

CHAPTER NINE “A Few Degrees of Separation”

If you would have asked me in my twenties if I ever would of enjoyed being an attorney I would of told you emphatically “No.” I have a hard time with attorneys as very few I’ve met demonstrate character. It doesn’t help that there is a preponderance of jokes and sitcoms enjoyed at their expense. My notions aren’t in a vacuum either. Over the years I’ve testified at *thousands* of hearings in the course of my work as an expert witness. My experiences in family, civil, and administrative court exposed me to hundreds of attorneys in an adversarial environment where I observed their compliance (or lack thereof) with legal procedures. What I’ve come to appreciate after reading countless appellate decisions and litigating some forty plus adversarial hearings in my own right and testifying at over seven thousand federal hearings is how complex, how difficult and how impossible the system has become for someone in the system to attempt to administer justice. There are so many “holes” in the judicial process designed to make sure individuals aren’t unjustly incarcerated that an effective litigator can keep a case afloat for years through the process of motions and appeals. People go bankrupt along the way, justice isn’t served and for the most part the representatives get rich. No wonder we are compelled to “pray for those in authority.” I wouldn’t be a judge in our system if it was handed to me on a plate!

Over the years I had developed an illusion of justice in which nearly all my assumptions were *wrong*. Early on Mike from father’s rights shared fathers are *regularly defeated in the legal system because they assume the system is just*. That assumption will leave you dead in the water. The system has strict codes of compliance defining what is and is not admissible evidence. How to cross examine and when to file motions to keep a cause afloat is critical. A simple mistake can sink a case. This is why when attorneys say “You need an attorney...” You’d be wise to take their advice! The world of pro per litigation is not for the fainthearted. It’s a difficult (and lonely) road to travel. More than once I withheld information from Merry. Her plate was full with work and school while trying to be mother and wife. After two years of enduring my absence and the expenses she was worn down. Eventually I found it increasingly difficult to try and explain my circumstance to anyone without getting overly detailed as people’s eyes just glazed over when I talked about it. Mark was my sounding board for most of the experience. The length of our friendship provided the foundation. He also had a keen mind and short descriptions gave him the whole picture. I am thankful for his camaraderie and encouragement as someone who’s known me for twenty plus years. He is a true “Sentinel.” God used men to speak to particular needs in me. I also had select men at church to confide in. These relationships provided rock solid companionship that provided hope when mine ran out.

In early 2013 I knew God was compelling me to use my experience to encourage other men who had experienced similar circumstances. Not just ugly divorces but men who had experienced a “wounding” that has caused a divergence in their life they struggled to overcome. Eventually through blood sweat and tears the men of the Sentinels For Christ would develop the “Legacies

Workshop.”¹ Three of my small group friends were in the throes of bitter custody fights. I knew what these men were experiencing legally and spiritually. I also knew men who were profoundly impacted by their divorces and in some cases scarred from the prolonged fighting and legally “castrated” by the family court system. For this term I would coin the term being “ajackedicated.” The parallel battles endured by men *and women* in the family court system had such significant spiritual repercussions my life was changed and this book is one result. I had practical tools as well. With the degrees in counseling and forty hearings in six different venues in family, civil and criminal court I had pretty much the equivalent of a “gratis jurisprudence degree.” In the course of counseling and serving in ministry now for close to three and a half decades I’ve heard repeatedly and watched the broken find healing in “giving back.” Giving back is hallmark in successful recovery in AA² and all of its subsidiary fellowships. It’s also the litmus test for professing any serious commitment to Christ. If we’re fortunate enough to have a restored relationship with God, how disturbing would it be to sit on this knowledge without it impacting the people in our lives? One of Jesus followers who grew up with him, observed his life and was radically affected by his death and resurrection. It was his brother James who penned these words, “”And likewise faith (meaning a professed relationship with God) without works is dead.”³ I’ve wondered if James made such a strong statement as the gospels imply he didn’t believe in his brother while Jesus lived. I’ve wondered if James regretted not seeing his brother for who he was and looking back understood how easy it is to miss what’s obvious! I can’t help but think the words written by him were a response to the marginal Christianity of his day, the type that “sells” salvation without transformation, it’s sold in the marketplace of religion now. The last thing I wanted was to go through my experience with nothing to show for it! The question was “How do I turn it to usefulness?” “How do I do it without getting caught up in a crusade for vindication or retaliation?” There was no answer. God didn’t show up at the door nor did he audibly tell me what to do! I found a few reliable men to pray for me and it began to present itself. This was much different than what I foresaw or desired! I was compelled, to go forward with the idea of helping men who were hurting. To help them not destroy their lives, the lives of their kids and the lives of yes even their ex-spouse in the process. The idea of the Sentinel Fro Christ was born.

In December I cast out the “spiritual fishing line” to our men’s pastor at our church. We had been shooting some emails back and forth promising to sit down over coffee and now the fog was lifting enough for me to share what had happened. On December 10th in preparation for meeting with Dan I wrote the initial concept of the “Sentinels” a group of men who would walk with men in the pain of divorce and wounding who desired healing from the past. This could be accomplished I believed in a way that promoted peace and healing *for all parties* concerned.

While the Sentinel idea was “floating” around I filed a Writ of Mandate with the appellate court to try and shut down Reynolds train wreck. It was risky as it raised the visibility of my case, but the appellate response to the Writ would give me an idea of how the appeals were being perceived. I got my answer December 26th. I received a challenge to the second appeal against the Reynolds contempt proceedings based on a contempt finding *is not appealable*. The appellate court demanded I respond to the court by January 7th 2014 why the case shouldn’t be

¹ The First Legacies Workshop was conducted April 2015.

² Alcoholics Anonymous etc.

³ James 2: 14

dismissed. There was no doubt in my mind they were trying and make this case disappear as it was a very deep rabbit hole that disintegrated the integrity of the California judicial system. I needed to keep the appeals alive and joined legally which presented itself quickly. In Reynolds's court I had demanded the right to jury trial on several occasions on record. This was no small issue as contempt allows a single judge to fine, incarcerate and prosecute an individual without the protections of due process. Contempt proceedings are strictly governed to prohibit renegade judges from abusing the system. Statute law at both the federal and the state levels specifically address the issue of trial by jury in contempt proceedings *specifically* when misconduct was afoot. My argument revolved around a famous California case called *Safer v. Superior court*. It's not my intent to bore the reader with dry case citation as this was not the purpose of this book. But this particular reference is worth noting as it illustrates the thinking and effort that goes into protecting the rights of individuals in the American judicial system, a system by the way built on the foundation of Mosaic law going back some three thousand years! This quote is from the fourth California Appellate district *Safer v. Superior Court* (1975) decision:

"Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. The framers of the constitutions strove to create an independent judiciary but insisted upon further protection against arbitrary action. Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge. If the defendant preferred the common-sense judgment of a jury to the more tutored but perhaps less sympathetic reaction of the single judge, he was to have it." *Duncan v. Louisiana* (1968) 391 U.S. 145, 156 [20 L.Ed.2d 491, 499-500, 88 S. Ct. 1444.

However it's one thing to write a law and another thing to administer justice. The religious rulers of Jesus day were experts in the law and yet missed the embodiment of it in Christ was right before their noses!

So my argument was by denying me the right to jury trial the court put itself at odds with the "so called experts." The crux of my argument boiled down to the following statement in my brief:

"It is this very fact which this appeal stands or falls. The decision by the California legislature to limit remedies surrounding contempt assumed *supreme confidence in the judiciary*, in other words, judges would "do the right thing" and apply the law confidently. It was never construed to protect eccentric trial courts from misconduct resulting in potential incarceration of individuals in an act of misconduct with Habeas Corpus being the only remedy. Such an endorsement of such would only serve to ratify the misuse of power which has marked the twentieth century specifically as demonstrated by the lack of accountability in European regimes between 1933 through the present. The issue of intentionally egregious conduct presented in this appeal is of significant public concern in that it has lasting ramifications on present litigants and certainly for those in the future who will use the California Court System.

At this time I had just finished a biography on Dietrich Bonhoeffer the pastor who resisted the Nazis rise to power until his execution in April 1945 at Flossenbergl concentration camp. I didn't think any of the appellate judges read Bonhoeffer, but I was pretty sure they were familiar with

the corrupt Nazi “Peoples Court” of Roland Freisler who heard, sentenced and executed an estimated 5,000 the enemies of the state from 1942 to 1945 until his timely death at the hands of an American bomb that penetrated the courtroom ceiling in the midst of one of his proceedings. February 3, 1945 the bomb shattered a supporting beam overhead which fell on Freisler’s skull as he tried to escape the building to an air raid shelter. I made a comment in the brief about the Freisler court for the appellate trying to cover up what was transpiring. Probably not in my best interest but it helped me sleep better!

I sat down with Pastor Dan Wednesday January 6th 2014. Now I go to a big church and we chose a coffee shop owned by one of our member. Dan sat down and proceeded to give me the scoop on how the coffee shop originated. Assuming Dan was a fellow coffee snob I knew we were going to get along fine! After some small talk Dan asked “So what’s your story?” I had been wondering how to answer this for some time. What was my story? Was it that I had turned my back on Christ 10 years ago and was suffering the consequences of a string of bad decisions or was it something more that was still being written? I had thought hard about how to convey my experience which boiled down to: taking responsibility for my contribution to the mess and God used the ordeal to restore my faith and life in the process. Of course I didn’t spew all this on Dan at the table (for which I’m sure he was thankful!) I said I was on wife number three, after that it was suicide! I told him I had gone through an painful ordeal in a family court and found a deeper Jesus in the process. I shared I thought God wanted me to share this with other men who had experienced similar expereinces. I had already met enough men who suffered horrific abuse at the hands of the family court system, and I understood their frustration. One month later when meeting the other men who ended up eventually bringing the idea to fruition I would tell them at a breakfast. “I know “why men kill.” I understand why a person could become driven to drive a truck into a government building...” I wanted to offer alternatives to wounded men, I was beginning to live again. Where before I had to spend every moment studying law just to keep my kids from being taken away or not being incarcerated I now had time on my hands. I was so use to fighting I felt I lost something! I found myself wanting to file litigation in my dreams just to continue the fighting but there comes a time when the battle is best fought by God, vengeance and retaliation always turns out bad. Take it from 37:5: “Refrain from anger and turn from wrath; Do not fret it leads only to evil.”

Christmas blew by and with it the twin’s visitation and it was back to drawing board to respond to the request for fees in Hetler’s court. By January 2014 I had put together a response that exposed the misrepresentations in the matter court as well as the court’s complacency. It was a gamble. If I offended the court they would grant Sergei’s fee request in retaliation but I had to create a record for an appellate court to review which required all the evidence and arguments I would want considered be heard by Hetler at the motion for the fee request. Appellate courts will not consider evidence not in front of the court at the time of a final ruling. So every infraction or circumvented procedure or skirted decision was now under the microscope and my case was prepared for this. I had done my homework and the experience of writing two appeals and by surviving initially an appellate challenge to the contempt appeal⁴ I had experience.

⁴ The First Appellate District Division 2 challenged my appeal of the Alameda Superior Courts contempt rulings under the authority that a contempt ruling was by statute *non appealable*.

On January 24, while waiting outside for the hearing to begin a familiar face appeared asking for admittance into the courtroom. It was Judge Damian Hegel. He had presided at the first hearing against Sergei in 2013 and had continued the matter as the venue belonged to Hetler. This meant Hetler was awol again *for the fourth time*. His continued absences had derailed the proceedings pawning off crucial decisions into the lap of replacement judges. I had a decision to make. I could challenge Hegel's presence as a replacement and demand a reschedule for Hetler with no guarantee Hetler would be present at the rescheduled hearing or take my chances with Hegel. I chose to proceed as I was so tired I just wanted the whole thing over. Our case was called and Sergei's attorney went first as the moving party. I presented my counter argument and about one minute in, Hegel interrupted me saying I was getting off track and the other side's conduct was irrelevant. I seethed. Both statute and case law dictate unnecessary litigation caused by discovery violations or perjury (as in this case) is not only relevant it's controlling. Judge Hegel refused to hear it so I posted objections that would preserve the issue on appeal. Two of the highlight moments are worth mentioning. Hegel interrupted Sergie's attorney as he argued the record was extensive and needed "thorough examination" to which Hegel held up in his hand (over three hundred pages of my pleadings) and said "What this record?" "I read it in five minutes!" revealing his obviously superior speed reading techniques or the fact he was a simpleton! The second moment was when I reminded him "controlling authority" required the review of precursor proceedings in an fee award when those proceeding's were caused by the fraudulent concealment or discovery or perjury of the other party to which he responded "According to your rule, meaning me, All proceedings would have to be reviewed on every fee consideration."

Hmmmm... I thought that was his job.

Hegel hit me the seventeen thousand dollars in fees payable to Sergie to which I politely said. "I need to post one more objection under the authority of *Koehler v. Superior Court*. All proceedings relative to a deficient decision that contribute to that decision are to be reviewed by the court in the determination of a fee award; I don't think that has been done today." It was over. Any further litigation would take place in the courts of appeal, or at least I thought it would.

Three days later, Monday January 27, 2014 late in the afternoon my cell phone rang and the number read "unavailable." I never pick up these calls. I let the message go to voice mail and played it back to see if it was anything important.

It was...

The call was from the San Mateo County District Attorney's Office who left a message stating he wanted to talk about some paperwork and email used in a Family court matter and "would I contact him at his earliest convenience.

Paula and Sergie had gone to the DA. I let the phone drop in my hand to my lap as I was sitting in my office and just stared into space. That night I didn't sleep at all.

The next morning I was hit with depression similar to what had been endured previously. I

experienced elevated anxiety off and on during the day and the perpetual struggle of cycling from sadness to anxiety and back again. If you've experienced this it's miserable. A call from the DA's office meant one thing...a criminal investigation. While I had been exonerated by the family court as the judge understood what had taken place Paula had not dropped the matter and went to the district attorney to continue the fight. The problem is in extended family court proceedings involve mistakes intentional and other times unintentional and a politically correct DA's with a "cherry picked file" had two years of litigation to choose from and my hands weren't clean either, despite family courts exoneration of me. Despite that for over two and a half years the system was used to extort money from me coming close to incarceration multiple times, my opponents were bent on stacking up litigation to get a kill that I supposed they believed would make them feel better. It was one day before was Chinese New Year and we had a dinner at our home with friends. I didn't mention the phone call to anyone as I didn't want to torpedo the mood. In fact I decided not to tell Merry until I had an idea if the new litigation was going to have traction, but the heaviness was oppressive and I could not fathom why God was letting this proceed into another round. Even though I felt alone I knew the Lord was with me and loved me more than I could possibly imagine. The following day I was still very heavy and as I sat there in the morning talking with my daughter over breakfast the thought leaving her again for months of proceedings reliving her crying at the door was heart breaking. The fact the system aided and abetted two people without any redeemable qualities who continued to prevail at whatever they alleged made me sick. Being a Christians doesn't require us to be impenetrable and unfeeling; it demands we are genuine though. The fact our judicial system enabled this miscarriage of justice is one of the reasons this book was written.

I hoped that the fact the issues had already been adjudicated by Judge Mitchell would help.

I knew the only way to prevail if the DA pressed this was to drag Paula's liabilities into consideration of a potential trial and hope the DA saw a losing battle or lost their star witness on credibility. I would also be faced with now having to hire a criminal defense attorney (more money). I didn't return the call as a year earlier one of the local police detectives on complaint from Sergie tried to coerce me into answering questions about the false child abuse allegations. A criminal investigation made me feel very dirty and the oppression was having its toll. My faith might have been stronger but my life experience was darker. I was cynical. What made life bearable was to continue to reach out to other men at the same time I was under pressure. I longed to hear an audible verbal encouraging word from God just to sustain my faith or some type of extraordinary feeling that I was ok and "it would all work out." Only two days prior to the call from the DA I had my first meeting which would lead to the development of the Sentinels and man was I asking God "Are you kidding me?" It didn't make sense I was facing possible jail time again but I had become used to hanging on by a thread. I would have to wait again (something I hate by nature) to see how this present allegation would play out. I felt so sorry for my family. There were times the pressure was so intense I thought "God am I doing the whole "reaching out to men" just to prove something to myself or is this of you?" I really didn't know at times. Recovery ministry has a saying to take one day at a time. Hmmm I think I remember Jesus saying something similar?⁵ Since Dan liked the idea of helping men recover from the brokenness divorce creates I would continue. I had no idea where it would go.

⁵ Matthew 6: 34

The following Monday I started looking for an attorney and it had to be a Christian. I believed only a fellow Christian could handle the case. My experience with non-Christian attorneys had been miserable and I wasn't going to subject myself to that ever again! I located a Christian attorney in California through a Christian attorney network named Mark Telzer. Mark gave me information on how to interview an attorney to assess if their faith was legitimate and on February 5, 2014 I located through the Christian attorney network a criminal attorney named Ted Holloran. Ted had attended several churches in the Bay Area I was familiar with so I felt like I had found a match. He also was very familiar with soviet corruption via military service and understood Sergie's mind. Ted said he'd call the DA and see what it was they were after.

Four days later Ted left a message there was an investigation regarding the irregularities in the family court proceedings and we would have to wait to if the DA would press charges. I was sure a review of the court proceeding expose Paula's fraud and conspiracy and the DA would conclude it was a bad idea to go down this course. I informed Ted I would present what happened in the family court matter so we could head this off before it gained momentum and Ted agreed. That's how 2014 started. I had two appeals in the hopper, had to submit a third and was being criminally investigated.

Preparing the papers Ted required meant reviewing all the transcripts and evidence from two years of family proceedings... *again*. Frustrated, I recalled the decision at the last hearing before Judge Mitchell I had spared Paula and Sergie of going back to court over the misrepresentation and discovery evasion (13 occurrences of it mind you) in the atmosphere of "promoting peace." I felt perhaps I was foolish and should have immediately taken the matter to the DA in the interest of neutralizing any post proceeding attempt to come after me. I considered too, seriously but at the time the toll on me, Merry and the kids was already severe it was time to drop it. The months following the commencement of the criminal investigation I revisited this decisions many times.

But my opponent hadn't. I began to accept the possibility given my luck with the courts, this might go adverse and I would spend some time behind bars. The repeated nightmare pattern was back, I was under someone else's authority and there was no doubt it was unjust, despite my mistakes. I was living the modern day "Les Miserable's" and it directly triggered the same type of hopeless feelings I had from my own childhood, victimization, anger and fear and I couldn't shake it. Every day I waited for the phone call from Ted telling me charges were filed. By the time six weeks passed I started believing perhaps Ted's assessment was right. This might not go forward and if the DA's office had done their homework in the Family court matter there was no way they couldn't conclude Paula was a fraud. DA's don't like to take a turkey case to court, they want a winner. The only way they could press this forward would be to ignore the truth and perhaps even conceal it.

By March 2014 I had outlined the third appeal for the seventeen thousand dollars fee award for Sergei. There were problems. Evidence of correspondence between the court and myself had "vanished" and wasn't in the exhibit file. The missing evidence involved notifying the court of Sergio's refusal to sign the I.P. address discovery order so the court was "off the hook" for all practical purposes to the allegation it was noticed discovery violations were occurring and did nothing about it. Complicating the matter was I truly didn't know if it was incompetence of the

system or malfeasance. Like most of these situations it's just as difficult to discern the difference between retaliation and reasonable indignation when responding to it! I hoped an appellate review would set it right⁶ and the human part of me wanted vindication, but the spiritual part of me knew already as a small whisper I was pushing for something that didn't exist; "abstract justice." I was buried in the circumstances so deep it was impossible for me to be objective about it. Reluctantly, I proceeded to use the system of authority God allowed to remedy the situation realizing by now that remedy in God's eyes may not represent anything I considered just. Usually in March I picked up the twins for spring break visitation, but something spoken to me by a coworker made me reconsider flying to California to retrieve the twins. I suspected a trap that if I showed up at the child exchange in California charges would have been filed in preparation for my arrival and I would be arrested. Of course Ted assured me this was highly improbable and he said he would call to see if any charges had been filed. The last thing I wanted to do was get picked up at the airport in Denver, ailed in Denver and has to post bail in Colorado to travel to California. Ted called back and assured me it was ok. I felt very uneasy about the sound of his voice. As I lay awake that night I grew increasingly uncomfortable about the travel. Something inside me told me not to go so on March 30 I told my darling daughter Autumn I couldn't pick her and her brother up for spring break. The sound in her voice made my heart break.

It was a wise decision...

On March 27, the San Mateo District Attorney's office (whether they misled my attorney or he didn't call I'll never know) filed charges and were in fact laying a trap to apprehend me while picking up the twins. I'm inclined to believe Ted on this one. The DA's office filed the warrant late on Friday the 27th which would make Monday the 30th the earliest the actual warrant could be issued. Taking 24 to 48 hours to hit the electronic surveillance system used at the airports they had planned for the warrant to be active so I could board the plane in Denver and be apprehended at the Police station in Alameda CA at the child exchange.

I front of my kids...

I would suggest the next time the new media reports angry ex-spouses taking the law into their hands you stick around for a few days and read the "not so visible" news stories that start popping up as part of the underlying story. I do and regularly every time I have found a history layers thick of frustrations system failures that contribute to pushing people over the edge. You might be surprised how many people in prison are separated by us on the outside by only a few degrees of separation. We all need grace. Without a doubt one of the hardest struggles I've have had in my own faith journey is to realize the standard of relationship with God is perfection. That's from Jesus folks, "Be Ye perfect."⁷ Frankly I don't like that as it shows me up short every time meaning I must daily admit the need of the cross for myself, (that's what picking it up daily means by the way). I also don't like it as if I receive Jesus words truthfully it means that standard give me no right to judge my fellow man and hide behind the illusion of my own self righteousness. This was again nearly impossible to swallow as Paula and Sergei walked with impunity while the system sat on its laurels, but by now I specialized in out of control situations

⁶ On July 3, 2015 the First District Court of Appeals affirmed the fee award for Sergei.

⁷ Mathew 5: 48

and I needed God's help desperately, and I knew based on my faith and experience God had showed up to help me, and I knew he would again. It wasn't a reprieve from the legal proceedings that I required help from either. It was from the possibility of being pushed into the abyss to hate and consumed by it. I was at a crossroads in my walk with Christ. The choice to remain in an attitude of hatred was up to me. Living in hatred and bitterness is a prison, it completely inhibits our ability to reason and make decisions because the entrenched, attitude of injustice and victimization makes it impossible to forgive. Everything subsequent to that's seen through the lens of isolation. The ability to enjoy even the smallest joy rapidly dissipates becoming unperceivable. That's a pretty good argument in my estimation to give up the hate towards your spouse, your boss, or whoever it is or whatever situation you are determined to hold accountable for the circumstance in your life.

With the criminal matter being pursued in California I couldn't appear to argue my appeal against Reynolds's in May. I telephoned the Appellate clerk and requested to appear by telephone and between April and early May I read all my briefs again and prepared a 8 minute presentation that reinforced the obvious. Reynolds's had misrepresented the exhibit file in the contempt process and the Police report she withheld used refuted the accusation I threatened to kill Paula and Sergei in 2013. The bogus two subsequent attempts to find me in contempt had no merit and violated the rules for contempt. Specifically I raised the issue the denial of my demand for jury trial was textbook example of judicial misconduct. If I failed at this level I would be on my way to the California Supreme Court, and option I wanted to avoid at all costs. So twice daily for two weeks I practiced my oral argument until it was memorized.

When the day came for the argument May 27, 2014 I had my am devotional time and did some computer work while I awaited the phone call from the appellate court. For reasons I can only attribute as of the Spirit I felt compelled to look on the San Mateo County Court Site to see If I could ascertain anything going on I was unaware of. I did. There was a warrant for my arrest filed on March 27, 2014 in relations to the family court proceedings. This was about one hour prior to my scheduled phone appearance. I turned it over to God and reminded myself he was my shield took a breath and waited. When the phone rang my heart jumped into my throat and the clerk whispered on the other end the case prior to mine was winding up and she would be transferring me into the court. The presiding judge came on the phone and outlined the case. They were refusing to hear the appeal of the contempt matter and I could proceed with my argument. Paula hadn't shown up to defend herself as she was (sick) which prevented the appellate court from asking her any questions like how was it she waited seven days to file a police report after her life was threatened and then never mention in the report her life was threatened by tell the Reynolds court she filed a police report her life was threatened? Sergie was there though as an observer. I knew even then I had lost the appeal. I presented my argument though and did it well. I hung up the phone and breathed a sigh of relief. Almost a year of work went into these appeals. Probably the best line of the appellate decision which reflects on the proficiency of the appellate was this: "Death Threat!" Reynolds made no such finding either in the written orders or in the transcript. Its public record. The appellate made that finding all on its own which of course if you believed it would destroy my credibility and bury the allegation of judicial misconduct.

Despite the disappointment the foray into the process of the courts has given me significant

insight and compassion for the incarcerated, particularly fathers, but don't for a minute think women don't experience injustice in the courts as well. I've come to appreciate the points of law used by judges to render decisions and their original sources some of them quite inspiring. Most of us never get the chance for such an experience. One such pioneer of our laws was Supreme Court Justice Byron Whites opinion of the right to trial by jury and its importance in protecting our rights.

"A right to jury trial is granted to criminal defendants in order to prevent oppression by the Government. Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. The framers of the constitutions strove to create an independent judiciary but insisted upon further protection against arbitrary action. Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt overzealous prosecutor and against the compliant, biased, or eccentric judge..." B. White 1975.

On May 21st one week later I was checking my email one last time in the evening. It was 6:30 pm. There were three emails, all from the appellate court notifying the appellate court affirmed the findings of the Reynolds court and the appeal of the review for contempt was dismissed.

I sat frozen in my chair feeling empty and quite numb. I repeated Psalm 37 verse five to myself "Be still before the Lord and wait patiently for him; do not fret when men succeed in their ways, when they carry out their schemes"⁸ I followed that with another prayer saying "Lord don't allow this to become a dark tunnel of hate and resentment." I wish I could share a great peace descended upon me, it didn't. I simply took God at His word.

We like to think of evil in terms of absolutes so we can wrap a bow on it, point to it and say "this represents evil." That would be nice but evil actually promulgates from within us outwards as part of the spiritual state of man. **I didn't read the decision until almost one month later All of the interrogateis made by Reynolds were turned into findings by the appellate court in their decision. I had "threatened to kill Paula (news flash most people wouldn't threatened to kill their victim in front of court at and attorney conference and then the other attorney not mention it when returning to court** I had impersonated someone else via an email account and sent disparaging materials (the disability fraud emails) to Paula despite the fact they were twenty three pages in length and contained information only known to Paula and one year after they were created by me and planted in Paula's email account (remember my forensic expert testified I had sent them to my own email account in 2010), Paula in November 2011 had in fact implemented *the exact plan of disability fraud* with the exact symptoms of depression and disability presented in the "planted" emails!) I have to give the appellate credit for believing in the paranormal and my abilities to control Paula's mind over 750 miles away living in a Midwest state. Truly I must have remarkable powers to have her implement *the exact plan* of fraud presented in emails from her own email account! The appellate found I had also set up a false dating web page in Sergie's name, (using a picture of Sergie without his shirt on!) Of course I did this while living in Colorado because evidently I had nothing better to do! The appellate

⁸ Psalm 37: 7

construed facts *never determined* by the lower court for the sole purpose of presenting as fact items to discredit my argument.

I could never be a judge. The pressure to evaluate each case and administer justice with all the mitigating variables must be overwhelming. We need to seriously pray for those involved in our judicial system. The temptation before district attorneys, judges and police officers to take the easy road and target the most vulnerable is real. Mix this with the seduction of power and you have the recipe for absolute corruption, the story of human history. There are reasons why human beings who commit terrible acts need to be removed from the populace. There's also reasons why Jesus tasked us to visit those in prison. Not only because God is a God of second, third, fourth and fifth chances infinitum. Jesus cousin John had been jailed and beheaded for speaking out about an immoral relationship between the political leader of his day and Christ himself was murdered in a miscarriage of justice carried out by the smartest men of his time who fabricated a case against him with falsified testimony! God knows personally and all too well how we humans botch justice!

When Merry and I sat down that evening I was determined to “shield her” from unnecessary pain. I thought it was my burden and I had no right to saddle her with it. Covertly, that assumption honestly meant I concluded she couldn't appreciate my distress. That was my problem not hers and while it sounded good it was actually dysfunctional and selfish. Merry had every right to know what was going on with her husband. That's what marriage is. When we are suffering we have a tendency to fall into isolation and push others away right at the very time we need their help and their counsel. I had erected a wall on the premise she probably couldn't understand my pain anyway. That's what suffering does. It separates from others by having us push away others so the actual suffering can be “managed” and not rekindled in the context of relationships with teeth. You see your friends, if they truly are that, will bear your suffering with you. They can't remove suffering, but they can help carry you through it. Sufferings not meant to be endured alone. Even Jesus with the power of God at His fingertips requested Peter, James and John stand watch with Him while he cried out in anguish.⁹ My degrees of separation from Merry were really an attempt to minimize what was painful from rising to the surface as then I had to do the hard work of dealing with it grieving though it and possibly growing as a result of it.

We erect these barriers these “degrees of separation” between each other in opposition to what is spiritually and emotionally healthy. It's not limited to suffering. Sometimes as an act of resentment we outright conclude no one knows our pain like we do, so they can't relate to us. More often than not it's we can't relate to them because of our pain! These “limited degrees of separation” enable us to trivialize other's faith in the body of the church measuring our own experiences as more “authentic” than others by no rational standards other than our own experience. More destruction, more separation, and more divisiveness has been created by our over celebrating our differences when we should be celebrating the only thing that brings men and women together under the sun; our mutual need for God's saving grace through Jesus Christ. All we have done is propagate the existence of loneliness. I was listening to a broadcast of a well known solid pastor the day after my sentence. He was offering excellent perspective on the times we lived in. Then...almost through his message the berating started. Referring to the

⁹ Matthew 26: 38

church and those outside the church he referred to “their” music was ungodly, “their” form of worship disgraced Christ and it went on until it produced the intended crescendo with the Christians in the house clapping and cheering about their victory in Christ and the fact God was going to judge the world which had persecuted them.

Now while these observations are Biblically true, the condemnation of a human being created in the image of God to eternal hell is not in my opinion something to celebrate, it’s tragic. But these degrees of separation allow us to feel comfortable in the marginalization of others or the isolation of ourselves from others when we need them (or they need us). They are “anti-Christ.” And Jesus never taught it yet we fall into this pattern over and over as a part of simply being human in Christ and without Christ.

Our identify and experiences, in Christ as well as our spiritual progress and impact is never, as far as I know measured on earth outside of our relationship with others, Christian or not. The love that is being perfected in us as we walk in Christ takes place amongst us here on earth inter- relationally. Works, deeds, and accomplishments in the kingdom of God are never to be construed as ends to their means however part of being human is the fallacy to measure ourselves by ourselves in aspects of progression, i.e. we are “improving” in being less angry, or we are being “more diligent” in not cognitively judging others. It’s self examination for the sake of self examination, covert legalism and self righteousness. It’s as far from Christ as we can get. This is how Jesus can say the apparently unthinkable in Mathew 7: 22:

“Many will say to me on that day, Lord, Lord did we not prophesy in your name
And in Your name cast out demons and in Your name perform many miracles?”
“And I will declare to them I never knew you; depart from me you who practice
lawlessness.”

I would beg to point out performing miracles on those who are sick and freeing them from demons can be considered acts of compassion but the point driven home by Jesus is it’s possible to do everything, even things apparently godly without knowing Him or knowing God.

So how do we do that?

We do it by instilling these degrees of separation between ourselves and those who “really need God.” We summarize their ungodly acts, (and they may well have many!) and conclude on the deepest level they need God’s redemption more than we do. We get to the point where we establish these “spiritual” levels in our minds where we are looking down on others and up to those we want to emulate. Do we really want to emulate them or just their popularity? What I have come to experience in my own faith the more I grow older in Christ, is just how deep the actual rebellion, the self righteousness and the trivialization of God’s grace actually is in my own life. God transforms me from within because his Spirit does the work. There is frankly on my best day, many more thoughts of retaliation, of greed and immorality than I would care to admit! One of the benefits of blowing up two marriages and being a convicted felon is there are few things I feel I need to hide anymore! Thank God for that freedom! Bring it on!

I took a deep breath and told Merry the appeal failed and that a criminal complaint had been filed

alleging seven felonies and a warrant had been issued for my arrest almost two months ago. The news was devastating. We thought the nightmare was over. Hate dies a slow death and determined evil consumes its perpetrators so deep it is next to impossible for us to extract ourselves from it short of heavenly intervention that drives us to our knees. I continued to pray for Paula and Sergei and that God would take whatever measures necessary to protect my family and bring clarity into their hearts, find peace and ultimately Christ. This was a far cry from before when I was consumed with retaliation. Merry commented, "Those two would probably devour each other if they didn't have us to focus on." She was right. We concluded I should appeal the decision to the Supreme Court of California. After all what was another 710.00 dollar filing fee? At least that way we would have the personal peace that we honorably used the courts to achieve a just decision. Not to mention it sounds pretty cool to say you took something to a supreme court! We also agreed that would be as far as we would go.