance to bring there case forward, nor can a pro se bring their case properly before a court where that court refuses to issue the necessary subpoena and other orders, such as order to compel discovery and to share discovery materials that may tend to exculpate the party.

Appellants’ due process right were violated when the court granted an order to a party that had failed to appear. Moreover, when a jury of appellant’s and respondents’ peers heard the allegations of violation of no contact order they did not find that respondent was truthful and that appellant was. So, for the Superior Court to over rule the jury in that court is tantamount to usurpation of the jury system in favor of avoiding appeal and due process and the letter of the law. All of those actions of the court lead to the biases and prejudices that kept Mr. Hussein from having a fair trial and the process that he was due. Where there are due process violation there is no legal authority to exercise and the order of the trial court were without legal authority and should be reversed at the point of .191 restrictions only mandate that a court shall not be granted authority to “require” mutual decision making. It makes no reference with regard to a court being empowered, after granting of a permanent protection order on behalf of both Ms. Glisic to impose the same with regard to the children absence a substantial showing that a parent has failed, miserably in the function of a parent and therefore it would be in the best interest of the children to monitor such a failure of parenting function that is not accomplished by simply ordering supervised visits at a controlled environment and for five year period amounts to an abuse of discretion by the court and a failure to adhere to well accepted standards for determining child custody and visitation with the idea in mind that the “presumption” is in favor of the custodial parent that “parenting function” exists, until the other side overcomes that presumption the court is without authority to impose criminal restrictions to the either parent and because the matter involved two minor children the court should not have let courtroom tactics prevail when it ordered appellant’s pretrial motions hearing stricken solely based on the affidavit of

Furthermore, court abused its discretion in granting Mr. Amblad to continue beyond the petition for the protection order filed by Ms. Glisic and pickup by the taxpayers of the State of Washington. **RCW 2.52, et seq.**

This is especially troubling because the same court ordered appellant to pay the separate judgment debtor order for Mrs. Glisic though it recognized that appellant had no liability and the party had been living legally separated before the debt became due and owing. The court continuously treated appellant with capricious and ambiguous and conflicting orders amounting to a very complex complaint and petition, so where the court that issued the order of indigency then ordered that same indigent to pay adversarial party's attorney's fees to the attorney directly assisted in avoiding the laws operation and requirements with regard to indigent persons and what can be taxed against them; no person shall repay the legal aid society for services it has delivered but it shall be paid out of the public treasury. None of the laws protections served Mr. Hussein or his children in this matter and he and the children are still suffering from the effects of the void judgment and other order stemming there from.

V. ARGUMENT

In a dissolution action, all property, both community and separate, is before the court for distribution. *Friedlander v. Friedlander*, 80 Wn.2d 293,305,494 P.2d 208 (1972); *In re Marriage of Olivares*, 69 Wn. App. 324,328-29,848 P.2d 1281, review denied, 122 Wn.2d 1009_ (1993). *In re Marriage of Griswold*, 112 Wn. App. 333, 48 P.3d 1018, reconsideration denied, review denied 148 Wn.2d 1023,66 P.3d 637 (2002). The court must dispose of all of the parties' property, which is brought before it. **RCW 26.09.0801: Olivares**, id. at 328. (Emphasis Ours). **RCW 26.09.080 - Disposition of property and liabilities -- Factors. In a proceeding for dissolution of the marriage or domestic partnership, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage or the domestic partnership by a court which lacked personal jurisdiction over the absent spouse or absent domestic partner or lacked jurisdiction to dispose of the property, the court shall, without regard to misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not** Appellant's Opening Brief 25

limited to: (1) The nature and extent of the community property; (2) The nature and extent of the separate property; (3) The duration of the marriage or domestic partnership; and challenging a property distribution must demonstrate that the trial court manifestly abused its discretion. In re Marriage of Washburn, 101 Wn.2d 168,179,677 P.2d 152 (1984); In re Marriage of Terry, 79 Wn. App. 866, 869,905 P.2d 935 (1995). We find a manifest abuse of discretion when the trial court exercises its discretion on untenable grounds. Olivares, id.

In a dissolution action, the trial court must make a "just and equitable" distribution of the property and liabilities of the parties after considering all relevant factors, including the nature and extent of the separate and community properties and the duration of the marriage. RCW 26.09.080. *"The trial court's paramount concern when distributing property in a dissolution action is the economic condition in which the decree leaves the parties."* In re Marriage of Williams, 84 Wn. App. 263, 270, 927 P.2d 679 (1996), review denied, 131 Wn.2d 1025_(1997); In considering the factors set forth in RCW 26.09.080, the trial court has a duty to characterize the property as either community or *"(4) The economic circumstances of each spouse or domestic partner at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse or domestic partner with whom the children reside the majority of the time separate, as of the date of its acquisition."* Olivares, id. (citing In re Marriage of Hadley, 88 Wn.2d 649, 656, 565 P.2d 790 (1977)); Baker v. Baker. 80 Wn.2d 736, 745, 498 P.2d 315 (1972). *"Although failure to properly characterize property may be reversible error, mischaracterization of property is a not ground for setting aside a trial court's property distribution if it is fair and equitable."* In re Marriage of Shannon, 55 Wn. App. 137, 140, 777 P.2d 8 (1989). In a dissolution action, the trial court must make a *"just and equitable"* distribution of the property and liabilities of the parties after considering all relevant factors, including the nature and extent of the separate and community properties and the duration of the marriage. RCW 26.09.080. The trial court's paramount concern when distributing property in a dissolution action is the economic condition in which the decree leaves the parties. *In re Marriage of Williams, 84 Wn. App. 263,270,927 P.2d 679 (1996), review denied, 131 Wn.2d 1025_(1997);* The trial court must consider the required factors and make appropriate findings of fact before it can divide property and award maintenance. *Marriage of Rink, 18 Wn. App. 549, 571 P.2d 210 (1977).* Without findings of fact and Appellant's Opening Brief

conclusions of law allowing the Court of Appeals to review the basis of its property division or quantify the value of property to discern the trial court's intent with regard to property division or award of maintenance the trial court may have resulted in a patent disparity in the parties' economic circumstances and the trial court's decree must be vacated because it committed a manifest abuse of discretion. *Marriage of Rockwell*, 141 Wn. App. 235, 243, 170 P.3d. 572 (2007) While the trial court "is not required to divide community property equally," if its dissolution "decree results in a patent disparity in the parties' economic circumstances," the Court of Appeals will reverse its decision because the trial court will have committed a manifest abuse of discretion. *In re Marriage of Rockwell*, id. On review, the Court of Appeals asks whether the trial court's findings pertaining to these properties are supported by substantial evidence. *In re Marriage of Skarbek*, 100 Wn. App. 444, 447, 997 P.2d 447 (2000).

The Court's analyzes due process are evident in its ruling that only in so far as it applies to Mr. Hussein's rights with respect to parenting his children. The court does not directly address Mr. Hussein's argument that his fundamental right of access to the courts is a separate right also protected by due process and that it requires the appointment of counsel, at the least, or providing Mr. Hussein with a sufficient budget that he might have hired private counsel and not run out of money, ergo legal competent counsel was a necessity for the process that Mr. Hussein was due to afford "meaningful" access to the court in this dissolution plus domestic violence charge. And, just as Mrs. Hussein's income entitled her to public defender, Northwest Justice Project, it was unfair for the court to grant appellant's counsel to withdraw when appellant could no longer pay her fees and she sought to withdraw as counsel and when it refused to grant appellant to proceed as counsel with the same powers to issue and write subpoena and question witnesses and verify information and claims made by declarations before the court.

Just as the State controls access to marriage, it also controls dissolution, division of property, and placement of children after a marriage ends. See **Ch. 26.09 RCW**. Unlike another contract between private parties, spouses are powerless to end a marriage and resolve contested issues, including parenting issues, on

their own. Even if divorcing spouses agree in every respect, their stipulations must be approved and entered by a court to have effect, and the court still must independently agree that the best interests of the child will be served by any plan proposed jointly by the parties. See RCW 26.09.002, .181, .184, .187.

The respondent's counsel will argue that terminations and parenting plans entered after dissolution trials are so fundamentally different from each other that the legal analysis applicable to the former is entirely inapplicable to the latter. But a parent has a liberty interest in the development of the parent-child relationship, not just its bare existence. See Troxel v. Granville, 530 U.S. 57, 65-66, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000). *Although terminations undeniably work a more extreme deprivation, parenting decisions in dissolution cases nonetheless place the parent at risk of losing a substantial part or nearly all of the care, custody, and companionship of the child and, accordingly, parenting decisions are subject to strict due process constraints. See In re Grove, 127 Wn.2d at 237 (right to counsel extends to cases "where a fundamental liberty interest, similar to the parent-child relationship, is at rise") (emphasis added); In re Marriage of Ebbighausen, 42 Wn. App. 99, 103, 708 P.2d 1220 (1985) (Washington and federal due process prevented court from determining child's placement in dissolution action on basis of statements of lawyers in chambers outside the presence of the parents, rather than on evidence admitted in trial on the merits).* As a Michigan court has explained: *"We agree that custody decisions and termination of parental rights are different situations, but find that both necessitate due process of law. While custody decisions are modifiable there is an important liberty interest in the development of the parent- child relationship. The loss of a parent's presence and contribution at each stage of a child's development cannot be compensated for after a modification of custody. Additionally, the standard of proof to be met in order to change an "established custodial environment" prevents change of custody except in the most compelling cases.*

Molloy v. Molloy, 247 Mich. App. 348, 637 N.W.2d 803, 806 (2001) (*quoting Mich. Comp. Laws S 722.27(1)(c)*) (*citation and footnote omitted*), *aff'd in part and vacated in non-relevant part*, 466 Mich. 852, . . . *However, regardless of the State's financial interest, it is overly simplistic to view a marital dissolution as a purely private affair.*" and the record is absent any showing that the matter before the court that there was any "compelling" reasons or circumstances that required the trial court to sever the "custodial environment" with the children's father.

Regarding the State's interests in saving money and seeing to it that justice is done, the public defender, Kristofer Amblad, will argue, that the state has a strong interest in not expending funds to pay for counsel in actions, like dissolutions, unless his agency is the one receiving the funding from the public to conduct a dissolution proceeding as well as a separate petition for an order of protection, and now, an appeal at public expense, that are commenced by private parties because the State has no ability to control whether or not the actions are brought and thus it cannot control the amount of funds it will have to expend on counsel for indigent persons in marriage dissolutions regardless of the complexity of the case or the complex issues involved. This is especially so where the adverse party arguing against appointment of counsel is himself appointed counsel for the other party, who has the exact same circumstances as her adversary because until a decree of divorce they are a union and entitled to the same treatment. "*Civil marriage is an institution created, maintained, and controlled by the State to serve State interests.*" **Andersen v. King County**, 158 Wn.2d 1, 86-87, 138 P.3d 963 (2006).

Where the charge of assault, as leveled by respondent leading to the resulting cases now on appeal, the defense of one so charged is normally allowed, as a matter of law, and is the defense of provocation. In general "*It is a defense to the charge of assault that the force used was lawful by a person who reasonably believes that he is about to be injured and when the force is not more than is necessary*"

WPIC 2.04.01. In the event that a court does not conduct a trial, it is reasonable to infer that due process was lacking and that counsel's role was to put on a defense, and since his(Mario Cava, WSBA # _____, public defender appointed for appellant to answer charge of assault in 4th degree and domestic violence) client insisted that he was not guilty of the charges then before the courts, a trier of facts (jury) could have inferred that the defense was indeed "**not more than the force necessary**" for appellant to have retrieved his property, the keys to his car and settlement checks belonging separately to husband that were taken by wife, who refused to surrender property to its lawful owner or to allow husband to leave to go to church/work as teacher of children activities except for the ineffective assistance of counsel appellant has not been able to present a defense to a jury because his jury trial was denied, and instead the bench ruled without a hearing. See, attached as **Supplement Exhibit Appellant's Brief, Superior Court of Washington, Cause No. 11-1-3215-5 SEA.** That is the issue ongoing under SMC Cause #250274 and may well end up in the Court of Appeals, Division One once the conviction is affirmed by Superior Court of Washington. Moreover, there was never a claim of "*great bodily injury*" or any injury for that matter. Indeed, the matter was so old that there was no evidence upon which to go to trial, though husband, not understanding the legal ramifications of entering into a Stipulated Order of Continuance, he did so with the advice of counsel to his hurt and harm. The conduct of counsel falls squarely into the realm of "ineffective assistance of counsel" in violation of the Sixth Amendment to the Constitution for the United States of America, and within the meaning of **STRICKLAND** (Citation omitted). Unlike other entities, public defender's office's attempts to directly address Fantahuen's argument that he is entitled to counsel under **Article I, § 10** of the **Washington Constitution** and **RCW 2.52 et seq.** The public defender does not begin by acknowledging that **Article I, § 10** "*addresses the availability of judicial processes, such as discovery, to all parties.*" In the court's and public defender's view, however, the constitution is satisfied if

these processes are "*available*" in name only, they need not be available in reality. It is unimaginable that the court or public defender's office would argue against the notion, and fact, that trial courts final parenting plan and residential schedule is "dramatic" on both children and parent suffering from severe restrictions placed against a parent and child, especially if the question were before the Court; does the Washington State Constitution not require counsel for indigent parents in terminations and dependencies actions or those that have complex issues, given this recognition that the consequences of the complete termination of parental rights are so "dramatic" to be prepared to go forward on appeal if a court had rendered a decision as restrictive as the one imposed and being appealed in this matter. And "dramatic" they are as the results to date have shown that without money his "time" with the fruit of his loins will be non-existent, and unfair, if it was a fair trial as required by law to have been. Moreover, the ruling and final parenting plan amounts to a punishment within the meaning of the eighth amendment of the constitution because it is clearly both "*cruel and unusual*" to suffer the deprivation of the right to parent one's own flesh and they have not been warned that getting married meant that one was put on notice that once making the choice to be a parent one is agreeing that the government shall have control and right to determine which of both custodial parents should have the most "equity" in terms of the time they have their own flesh and blood under their control and custody. This is also found in this state's constitutional spirit and as well as the corollary within the state statutes that "**declare the family unit an essential**" element to be protected and to "**remain intact**" and to deny that to any person should only be meted out under extreme circumstances punishment related to criminal activity of the most vicious kinds of crimes. The fact that appellant has a DV conviction on appeal does not raise to sufficient evidence of "**not in the best interest of the children**" or "*has a history of domestic violence*" standard to deny his right to decision making and a certain amount of custody and control over his children if they are to receive their

birthrights to language, culture and familial bonding. All these are in the best interest of the child not whatever some governmental entity can think up as in the best interest of strangers' children. Even if the court genuinely believes that the incident for which a jury acquitted Mr. Hussein is not the correct verdict, the trial court should have accepted the verdict of the jury and not reversed it without requiring that respondent have to have appealed the acquittal, and thereby has circumvented the process that Mr. Hussein was due and thereby violated his fundamental right to due process and is entitled to a reversal of the judgments issued there from and related thereto (the garnishment for separate debts of Ms. Glisic against Mr. Hussein are void and connected to this trial) because such orders are contrary to the protections, prohibitions and restrictions of the laws of Washington and the United States of America. In *Marriage of McKeen*, 110 Wn. App.191at 195, 38 P.3d 1053 (2002) the court in citing *Arneson v. Arneson*. 38 Wn.2d 99, 100,227 P. 2d 1016 (1951) noted that RCW 26.09.080 requires the trial court to divide the parties' assets, making such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors. But the trial court does not have authority to adjudicate the rights of parties not before the court, even if they have an interest in the property at issue, as trustees. *Arneson*, id. at 101. In applying the statutory factors to the distribution of property in a marital dissolution proceeding, the court must first characterize the marital property as either separate or community. Failure to properly characterize the property in a marriage dissolution proceeding, for property distribution purposes, may be reversible error. *In re Marriage of Griswold*, id. When community funds are expended in improvements on separate property, the general rule is the title to improvements follows title to the land. *Bank of Spokane v Schidleman*, 193 Wash. 435, 75 P.2d 1010 (1938). The trial court's obligation pursuant to RCW 26.09.080 was to ascertain the assets and liabilities of the parties and make a distribution thereof, as between these parties. *Arneson v Arneson* ,id. The court and

the public defender, Kristofer Amblad, misconstrued Appellant's argument as being nothing more than an argument that he was entitled to a lawyer under the common law because of the circumstance and complex issues and combination with criminal proceeding were overwhelming for a lawyer let alone a non-English speaking, non-English writing, non layperson representing himself. The trial court chose not to address the question of indigent counsel and interpreter at all. The Court's denial of Mr. Hussein's request for appointed counsel or waiver of cost or to have cost of perfection or prosecution at public expense, effectively, prevented any realistic possibility that Mr. Hussein would meet the procedural requirements necessary for effective discovery request and subpoena, also the use of the compulsory power of calling necessary attendance of witnesses, the presentation of helpful evidence, the ability to keep inadmissible evidence from being admitted, and an impartial decision based on all relevant facts and evidence-were not available to Mr. Hussein in any meaningful way because he did not have a lawyer, knowledge, thoroughness, skill and ability, as required under **Rules of Professional Conduct 1.12** and was told on many occasions that he could not use the paralegal services of Kevin Johnson nor have his assistance by public defender Kristofer Amblad. Mr. Hussein was *"not . . . well served because he was pro se"*; *[Supplemental RP SMC 11-1-0315-5 SEA, attached as Exhibit A]* in essence, agreeing with Mr. Hussein that he was unable to have evidence admitted that a lawyer could have brought in and that Fantahuen failed to make objections that the court would have sustained if made; Mr. Hussein **"was at a significant disadvantage"**. The access to the courts required by **Article I, § 10** must be meaningful access, which failed to occur given Fantahuen's utter inability to put on a case in the trial below and his language barrier plus having had three additional matters filed in different venues by a public defender bent on justifying the use of public funds when it became obvious that Mrs. Glisic had had several thousands of dollars "hidden" away (the money taken from the settlement check).

Lack of counsel in a proceeding that is not adversarial, particularly for a nonparty against whom no relief will be entered, does not raise the same concerns of fairness, accuracy of decision-making, and appearance of impropriety that are raised when a party in an adversarial proceeding lacks counsel, has a language barrier, three other matters connected to this instant matter and was declared indigent for the purposes of determining his eligibility for legal aid services at each stage yet was denied the use of those public funds when they were needed most.

That said, Mr. Hussein and his temporary paid counsel are mindful of the potential cost to the State if the constitutional right of an indigent litigant like Fantahuen is recognized by the Court. But there can be neither response to nor rebuttal to Fantahuen's argument that the appointment of counsel in a case such as his quite possibly would have saved the State money, due to efficiency and time saved. The court failed to set forth findings on how it valued Mr. Green's limited partnership shares. This Mr. Green submits is error. The trial court must include in the record its method of valuation and the weight it gave to factors it considered. A non-Washington case cited, **In re Smiley**, 36 N.Y.2d 433, 330 N.E.2d 53, 369 N.Y.S.2d 87 (1975), actually supports Mr. Fantahuen Hussein's argument with regard to fairness in this contested dissolution with criminal prongs and counsel being provided to the other half of this union. This case did not address a state constitutional provision like Article I, § 10, but instead relied on federal analysis. The issue in **In re Smiley was whether counsel is required for indigent wives in all dissolution proceedings, whether or not children are involved. 330 N.E.2d at 55.** Though the New York court rejected that argument, in doing so, it stated that counsel would be "essential" in "**complicated matrimonial litigation,**" and noted that disputes over the custody of children would make a dissolution case complicated. **Id. at 57;**" as in this instant matter and appellant at every juncture requested both counsel and an interpreter that understood the dynamics of family law language and how it is used in context of a legal setting as opposed to a general setting and language usage. But more importantly for Mr. Hussein was the problem of hearing both English and Amharic spoken at the same time, i.e., as the court spoke in English the interpreter would be saying the same thing in Amharic but not the exact thing that Mr. Hussein would be hearing or interpreted to mean something different than his interpreter did creating another level of complication in this already complicated, joined dissolution with children matter.

More broadly, neither the potential cost in some cases, nor the potential efficiencies and thus saving in others, should alone determine the outcome of the constitutional analysis. And, as emphasized in the opening and reply briefs, Fantahuen is not advocating for the provision of counsel in all dissolution cases raising parenting issues. Fantahuen tried but failed to find private counsel, this case was complex, and the parties were unevenly matched. It is only in such a case that counsel is constitutionally required. When not provided it ultimately leads to review, more costs, more time and less parenting and developing children for the society

In addition to those safeguards cited a handful of additional supposed safeguards to protect against an erroneous result in the absence of counsel. Many of these procedures were followed at least in letter in the trial below, but as the trial court concluded, Mr. Fantahuen Hussein was entirely disadvantaged and was unable to present his case effectively or adequately. As to Fantahuen's argument that the guarantee of due process under **Article I, § 3 of the Washington Constitution** is broader than the federal constitution as well as his right under the aforementioned documents, then the court should have been mindful of appellant rights with the idea in mind to not only know them but to assure they are applied and used in accordance with their creation. An Analysis, of the six factors from **State v. Gunwall, 106 Wn.2d 54, 720 P.2d 808 (1986)**, comes up short. So, for all these reasons and the reason found in the record De Novo, appellant demands judgment reversing trial court and remanding ordering that both counsel be appointed and an interpreter be given that is able to interpret legal language into appellant's native tongue and is the same for all the cases upon which trial court will make a determination of fitness to parent or have residential time restricted or not. *Marriage of Berg*, 47 Wn. 2d App. 754, 737 P.2d. 680 (1987); *Marriage of Gillespie*, 89 Wn. App. 390, 948 P.2d 1338 (1997). The valuation of property in a divorce case is a material question of fact. *Wold v, Wold*, 7 Wn. App. 872,878 (1972). The trial court is required to set

forth the values of property in a dissolution action in order to "provide the appellate court with an opportunity to discover whether there has been an abuse of discretion." *In re Marriage of Hadley*, id. Without values to review, the appellate court may determine asset values from the record. *Hadley*, id. at 657. A mere expectation does not rise to the level of property right divisible in a dissolution proceeding. *Marriage of Leland*, 69 Wn. App. 57, 847 P.2d 518, review denied 121 Wn.2d 1033, 856 P.2d 383 (1993). *Marriage of Harrington*, 929 P.2d 1159, amended and superseded 85 Wn. App. 613, 935 P.2d 1357 (1997).

When exercising its broad discretion in distributing assets in a dissolution proceeding, a trial court focuses on the assets, then before it, at the time of trial. However, if one or both parties to a dissolution have disposed of an asset before trial, the court has no ability to distribute that asset at trial. *White v White*, 105 Wn. App. 545, 20 P.3d 481 (2001). Here, equity requires consideration be given as to what benefits the community received and what Mrs. Green received until Mr. Green left the home. Alternatively, these items should have been treated as not before the court since they had been expended and each received a clear. Debts incurred by either spouse during marriage are presumed to be community obligations unless overcome by clear, cogent and convincing evidence. *In re Marusic*, Bkrcty. W. D. Wash, 139 B.R. 727 (1992). Here, there is overwhelming evidence that these debts were incurred on behalf of and for the sole benefit of Esprit Technology and solely intended to benefit Esprit Technology. There was no evidence these were incurred in order assure that Mrs. Green would have a job or was investing in acquiring an interest in Esprit Technology. Mr. Green maintains these debts are Mrs. Green's

The trial court failed to determine each. Its failure to determine the values and failure to include the same in calculating of the property distribution simply creates an inequitable and unfair determination. A trial court's failure to give a valuation of property over which there is a dispute about value is reversible error because it would make appellate review impossible. *Marriage of Greene*, id.; *Marriage of Hadley*, id.

CONCLUSION

The trial court abused its discretion on multiple levels in addressing the property and liability of

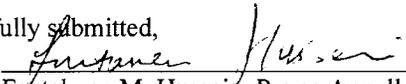
the marital community, and failing to provide the Court of Appeals and parties sufficient facts in reaching its decision. Accordingly, there was no fair and equitable division of assets and liabilities. If the trial court fails to make findings of facts to support the basis for the property division, and if it results in a patent disparity of division, the result is a manifest abuse of discretion. *Marriage of Urbana*, 147 Wn. App. 1, 195 P.3d, 959 (2008). The court failed on multiple occasions to provide appropriate findings. It failed to properly value property solely of the parties and failed to properly include the same in a proper calculation to demonstrate a fair and equitable division of property and assets. Appellant said it when he said, "Like we heard Mr. Greenfield testify, we don't have any kind of reliable information about the parenting of the father. His only reliable with testimony of Ms. Glisic and some of their associates that I am hurting my children or my wife. That has come all of self-serving from Ms. Glisic. And it is recommended that the last two years I have not committed any crimes, and if you extend to seven years I would be punished for one incident for several of three, four different courts. And it's also that Department of DSHS Ms. Glisic she did not reveal to them all of the financial information she have. She lied to them. They are best on that rely information they make a decision. I want you to look at it and see that since 2008 and 2009 she had more than \$30,000 in her hand. I'm claiming more but as a reliable in a witness we see there existence of this amount of money, and it is very, very rough in our incomes to spend \$30,000 in the short time. Also, I have very good relationship with my children. I have been helping in their educations, in their physical fitness upcoming to good, morally strong community, and I did not want the Court to rely on Ms. Glisic testimony and award her the five years. The will be seven years separated from my children. That is very, very criminal. I am only convicted from SOS that Ms. Glisic testified. The same two of the people to tell me that if I take the class that she is going to drop off no contact order. That was the reason I signed the programs, even I am fully not informative about the programs. I specifically participated in all the court asked me to do from the beginning until now, and the only problem I have is that I never admitted that I assault Ms. Glisic. I am still standing. We had a little argument that is admit for in the court, in the programs. I am doing the best I could as humanly possible. I am not criminal. I am builders. I am a good citizen. I want to be with my children to be good citizen. I am not risk of my children or to Ms. Glisic. And because of all these things, I hope the Court is going to consider that the mother and father raise their children. Should not be incriminated one

Appellant's Opening Brief

parent to separate from their family because of just allegations. Ms. Glisic she never -- she testified in municipal court of Seattle and the jury listened what her story is and the other court and they don't believe her. That's why make me free from those two charges. As a matter of fact, Ms. Glisic has testified is fact only come from Ms. Glisic and that is Ms. Glisic is self-serving. She only want control the money and to use the children as a resource to control me. I love my children. My children love me. My children love their mother. I hope the Court can see these things, and guarantee with me without no anybody interference to raise my children." [RP pages 163, lines 16 - 25, page 164, lines 1 - 11]

October 7, 2011

Respectfully submitted,


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CERTIFICATE OF SERVICE
Appellant's Opening Brief

I, Fantahuen M. Hussein, pro se appellant, certify under penalty of perjury under the laws of the State of Washington that, on the date(s) stated below, I did the following:

On the 3rd day of December, 2011, I hand-delivered a copy of the foregoing APPELLANT'S OPENING BRIEF and On the 17th day of November, 2011PV report CP to appellees, State of Washington, C/O King County Prosecuting Attorney's Office, Appellate Division, 516 Third Avenue South, Seattle, Washington 98104, and Respondent Marina Glisic C/O counsel, Kristofer Amblad, (the Attorney for respondent/defendant) at 401 2nd Avenue South, Seattle, Washington 98104 Northwest Defenders Association.

Dated this 3rd day of December, 2011, in Seattle, Washington.


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