

FILED
COURT OF APPEALS
DIVISION II

2012 AUG 16 PM 3: 19

STATE OF WASHINGTON

BY  _____
DEPUTY

No. 42885-7-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

SARAH NICOL BENNETT

Respondent,

v.

JOSIAH DANIEL CHRISTENSEN

Appellant

APPEAL FROM THE SUPERIOR COURT OF PIERCE COUNTY,
CAUSE NO. 10-3-04-504-9

The Honorable Kathryn Nelson, Judge

APPELLANT'S REPLY BRIEF

Josiah D. Christensen
Appellant,
PO Box 65238
Port Ludlow, Washington, 98365
(805-236-2491)

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I. The Abuses that Mr. Benjamin claims were suffered by his client are disproved by the very CP's that he cites.

Mr. Benjamin cites CP 61 to 120, alleging abuse and domestic violence perpetrated on Ms. Bennett, many requiring trips to the emergency room. He then goes on to allege abuse of Noah at the hands of his father. The NCIS records that are included in CP 61 to 120 do not reflect these claims. There is no supporting evidence to these allegations, Charges are never preferred. In fact, the medical records provided show the opposite of what Ms. Bennett Claims finding none of the injuries she alleges; instead the only injuries found are those of an aggressor. *CP 90-91*. Furthermore all allegations regarding any abuse against Noah have been unfounded time and time again. *CP 196-226*.

II. The evaluation conducted by Sierra Swing Psy. D should be considered by this court as it meets the criteria provided in RAP Rule 9.11(a) and was properly preserved for appeal at the Motion for Reconsideration.

Mr. Pepping's reports came out within days of trial, and as such there was no expert witness to refute his claims. It is my humble opinion that this issue was preserved for appeal during the motion for reconsideration. *CP 183*. Also, Dr. Swings report is a vital piece of evidence that sheds light on the real issues pertaining to this case, and is in compliance with RAP Rule 9.11(a) as such this evidence should be considered.

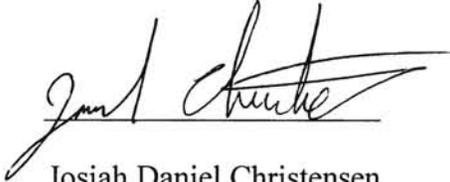
III. Mr. Benjamin has claimed that I failed to provide evidence that was contained within the verbatim report. Furthermore he has fabricated the existence of a testimony by Mr. Pepping in an attempt to mislead this court.

Once again Mr. Benjamin is attempting to avoid discussing any of the relevant issues directly impacting my son's life. Instead, choosing to argue that the trial court should be reaffirmed because he feels essential evidence is missing from the record. Per *RAP Rule 9.6(a)* "Any party may supplement the designation of clerk's papers and exhibits prior to or with the filing of the party's last brief." If Mr. Benjamin felt that these documents were essential, he had every opportunity to provide them. Instead, Mr. Benjamin claims that the Testimony of the GAL is missing even though it is provided in its entirety in the Verbatim Report. *RP 102-143*. Furthermore, Mr. Benjamin claims that I failed to provide the testimony of Steve Pepping, a testimony that is cited thru his brief. A testimony purely fabricated by Mr. Benjamin in an attempt to mislead this court. Steve Pepping never testified regarding Mr. Christensen's mental health during trial, and the court did not hear a testimony of Mr. Pepping. It has been held when an attorney fabricates evidence disciplinary action is required. *In re the Allota*, 109 Wn.2d 787, 748 P.2d 628 (1988)

IV. CONCLUSION

Mr. Benjamin would ask that I be held to the same standards as an attorney, and, in the same breath, have this court dismiss the entire case because I failed to provide a testimony that he manufactured. For the reasons stated above, and the reasons in my previous brief. I ask that this court reverse the trial court's decision.

Dated this 16th day of Aug 2012

A handwritten signature in black ink, appearing to read "Josiah Daniel Christensen", written over a horizontal line.

Josiah Daniel Christensen

Pro Se, Appellant

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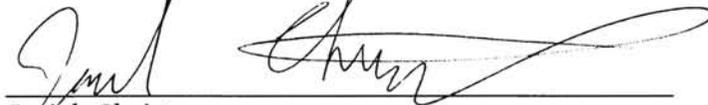
APPELLANT,

I Declare:

1. I am over the age of 18 years, I served the Appellant's Reply Brief to Jason Benjamin the attorney for Sarah Bennett by united states mail on the 16th of Aug, 2012.

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

Signed at Pierce County, WA on 16th aug 12.



Josiah Christensen
Signature