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WASHINGTON STATE
SUPREME COURT
143

92674-3

SUPREME COURT OF THE STATE OF WASHINGTON

Final Order Parenting Plan, Thurston County Superior case No. 13-3-00643-1

ADAM CHARLES TORRES, Appellant

MEGAN JEWELL ROLAND-GARRISON (Torres), Respondent

Response Brief, Appellant (Reply)

Adam Torres
3012 Gardenia Ln SW apt. 14-102
Tumwater WA, 98512
253-283-2340

Comm
7-27-16

I. STATEMENT OF ISSUES

This is in response to the Counsel's Brief, submitted July 19, 2016 at 13:19 hours.

A. Article II. Statement of the Case; Procedural History: Lines 4-6.

“On November 10, 2015, a trial was held at which the Appellant litigated *pro se*, entered no exhibits into evidence, and presented no witness testimony other than his own.”

B. Article II. Statement of The Case; Statement of the Case on Appeal: Complete, however summarized below is the lead topic.

“In Appellant's brief, he assigns error to the trial court's findings of fact, specifically that the trial court declined to find in favor of Appellant's allegations of abuse of the child.”

C. Article III. Summary of the Argument; Complete.

Mr. Schroader describes in his own opinion, how I have been conducting myself as a *Pro se* litigate. He is also trying to coax the court to believe that I, the Appellant have submitted a frivolous appeal.

D. Article IV. Argument; Subsection A:1. , Second paragraph.

In this paragraph Mr. Schroader uses his own reproach to infer that Mr. Torres has failed to provide sufficient issues for Direct Review. However, he then contradicts himself and states,

“Although Title 2, as referenced above, permits review of this case because it stems from a final judgment of a superior court, RAP 2.2(a)(1)....”

E. Article IV. Argument; Subsection 2 states,

“Appellate review is inappropriate because appellant fails to identify any issues that could reasonably lead to reversal of the trial court's decision.”

II. ARGUMENT

Although Counsel for the respondent attempts to raise the belief that this appeal is frivolous and lacks structure, I remind this Court that the evidence the respondent has submitted to the Lower Court is limited to only four witness testimonies during trial who are now former co-workers to the respondent. Where I, the appellant have submitted several accounts of

maltreatment while our son is in the custodial guardianship of the respondent, facts about abuse that stem from the respondents residential time, malfeasance, State Regulatory Codes, legally justified definitions and photographic evidence of abuse. This is why I appeal the Lower Superior Courts Ruling and request the overturn of their ruling, pleading in my favor with whom who has the best interest of the child.

I correlate the above topics in article "I. Statement of Issues" to the following;

- A. I allude to the INDEX TO EXHIBITS that was filed under Title, Form 15, accompanied with the documents, Statement of Arrangements and *Designation of clerks's papers and exhibits*, with the Superior Court on February 16, 2016. As Mr. Schroader falsely indicates (article I; A) that I had, "entered no exhibits into evidence and had no witness testimony other than my own" on the date of trial, November 10, 2015. I recall to fact that as I prepared these documents I had entered three exhibits on this day, verifiable by the "odyssey portal" of Thurston County (<https://odysseyportal.courts.wa.gov/odyportal>). Three exhibits recorded and entered on November 10, 2015; one, photographic evidence of my son's right buttock with as he told me a belt mark clearly visible. Two, the Petitioner's Proposed Parenting Plan which I have outlined in "Appellant's brief" Index and is listed as (EX 1) on page 16. Third, Petitioner's Proposed Restraining Order. (see attached document for proof of entrance date)
- B. The "allegations of abuse" are true and factual, my evidence and support forms are included in the entirety of this appeal. In January 2016, I had submitted copies of a calendar and handbook titled OSD (Olympia school district) 2014-2015, which contains a few different particular dates; April 26, 2015 I noticed at the beginning of my week a belt mark on my son's buttocks. This was the first case and date of initial signs of abuse, this bruise lasted eight days and was similar to the one that was photographed on the evening of the 9th and submitted as evidence on the 10th of November 2015. Both bruises were noticed at bath time the first night of reception at the beginning of my custodial week. The recorded medical

documents (Medical Reports 1-4) I placed these in the Court file to use them as evidence that when I am local and share custody of our son, I acknowledge his illnesses and get him appropriate treatment in a timely manner. Also to indicate that when he was with me for custodial care, he continually gains weight as opposed to being eight years old and weighing 35 pounds when he resides with the respondent. The first week of summer, after school in 2016 my son was small enough for me to wrap my hands around his waist and I was able to touch my thumbs and middle fingers together, he weighed in at 34 pounds. The morning of the exchange I had weighed him and he gained 8 pounds while with me for one week. After spending the next week with Mrs. Roland he came to me for my custodial week and again he lost all the weight I had encouraged my son to gain. Bottom line is when my son feels the anxiety of being away from me, coupled with abuse and maltreatment that is going on at the respondent's residence, it is emotionally and psychologically exhausting for him.

- C. As Mr. Schroader attempts to diminish my actions as a *Pro se* party, I still preclude my statements of facts and laws tailored with Washington State Regulatory Codes are far superior to his request for dismissal. My actions of submitting true and factual evidence to this Court is for the aided benefit of my son.
- D. In Article IV, Argument, section A; Mr. Schroader advises this Court to dismiss my appeal because, "appellant has failed to raise issues sufficient for Direct Review." However, further down in section A., paragraph 1. The second subparagraph states,

"Although Title 2, as referenced above, permits review of this case, because it stems from a final judgment of a superior court, RAP 2.2(a)(1)....." (pg. 7)

Although I have been *Pro se* the entire time of a year long custody court battle, I still provide all the evidence I have issued the Court system since day one, I still have recorded pleas from my son asking me to spend all of his time with me and with the supported evidence above, I am sure the Court will understand that this is not a frivolous appeal.

III. Conclusion

I come to the court of appeals to explain that I have done the best that I can as a single parent with a low income due to my military honorable medical discharge therefore I have been representing myself *Pro se*. It's not easy to share the life of someone you had created with someone that doesn't equally treat the same being with the same style of love, call it the reason for our divorce. I taught our son, the alphabet, numbers, colors, shapes, how to swim and I even potty trained our son in four days after I had gotten out of the military for transitional leave in 2011 before I went to welding school. Mrs. Roland acclaims she is the better parent, why did I have to do all this when she was a stay at home mother for three years! If I wanted to degrade her and put her down I would have called CPS and reported her. I request the current order to be reversed so I can assume the title of Sole Custodial Guardian, and allow my son to live happily with unconditional love.

I want to say thank you to the Supreme Court for taking the time to review this matter and I await a resolution.

Citations

Thurston County (<https://odysseyportal.courts.wa.gov/odyportal>)..... Page 2.

Brief of Respondent; Complete page 3.

Adam C Torres,

Petitioner(s),

vs.

Megan J Torres,

Respondent(s).

SUPREME COURT NO. 92674-3

SUPERIOR COURT NO. 13-3-00643-1

INDEX TO EXHIBITS

| DESCRIPTION | EXHIBIT No. |
|---|---------------|
| DESIGNATION OF CLERKS PAPERS Filed February 16, 2016 | |
| EXHIBIT LIST Filed November 10, 2015 | |
| Petitioner's Proposed Parenting Plan | Exhibit no. 1 |
| Petitioner's Proposed Restraining Order | Exhibit no. 2 |
| Photo of Brayden Showing Recent Bruise | Exhibit no. 3 |

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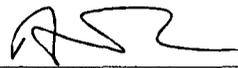
WASHINGTON STATE
SUPREME COURT
TEMPLE OF JUSTICE
P.O. BOX 40929
Olympia, WA 98504-0929

To:

The Supreme Court
STATE OF WASHINGTON

Date: July 27, 2016

I, Adam Torres certify that on the 27 day of July, 2016, I caused a true and correct copy of the Response Brief, Appellant (title) to be served on Mr. Dennis Schroeder (counsel or party) by USPS (method).



Signature

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